



**Franklin City Council Agenda
August 28, 2023
Council Chambers
207 West Second Avenue
Franklin, Virginia 23851**

6:00 P.M.

Work session to discuss various amendments to the City of Franklin Zoning Ordinance.

7:00 P.M.

Regular Meeting

CALL TO ORDER.MAYOR ROBERT L. CUTCHINS
PLEASE TURN OFF CELL PHONES.MAYOR ROBERT L. CUTCHINS
PLEDGE OF ALLEGIANCE
CITIZEN'S TIME
AMENDMENTS TO AGENDA

1. CONSENT AGENDA:

A. Approval of August 14, 2023 minutes

2. OLD/ NEW BUSINESS:

- A. Public Hearing Food Truck Ordinance
- B. Public Hearing Comprehensive Zoning Amendments
- C. Alley Abandonment – Norfleet Street
- D. Paper Street Abandonment- Commerce Park Road
- E. City Manager’s Report

3. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS

4. 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, Community Services Board of Zoning Appeals, Blackwater Regional Library Board, Southview Cemetery Advisory Committee, Historic Preservation Commission, Beautification Commission.

2.2-3711-A-8 . Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. specifically related to the City of Franklin Zoning Ordinance.

2.2-37-11-8 and 2.2-3711-A-29 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel and discussion of the

award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body specifically related to the procurement of a third party consultant for an administrative investigation.

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 August 28, 2023, 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.

5. ADJOURNMENT

Regular City Council Meeting Minutes August 14, 2023

Call to order

The Franklin City Council held a regular City Council meeting on August 14, 2023 at 7:00 p.m. in the City Council Chambers located at 207 West Second Avenue, Franklin, Virginia 23851.

Council Members in Attendance: Wynndolyn Copeland, Vice-Mayor; Councilman Linwood Johnson; Councilwoman Jessica Banks; Councilman Mark Kitchen; Councilman Gregory McLemore.

Council Members not in Attendance: Mayor Robert “Bobby” Cutchins, Councilman Ray Smith.

Staff in Attendance: Amanda Jarratt, City Manager; A’Risha Jones, Executive Assistant, recording minutes.

Other Staff in Attendance: Robert Porti, Deputy Chief of Police; Rachel Trollinger, Director of Finance; Carlee Gurskiy, Director of Community Development; Chad Edwards, Director of Public Works; Matthew Jezierski, Director of IT; Sarah Rexrode, Director of Social Services; Dinah Babb, Treasurer; Sammara Green, Director of Parks & Recreation; Selenia Boone, Commissioner of Revenue.

Citizen’s Time

Mr. Ricky Sykes of 401 Morton Street, Franklin, Virginia, wanted to bring to Council’s attention him witnessing a political stunt during the tragic shooting that occurred this week. Mr. Sykes spoke about issues with political signs left up during the General Election and Democratic signs being removed from City properties.

Amendments to Agenda

Vice-Mayor Wynndolyn Copeland stated that due to the City Attorney being out due to illness, entertained a motion to amend the agenda to remove the Closed Session. Councilman Linwood Johnson made a motion to amend the agenda to remove the Closed Session with a second from Councilman Mark Kitchen.

The motion carried the vote 5-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilman Mark Kitchen	Aye
Councilwoman Jessica Banks	Aye
Vice-Mayor Wynndolyn Copeland	Aye
Mayor Bobby Cutchins	Absent
Councilman Ray Smith	Absent

Councilman Gregory McLemore **Aye**

Vice-Mayor Wynndolyn Copeland stated the motion carried

Consent Agenda:

A. Approval of July 24, 2023 Meeting Minutes

Vice-Mayor Wynndolyn Copeland asked if there were any corrections or additions for the July 24, 2023 meeting minutes. Vice-Mayor Wynndolyn Copeland entertained a motion to approve the July 24, 2023 meeting minutes as presented. Councilman Linwood Johnson made a motion to approve the July 24, 2023 meeting minutes with a second from Councilman Mark Kitchen.

The motion carried the vote 5-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilman Mark Kitchen	Aye
Councilwoman Jessica Banks	Aye
Vice-Mayor Wynndolyn Copeland	Aye
Mayor Bobby Cutchins	Absent
Councilman Ray Smith	Absent
Councilman Gregory McLemore	Aye

Vice-Mayor Wynndolyn Copeland stated the motion carried.

B. Introduction of New Employees-Social Services

City Manager Amanda Jarratt asked the City’s Director of Social Services Ms. Sarah Rexrode to come forward and introduce several of the new employees for the Department of Social Services.

Ms. Sarah Rexrode introduced two new employees, Ms. Christy Bird, joined about two months ago as a Program Specialist. Ms. Bird is responsible for child care programs as well as SNAP and Medicaid. Ms. Bird is a resident of Franklin and lives in the community with her family and loves helping people. Ms. Destiny Banks was been with the City about a month, Ms. Banks graduated from Norfolk State in December of 2022 with a Bachelor of Social Work. Ms. Banks will be working in child protective services with the City and has a passion for helping the youth.

City Council welcomed the new employees to the Department of Social Services and the City of Franklin.

Financial Matters:

A. Budget Amendment #2023-23

City Manager Amanda Jarratt asked Ms. Rachel Trollinger, Director of Finance to come forward.

Ms. Rachel Trollinger stated be it resolved by the Council of the City of Franklin, Virginia that the 2022-2023 City Budget is hereby amended to

1. Reallocate appropriations within the General Fund for year-end spending;
2. Recognize state funds received from Schools in FY23 for SPM and FHS roof projects and appropriate for use.

	2022-2023 BUDGET	AMENDED BUDGET	INCREASE (DECREASE)
#1			
100 GENERAL FUND			
EXPENDITURES			
100-4-93100-9265 Transfer School - Restrict to Roof Project	\$ 2,000,000	\$ -	\$ (2,000,000)
100-4-93100-9291 Transfer to General Debt Fund	763,820	2,763,820	2,000,000
			<u>\$ -</u>
#2			
100 GENERAL FUND			
REVENUES			
100-3-19020-0013 Misc Recoveries - FCPS	\$ -	\$ 1,000,050	\$ 1,000,050
			<u>\$ 1,000,050</u>
EXPENDITURES			
100-4-93100-9265 Transfer School - Restrict to Roof Project	\$ -	\$ 1,000,050	\$ 1,000,050
			<u>\$ 1,000,050</u>
251 SCHOOL CAPITAL FUND			
REVENUES			
251-3-41050-0100 Transfer from General Fund	\$ 2,000,000	\$ 3,000,050	\$ 1,000,050
			<u>\$ 1,000,050</u>
EXPENDITURES			
251-4-61000-7205 SPM Roof Project	\$ 1,000,000	\$ 1,500,025	\$ 500,025
251-4-61000-7501 FHS Roof Project	\$ 1,000,000	\$ 1,500,025	\$ 500,025
			<u>\$ 1,000,050</u>

Vice-Mayor Wynndolyn Copeland entertained a motion to approve Budget Amendment 2023-23. Councilwoman Jessica Banks made a motion to approve Budget Amendment 2023-23 with a second from Councilman Mark Kitchen.

The motion carried the vote 5-0

The vote was as follows:

- | | |
|--------------------------------------|---------------|
| Councilman Linwood Johnson | Aye |
| Councilman Mark Kitchen | Aye |
| Councilwoman Jessica Banks | Aye |
| Vice-Mayor Wynndolyn Copeland | Aye |
| Mayor Bobby Cutchins | Absent |
| Councilman Ray Smith | Absent |
| Councilman Gregory McLemore | Aye |

Vice-Mayor Wynndolyn Copeland affirmed the motion carried.

Budget Amendment 2024-03

Ms. Rachel Trollinger stated be it resolved by the Council of the City of Franklin, Virginia that the 2023-2024 City Budget is hereby amended to:

1. Recognized revenue received for the Clean School Bus program and appropriate for use;
2. Allocate 2022 Line of Credit Proceeds to DSS Building, Franklin JDR/District Court Design/Renovation and National Guard Armory Gym Design/Renovation for use;
3. Carryover appropriation of Literary Loan for School Roof Projects for use;
4. Recognize additional revenues from the State for Street Maintenance and to appropriate such revenue for use; and
5. Recognize revenues from Franklin Southampton Charities and to appropriate such revenue for use; and
6. Recognize Opioid Settlement Funds received and appropriate for use.

	2023-2024 BUDGET	AMENDED BUDGET	INCREASE (DECREASE)		2023-2024 BUDGET	AMENDED BUDGET	INCREASE (DECREASE)	
				#1				
250 EDUCATION FUND REVENUE					100 GENERAL FUND REVENUE			
250-3-24000-0222	\$ -	\$ 1,164,600	<u>\$ 1,164,600</u>		100-3-41040-0002	\$ -	\$ 2,000,000	<u>\$ 2,000,000</u>
			<u>\$ 1,164,600</u>					<u>\$ 2,000,000</u>
EXPENDITURES					EXPENDITURES			
250-4-60000-0222	\$ -	\$ 1,164,600	<u>\$ 1,164,600</u>		100-4-93100-9205	\$ -	\$ 2,000,000	<u>\$ 2,000,000</u>
#2					251 EDUCATION CAPITAL REVENUE			
200 CAPITAL PROJECTS FUND REVENUE					251-3-41050-0100	\$ -	\$ 3,000,050	<u>\$ 3,000,050</u>
200-3-41050-0409	\$ -	\$ 2,000,000	<u>\$ 2,000,000</u>		EXPENDITURES			
			<u>\$ 2,000,000</u>	251-4-61000-7205	\$ -	\$ 1,500,025	\$ 1,500,025	
EXPENDITURES					251-4-61000-7501	\$ -	\$ 1,500,025	<u>\$ 1,500,025</u>
200-4-94000-8259	\$ 865,000	\$ 1,465,000	\$ 600,000		#4			
200-4-94002-8100	\$ 1,080,000	\$ 1,780,000	\$ 700,000		100 GENERAL FUND REVENUE			
200-4-94002-8101	\$ 1,100,000	\$ 1,800,000	<u>\$ 700,000</u>		100-3-24040-0006	\$ 1,790,323	\$ 2,111,512	<u>\$ 321,189</u>
			<u>\$ 2,000,000</u>					<u>\$ 321,189</u>
401 DEBT-GENERAL REVENUE					EXPENDITURES			
401-3-41050-0100	\$ 788,169	\$ 2,788,169	<u>\$ 2,000,000</u>		100-4-41200-8333	\$ 350,000	\$ 671,189	<u>\$ 321,189</u>
			<u>\$ 2,000,000</u>		#5			
EXPENDITURES					220 FOUNDATION GRANT FUND REVENUE			
401-4-93100-0200	\$ -	\$ 2,000,000	<u>\$ 2,000,000</u>		220-3-18990-3001	\$ -	\$ 10,000	<u>\$ 10,000</u>
			<u>\$ 2,000,000</u>		EXPENDITURES			
					220-4-32100-8117	\$ -	\$ 5,000	\$ 5,000
					220-4-91450-4009	\$ -	\$ 5,000	<u>\$ 5,000</u>
								<u>\$ 10,000</u>
					#6			
100 GENERAL FUND REVENUE					100 GENERAL FUND REVENUE			
100-3-18990-3014	\$ -	\$ 3,376	<u>\$ 3,376</u>		100-3-18990-3014	\$ -	\$ 3,376	<u>\$ 3,376</u>
			<u>\$ 3,376</u>		EXPENDITURES			
EXPENDITURES					100-4-91500-5871	\$ -	\$ 3,376	<u>\$ 3,376</u>
			<u>\$ 3,376</u>					<u>\$ 3,376</u>

Councilman Gregory McLemore asked about the Armory Gym Design/Renovation. Ms. Trollinger stated that the \$700,000.00 is additional monies coming from the proceeds of the line of credit that will be divided among the projects.

Vice-Mayor Wynndolyn Copeland entertained a motion to approve Budget Amendment 2024-03. Councilman Mark Kitchen made a motion to approve Budget Amendment 2024-03 with a second from Councilman Linwood Johnson.

The motion carried the vote 5-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilman Mark Kitchen	Aye
Councilwoman Jessica Banks	Aye
Vice-Mayor Wynndolyn Copeland	Aye
Mayor Bobby Cutchins	Absent
Councilman Ray Smith	Absent
Councilman Gregory McLemore	Aye

Vice-Mayor Wynndolyn Copeland stated the motion carried.

Old/New Business:

A. Zeno Wellness Group Proposal

City Manager Amanda Jarratt stated that several weeks ago representatives from Zeno Wellness Group set-up a meeting about a concept and an idea they would like to discuss and implement in the City of Franklin. There will need to be several additional meetings with staff that will need to be held, as we develop this concept. The representatives will present their current operation and a potential project for individuals with chemical dependency and substance addiction who are beginning recovery.

Ms. PerCilla Zeno of Zeno Wellness stated her passion began when she lost her son to incomplete mental and substance recovery and homelessness. After her grief and pain this turned into the fight to aide communities in the fight for recovery be it mental health or substance. Zeno Wellness Group began in 2018 at the Franklin Southampton Economic Development. The proposal is to take tax lien homes and turning them into recovery properties. This not only provides vulnerable citizens with a stable environment to facilitate their rehabilitation but also revitalizes underutilized properties, potentially increasing neighborhood property values. Leveraging public-private partnerships, sponsorships, and potential grants, this initiatives can also create a sustainable financial model, generating revenue for further community investments. Strategies for the City to benefit financially are through land trust, tax incentives, public-private partnerships, community development grants, enhanced property values, job creation, fees from the organization, program sponsorships, and sale of rehabilitated homes. Ms. PerCilla looks forward to building a partnership with the City of Franklin.

City Manager Amanda Jarratt stated that staff will be pulling together stakeholders from the Department of Social Services, Community Development, and other community agencies to meet with the Zeno Wellness Group, and come back to Council at a later day with a more strategic plan.

No action taken at this time.

B. VAACC-Vibes Proposed Mural Renderings

City Manager Amanda Jarratt stated attached to Council packet are several mural renderings provided by Dr. Amelia Ross-Hammond, Founder and Chairman of the Virginia African American Cultural Center, Inc. in cooperation with VIBE out of Virginia Beach. They have asked for feedback on the preferred choice. VIBE representatives have been in touch with Ms. Carlee Gurskiy regarding any

zoning requirements, however, not aware of any specific building that has been chosen at this time. This would be no City funds expending for this project, it is a grant from the VIBE district. City Manager Amanda Jarratt deferred to Councilman Gregory McLemore for any additional information.

Councilman Gregory McLemore stated this is continuation of the mural, VIBE was willing to donate to the City in correlation to the Juneteenth event. The VAACC is helping cities to expand their recognition of the accomplishments of African American people. Although, the VAACC and VIBE is paying for the mural, the City has to find a building to place the mural on.

Councilman Mark Kitchen asked Councilman McLemore what the clinch fist symbolizes, Councilman McLemore stated that it represents strength and power to all the citizens. Councilman McLemore stated strength and power as we grow together as a nation and as a people, this being an options that was provided. Councilman McLemore prefers the “Unity in the Community” mural as a great option. Vice-Mayor Wynndolyn Copeland agrees with Councilman McLemore, “Unity in the Community” as the option to choose. Councilwoman Jessica Banks asked Councilman McLemore if he is assisting with locating a building. Councilman Gregory McLemore stated that he went on the initial tour with VAACC, they would prefer either something entering the City or in a high visibility area. Some of the potential buildings they were looking into were Serve, the building next to Hardee’s, Rite Aide on Armory Drive (which has been done in Virginia Beach), and Johnson’s Funeral Home. None of the building owners were interested, Councilman McLemore stated he will take suggestions. Councilman Linwood Johnson stated that it’s a sad day to have to have this discussion, there are murals on a lot of buildings, and we are a “Unity in the Community,” We are all one and one City and works together regardless of background. Councilman Johnson hopes there will be success in this coming to pass.

City Manager Amanda Jarratt will get with Dr. Amelia Ross-Hammond on submitting more proposed murals.

C. City Manager’s Report

City Manager Amanda Jarratt expressed on the behalf of the City our sympathies to the families with the recent tragic loss and thank the staff involved on the efforts to provide care to those that were needed. Amnesty week is this week Aug. 14th-18th on your regular trash day. There was an updated meeting today regarding the Armory project, there is already gotten an area of potential effects to HUD submitted. The historical resources analysis is scheduled to be submitted on August 18th and in the final steps of securing the architect. City Manager Jarratt stated that herself and Ms. Jones is working on a color coded spreadsheet that will outline the various projects that are going on and give you those timelines. Several events coming up, Third Thursday, the Cruise In and the Fall Festival coming up in September.

General Updates

- Staff continues to work on the various capital projects approved by City Council.
 - The staff committee for the Armory Project consists of Chad Edwards, Sammara Green, and Lin Darden. Carlee Gurskiy will also be involved. Camp Community College and other community partners will offer feedback throughout the design process. Staff has now participated in three webinars with HUD about our grant award. Kimley Horne has been hired to navigate the HUD Grant process as mentioned in the previous City Council meeting.

- The staff committee for the courthouse renovation project will consist of Chief Steve Patterson, Chad Edwards, and Lin Darden. The judges, Clerk of Court, and Sherriff's Department in addition to other stakeholders will be consulted throughout the design process. The judges were not available on July 17th and are awaiting a date.
- The staff committee met regarding Riverkwalk Park.
 - The kayak design is underway. Survey is complete for the kayak launch additional area. We will incorporate this into the site plans.
 - Kayaks launch design underway.
 - Flood study (no-rise study) underway. Not all bridge crossings requested from City are available. Awaiting completion of kayak launch to update.
 - At the moment we're currently awaiting the final site plan and kayak launch design before we can move forward with the Joint Permit Application for the VMRC and Corps permits. Once we have the final design in hand, we can prepare the required impacts mapping and update details relating to the VMRC component of the application. It should take us around 2 weeks to finalize the application after the plans are received.
- Staff continues to work with DHCD and Summit Engineering on the Laurel Street CDBG Grant. Client intake and income verifications have begun and contracts are about to be issued. There may be a funding shortage so the Management Team is investigating other sources of funds potentially including HOME Funds.
- Staff continues to meet with regional partners to discuss next steps on the regional radio system as well as violence and crime prevention.
- Staff continues to work with Court Services and out other locality partners for both short and long term solutions to the juvenile detention situation.
- The Literary Loan process continues with Franklin City Public Schools. A new contractor has been selected to assist the schools. The project estimates originally provided are not accurate and the project is estimated to cost an additional \$3million. We are working with the school system to phase the project and Davenport to develop a plan of finance. The Literary Loan was approved and we are working with our partners to complete the process.
- City Council held a retreat on March 2nd. The following topics were discussed and will be worked on by staff:
 - Food Trucks
 - A draft of updated regulations is being drafted by staff for review by the Planning Commission and Franklin City Council.
 - Increased Code Enforcement
 - Staff is working on a demolition plan for the posted unsafe structures. We are putting a plan in place to prepare for high grass season. We are working with legal to draft updated ordinances for parking and vehicles.
 - Communication with Franklin City Public Schools
 - We held a joint meeting with Franklin City Public Schools on March 30th. Additional meetings are being scheduled to maintain communication.
 - Increased focus and investment in Public Safety
 - Additional positions are included in the FY24 budget. The updated radio system project is moving to Phase 2.
 - Historic District
 - Staff is reviewing the ordinance that is in place and providing a list of the individuals that need to be appoint. Staff is waiting on appointments from Franklin City Council.

- Youth
 - Working on updated youth programming and additional partnerships.
 - The College Drive park build was a success and is now open to the public. A variety of upcoming activities for youth are planned for the remainder of the summer.
- Special Tax Districts
 - Under discussion and research ongoing.
- Camp Community College Partnerships
 - Under discussion.
- Improved Communication with the Public through various means
 - A review of the PEG Channel and necessary equipment purchases are underway. Staff is working to update City Clips. Staff is researching other best practices. An Instagram page has been created.

Upcoming Community Events

- Every Wednesday Franklin Cruise In
- August 17th – Third Thursday Concert Series
- October 3rd – National Night Out
- September 29th & 30th - Fall Festival
- October 21st – Trick or Trot 5k Run
- December 1st – Holiday Parade
- December 2nd – Elf Parade & Holiday Market

Council/Staff Reports on Boards/Commissions:

Councilman Linwood Johnson stated the Western Tidewater Regional Jail Board will be meeting.

Adjournment

Councilman Linwood Johnson made a motion to adjourn the August 14, 2023 City Council meeting with a second from Councilwoman Jessica Banks.

The motion carried the vote 5-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilman Mark Kitchen	Aye
Councilwoman Jessica Banks	Aye
Vice-Mayor Wynndolyn Copeland	Aye
Mayor Bobby Cutchins	Absent
Councilman Ray Smith	Absent
Councilman Gregory McLemore	Aye

Vice-Mayor Wynndolyn Copeland stated the meeting stands adjourned.

The August 14, 2023 City Council meeting was adjourned at 7:32 P.M.

Mayor

Clerk to City Council



Department of Community Development
Planning - Building inspections – Zoning

Date: August 22, 2023
To: Members of City Council
From: Carlee Smith, Director of Community Development
Re: Staff Report: Mobile Food Unit Ordinance Amendment

Background

Community Development has previously worked with Planning Commission and City Council to develop regulations to allow mobile food units to operate within the City of Franklin city limits. Former Community Development staff developed and presented an initial ordinance in August 2019 for consideration during the joint Planning Commission and City Council meeting. At this joint meeting, Commissioners and Council members decided to table the vote for this agenda item.

Since 2019, a large interest in allowing mobile food units has become prevalent within the City, and many vendors have expressed interest and desire in wanting to set-up in the Franklin. Staffs' efforts with the below ordinance and adjoining attachments are reflective of those that wish to contribute to the growth in Franklin.

Ordinance Proposal

Compared to the 2019 edition of the ordinance amendments, the 2023 proposal amends some of the text, with the following highlights:

- Default to the state of Virginia's definition of Mobile Food Unit
- Administer the mobile food unit through the City of Franklin Business License
- Limit the number of food trucks that can operate within the City of Franklin to 12 units per year
- Addition of language that would specify the location of mobile food units be limited to ensure operation within the business and industrial zoning districts, in conjunction with prior determined guidelines, excluding where residents may hire food units as a catering vendor
- Limiting the time of operations of mobile food units to 9 pm, regardless of what the property owner allows

Public Notice

In accordance with Virginia Code Section 15.2-2204, the first newspaper ad was run in the Tidewater News on August 16th, and the second ad is scheduled to run in the August 23rd Tidewater News. As of July 1, 2023, ordinance text amendments cannot be run further than 14 days prior to the intended action of the public hearing.

Needed Action

Planning Commission recommended the approval of the proposed texts amendments as submitted.

Attachment(s):

- Redline of Mobile Food Unit Ordinance
- Clean 2023 Mobile Food Unit Ordinance

Mobile Food Unit Ordinance Draft

That the City of Franklin Zoning Ordinance is hereby amended by the addition of Article II, Section 2.13 Mobile Food Units to read as follows:

Section 2.13 –Mobile Food Units

Definition of a Mobile Food Unit, VAC 58.1-3715.1: a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation

When not in conjunction with a special event regulated by Article II, Section 2.12 Temporary Uses (f) (2) special events, the operation of mobile food units when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator, subject to the following provisions:

- (1) The applicant shall provide the following to the Zoning Administrator:
 - a. A copy of a valid City of Franklin business license. Such business license shall be posted in the vehicle at all times. For mobile food units that have been in the City two years or less, they must submit a copy of the business license in which they are registered, pursuant to VAC 58.1-3715.1 Section B.
 - i. A City Business license requires the submission and approval of a zoning clearance application package to the Zoning Administrator. A zoning clearance submission includes the zoning application, a written agreement between the property owner and the mobile food unit operator authorizing set-up on private property, and a map of where the mobile food unit intends to set up
 - b. A copy of a valid health permit from the Virginia Department of Health stating that the mobile food unit meeting all applicable standards. A valid health permit must be maintained for the duration of the permit
 - c. A copy of an approved inspection from the City of Franklin Department of Community Development Department or the State Fire Marshal stating that the mobile food unit and equipment meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food unit must be reinspected on an annual basis and a copy of the reinspection must be submitted with the yearly business license renewal.
- (2) . The City will limit the number of operational mobile food units to 12 per year, with The Commissioner of Revenue tracking the number of units operating through their customer registration account.
- (3) The following standards and conditions shall apply to all mobile unit operations:

- a. Unless otherwise approved, mobile food units shall operate only on developed and occupied property within the business and industrial zoning districts and will cease operations by 9pm excluding events on private property where residents host food units as the catering vendor
- b. The Zoning Administrator may approve mobile food unit remaining on-site for multi-day events or late closings on a case-by-case basis. Unless otherwise approved, mobile food unit shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the mobile food unit shall pick-up, remove, and dispose of all trash or refuse within at least 25 feet of the mobile food unit that consists of materials originally dispensed from the mobile food unit, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the mobile food unit;
- c. The volume of any background music played from the mobile food unit shall be limited so as not to be plainly audible beyond the property boundaries of the site where the mobile food unit is located, or at any distance of 100 feet from the mobile food unit , whichever is less
- d. Any lighting attached to the exterior of the mobile food unit or used to illuminate the menu boards or customer waiting areas adjacent to the mobile food unit shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;
- e. Trash receptacles, either those already available on a site or temporary/portable ones provided by the mobile food unit operator, shall be positioned and conveniently for disposal of all trash, refuse, compost, and garbage generated by the use; disposal of all trash, refuse, compost, garbage generated by the use shall be the responsibility of the mobile food unit;
- f. Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food operation shall be contained within the unit and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake, or tidal water or on ground, sidewalk, street, highway, or into the atmosphere;
- g. Mobile food units shall be parked at least 100 feet away from any residential dwelling; excluding events on private property where residents host food units as the catering vendor
- h. Mobile food units shall not obstruct pedestrian or bicycle access or passage. impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required spaces are not obstructed and made unavailable;
- i. Unless otherwise approved, mobile food units shall not be parked in or operated from a public street right-of-way;
- j. Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the mobile food unit operations. Such signs shall not exceed six square feet in area, and four feet in height, shall be positioned within 30 feet of the mobile food unit, and shall not be placed within a

public street right-of-way. Signage that is permanently affixed to the mobile food unit shall be permitted; however, the Zoning Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached on a case-by-case basis

- (4) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in the notice of violation. Notice of Revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals within 30 days of the date of the Notice of Violation. Failure to obtain any of the items referenced in item 1 as required hereinabove or any other violation of this section shall constitute a Class 3 misdemeanor.

March 2023

Mobile Food Unit Ordinance Draft ~~Food Truck Ordinance Draft~~

That the City of Franklin Zoning Ordinance is hereby amended by the addition of Article II, Section 2.13 ~~Food Trucks and Mobile Food Units~~ Vendors to read as follows:

Section 2.13 –~~Mobile Food Units~~ Food Trucks and Mobile Food Vendors

Definition of a Mobile Food Unit. ~~VAC 58.1-3715.1 Vendor: a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation. A mobile food vendor is a self-contained food service operation, located in a readily moveable motorized wheeled or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service. Food carts are included in this definition.~~

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When not in conjunction with a special event regulated by Article II, Section 2.12 Temporary Uses (f) (2) special events, the operation of mobile food units ~~vendors~~ when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator, subject to the following provisions:

(1) The applicant shall provide the following to the Zoning Administrator:

a. ~~A copy of a valid City of Franklin business license. Such business license shall be posted in the vehicle at all times. For mobile food units that have been in the City two years or less, they must submit a copy of the business license in which they are registered, pursuant to VAC 58.1-3715.1 Section B.~~

~~a.i. A City Business license requires the submission and approval of a zoning clearance application package to the Zoning Administrator. A zoning clearance submission includes the zoning application, a written agreement between the property owner and the mobile food unit operator authorizing set-up on private property, and a map of where the mobile food unit intends to set up.~~

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b. ~~A copy of a valid health permit from the Virginia Department of Health stating that the mobile food unit meeting all applicable standards. A valid health permit must be maintained for the duration of the permit.~~

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c. ~~A copy of an approved inspection from the City of Franklin Department of Community Development Department or the State Fire Marshal stating that the mobile food unit ~~vendor~~ and equipment meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food ~~truck~~ unit must be reinspected on an annual basis and a copy of the reinspection must be submitted with the yearly business license renewal.~~

~~d. When applicable, operators shall provide a valid driver's license for each person who will drive the food truck.~~

~~e. When applicable, operators shall provide current registration for the food truck, proof of current motor vehicle inspection, and proof of a valid motor vehicle insurance for the food truck.~~

(2) ~~The administrative permit shall be issued for a period not to exceed one year but may be renewed upon written request by the operator. The City will limit the number of operational mobile food units to 12 per year, with The Commissioner of Revenue tracking the number of units operating through their customer registration account.~~

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(3) The following standards and conditions shall apply to all mobile ~~unit vendor~~ operations:

- ~~a~~ The operator must have written documentation of the consent of the owners of the property or properties on which the mobile food vendors will be operated.
- ~~b~~ Unless otherwise approved, mobile food ~~units vendors~~ shall operate only on developed and occupied property within the business and industrial zoning districts and will cease operations by 2pm only during hours when the business establishment on the premises is open for business, excluding events on private property where residents host food units as the catering vendor.
- ~~c~~ The Zoning Administrator may approve mobile food ~~unit vendors~~ remaining on-site for multi-day events or late closings on a case-by-case basis. Unless otherwise approved, mobile food ~~unit vendor~~ shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the mobile food ~~unit vendor~~ shall pick-up, remove, and dispose of all trash or refuse within at least 25 feet of the mobile food ~~unit vendor~~ that consists of materials originally dispensed from the mobile food ~~unit vendor~~, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the mobile food ~~unit vendor~~.
- ~~d~~ The volume of any background music played from the mobile food ~~unit vendor~~ shall be limited so as not to be plainly audible beyond the property boundaries of the site where the mobile food ~~unit vendor~~ is located, or at any distance of 100 feet from the mobile food ~~unit vendor~~, whichever is less.
- ~~e~~ Any lighting attached to the exterior of the mobile food ~~unit vendor~~ or used to illuminate the menu boards or customer waiting areas adjacent to the mobile food ~~unit vendor~~ shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky.
- ~~f~~ Trash receptacles, either those already available on a site or temporary/portable ones provided by the mobile food ~~unit truck~~ operator, shall be positioned and conveniently for disposal of all trash, refuse, compost, and garbage generated by the use, disposal of all trash, refuse, compost, garbage generated by the use shall be the responsibility of the mobile food ~~unit vendor~~.
- ~~g~~ Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food ~~vending~~ operation shall be contained within the unit and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake, or tidal water or on ground, sidewalk, street, highway, or into the atmosphere.
- ~~h~~ Unless otherwise approved, mobile food ~~units vendors~~ shall be parked at least 100 feet away from any residential dwelling excluding events on private property where residents host food units as the catering vendor.
- ~~i~~ Mobile food ~~units vendors~~ shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required spaces are not obstructed and made unavailable.
- ~~j~~ Unless otherwise approved, mobile food ~~units vendors~~ shall not be parked in or operated from a public street right-of-way.
- ~~k~~ Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the mobile food ~~unit vendor~~ operations. Such signs shall not exceed six square feet in area, and four feet in height, shall be positioned within 30 feet of the mobile food ~~unit vendor~~, and shall not be placed within a public street right-of-way. Signage that is permanently affixed to the mobile food ~~unit truck~~ shall be permitted; however, the Zoning

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Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached on a case-by-case basis

- (4) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in the notice of violation. Notice of Revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals within 30 days of the date of the Notice of Violation. Failure to obtain any of the items referenced in item 1 as required hereinabove or any other violation of this section shall constitute a Class 3 misdemeanor.

STAFF REPORT

ISSUE:

An ordinance to repeal, readopt, and add the following articles and/or districts of the Code of the City of Franklin, Virginia, Appendix D - Zoning:

Article I (Districts and District Map);

Article II (General Provisions);

Article III (R-O One-Family Residential District Use Regulations);

Article IV (R-1 Limited Residential District Use Regulations);

Article V (R-2 General Residential District Use Regulations);

Article VI (R-3 Mixed-Use Residential District Use Regulations);

Article VII (M-U Mixed Use Planned Unit Development District);

Article VIII (B-1 Neighborhood Business District);

Article IX (B-2 Central Commercial Business District);

Article X (B-3 General Business District);

Article XI (M-1 Light Industrial District);

Article XII (M-2 Heavy Industrial District);

Article XIII (RC Conservation District);

Article XIV (Reserved); and

Article XV (Reserved);

and repeal the following districts and/or articles of the City of Franklin, Virginia, Appendix D – Zoning:

R-OA One Family Residence District;

R-1A General Residence District;

R-1B One-Family Residence District;

Article VIIIA (R-UR Single Family Urban Revitalization District);

Article XIA (O-I Office and Institutional District)

Article XIIA (B-3A General Business District Use Regulations);

Article XVA (PEERC Planned Elderly or Retirement Residential Community District); and

Article XVB (PUD Residential Planned Unit Development District).

The proposed amendments are intended to simplify the zoning ordinance, in particular to reduce the number of residential zoning districts in the City. The City's zoning map will be updated to reflect the district changes. The general usage and density range of the proposed amendment to each district, and the corresponding general usage and density set forth in the City's Comprehensive Plan, are as follows:

R-0 District – residential low-density; Comprehensive Plan designation - single family low-density;

R-1 District – residential medium-density; Comprehensive Plan designation - single family low-density;

R-2 District – residential high-density, Comprehensive Plan designation - single family medium-density;

R-3 District – residential high-density; Comprehensive Plan designation - multifamily;

M-U District – mixed use with limited residential density, Comprehensive Plan designation - mixed-use;

B-1 District –business with residential medium-density, Comprehensive Plan designation - neighborhood commercial;

B-2 District – business with residential medium-density, Comprehensive Plan designation - central business district;

B-3 District – business; Comprehensive Plan designation - general commercial;

M-1 District – industrial; Comprehensive Plan designation - industrial;

M-2 District – industrial; Comprehensive Plan designation - industrial; and

R-C District – conservation; Comprehensive Plan designation - conservation.

The text amendments further amend Article XIX (Heights, Lots Sizes, Yards) to incorporate the forgoing changes and revise the supplementary regulations included therein; amend Article XXVII (Board of Zoning Appeals) and Article XXVIII (Changes and Amendments) to transition approval for conditional and special use permits under the zoning ordinance from the BZA to City Council; amend Article XXIX (Definitions) to expand the definitions and use types detailed in the zoning ordinance; and make other formatting and organizational changes throughout the zoning ordinance.

BACKGROUND:

Over the past year, the Planning Commission and staff have been working to conduct a comprehensive review of the City's zoning ordinance. The review process resulted in the proposed revision and consolidation of zoning district classifications, and elimination of the R-OA, R-1A, R-1B, R-UR, B-3A, O-I, PUD and PEERC zoning district designations.

The process also entailed revising, renaming, and/or creating use type definitions and a new use table necessary for the review and administration of the consolidated and all resulting zoning district classifications.

DESCRIPTION:

Attached you will find the public hearing draft of the proposed zoning ordinance revisions for consideration and recommendation by the Planning Commission to the City Council. The attachments include the final draft of the proposed revisions to the zoning ordinance, separate redlined copies of each revised article, and the resulting map amendments outlining the changes.

The amendments combine residential districts with like uses, area regulations and setbacks, and are not intended to negatively impact existing uses, as is documented by the attached table, entitled “Review of Residential Zoning District Regulations”.

If the amendments are approved, the City’s zoning map will also be updated to reflect the district map changes. However, none of the changes will affect conditions of an approved conditional rezoning, as the conditions of zoning are not affected via comprehensive zoning amendment, and will continue to govern the development of the property.

Copies of the zoning map changes are attached to show which neighborhoods are affected by the resulting zoning district changes. Furthermore, it was discovered during the review process that there are no properties currently zoned R-1B, O-I, B-3A and PUD, therefore, there are no corresponding maps showing any changes that would involve those districts.

Although the revisions primarily affect residential zoning districts, the Commission and staff worked to ensure new use type terminology is consistent throughout the zoning ordinance, including the business and industrial districts. The B-3A district is also being eliminated and changes reflected in the B-2 and B-3 districts.

The amendments will change the zoning designations to certain neighborhoods zoned

Finally, the amendment transitions the approval for conditional and special use permits under the zoning ordinance from the Board of Zoning Appeals to City Council.

STAFF RECOMMENDATION:

Staff recommends approval of the draft amendment.

ATTACHMENTS:

- Notice of Public Hearing
- Ordinance Amendment – final version
- Ordinance Amendment – redlined versions
- Review of Residential Zoning District Regulations Table
- Zoning District Use Table
- Map Amendments

PUBLIC NOTICE

Notice is hereby given pursuant to Virginia Code Sections 15.2-2204 and 15.2-2285 that the City Council of the City of Franklin, Virginia will hold a public hearing on Monday, **August 28, 2023 at 7:00 P.M.** in the City Council Chambers at City Hall, 207 W. Second Avenue, Franklin, Virginia, to consider the zoning ordinance text and map amendments set forth below:

An ordinance to repeal, readopt, and add the following articles and/or districts of the Code of the City of Franklin, Virginia, Appendix D - Zoning:

- Article I (Districts and District Map);
- Article II (General Provisions);
- Article III (R-O One-Family Residential District Use Regulations);
- Article IV (R-1 Limited Residential District Use Regulations);
- Article V (R-2 General Residential District Use Regulations);
- Article VI (R-3 Mixed-Use Residential District Use Regulations);
- Article VII (M-U Mixed Use Planned Unit Development District);
- Article VIII (B-1 Neighborhood Business District);
- Article IX (B-2 Central Commercial Business District);
- Article X (B-3 General Business District);
- Article XI (M-1 Light Industrial District);
- Article XII (M-2 Heavy Industrial District);
- Article XIII (RC Conservation District);
- Article XIV (Reserved); and
- Article XV (Reserved);

and repeal the following districts and/or articles of the City of Franklin, Virginia, Appendix D – Zoning:

- R-OA One Family Residence District;
- R-1A General Residence District;
- R-1B One-Family Residence District;
- Article VIIIA (R-UR Single Family Urban Revitalization District);
- Article XIA (Office and Institutional District)
- Article XIIA (B-3A General Business District Use Regulations);
- Article XVA (Planned Elderly or Retirement Residential Community District); and

Article XVB (Residential Planned Unit Development District).

The proposed amendments are intended to simplify the zoning ordinance, in particular to reduce the number of residential zoning districts in the City. The City's zoning map will be updated to reflect the district changes. The approximate acreage subject to the rezoning is 162.71 acres, more or less, and involves more than 100 parcels of land. The neighborhoods/areas subject to the rezoning are as follows: Joyner Farms Acres, Pretlow Farm Estate, Lake Charles, Newport Village Apartments, Meadow View North Townhomes, Meadowbridge Apartments, Dorchester Apartments, Pretlow – Old Town Apartments, Adam Tyler Townhouses, ALO of Virginia Townhouses, COHO Investments Apartments, Clinton Smith Apartments, Forest Pine Apartments, and Langston Court. A map of the subject area is available at the following link: <https://www.franklinva.com/government/departments/community-development/>.

The text amendments further amend Article XIX (Heights, Lots Sizes, Yards) to incorporate the forgoing changes and revise the supplementary regulations included therein; amend Article XXVII (Board of Zoning Appeals) and Article XXVIII (Changes and Amendments) to transition approval for conditional and special use permits under the zoning ordinance from the BZA to City Council; amend Article XXIX (Definitions) to expand the definitions and use types detailed in the zoning ordinance; and make other formatting and organizational changes throughout the zoning ordinance.

The full text and map amendments are available for review in the Department of Community Development during regular business hours Monday thru Friday from 8:30 a.m. to 5:00 p.m. Any person desiring to express his or her views with respect to the proposed rezonings and text amendments should appear at the aforesaid times and place. Comments may also be submitted in writing to crsmith@franklinva.com or via mail to the Department of Community Development, 207 W. Second Avenue, Franklin, VA 23851 no later than noon on Monday, August 21, 2023. Any persons needing assistance or accommodations under the provisions of the American Disabilities Act should contact Carlee Smith at 757-562-8681 at least seven (7) days in advance of the hearing.

Submitted by: Carlee Smith, Director of Community Development

Run: August 16th and 23rd

Zoning Ordinance Amendment

An ordinance to repeal, readopt, and add the following articles and/or districts of the Code of the City of Franklin, Virginia, Appendix D - Zoning:

Article I (Districts and District Map);

Article II (General Provisions);

Article III (R-O One-Family Residential District Use Regulations);

Article IV (R-1 Limited Residential District Use Regulations);

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Article VII (M-U Mixed Use Planned Unit Development District);

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Article XI (M-1 Light Industrial District);

Article XII (M-2 Heavy Industrial District);

Article XIII (RC Conservation District);

Article XIV (Reserved); and

Article XV (Reserved);

and repeal the following districts and/or articles of the City of Franklin, Virginia, Appendix D – Zoning:

R-OA One Family Residence District;

R-1A General Residence District;

R-1B One-Family Residence District;

Article VIIIA (R-UR Single Family Urban Revitalization District);

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Article XIIA (B-3A General Business District Use Regulations);

Article XVA (PEERC Planned Elderly or Retirement Residential Community District); and

Article XVB (PUD Residential Planned Unit Development District).

The proposed amendments are intended to simplify the zoning ordinance, in particular to reduce the number of residential zoning districts in the City. The City's zoning map will be updated to reflect the district changes. The general usage and density range of the proposed amendment to each district, and the corresponding general usage and density set forth in the City's Comprehensive Plan, are as follows:

R-0 District – residential low-density; Comprehensive Plan designation - single family low-density;

R-1 District – residential medium-density; Comprehensive Plan designation - single family low-density;

R-2 District – residential high-density, Comprehensive Plan designation - single family medium-density;

R-3 District – residential high-density; Comprehensive Plan designation - multifamily;

M-U District – mixed use with limited residential density, Comprehensive Plan designation - mixed-use;

B-1 District – business with residential medium-density, Comprehensive Plan designation - neighborhood commercial;

B-2 District – business with residential medium-density, Comprehensive Plan designation - central business district;

B-3 District – business; Comprehensive Plan designation - general commercial;

M-1 District – industrial; Comprehensive Plan designation - industrial;

M-2 District – industrial; Comprehensive Plan designation - industrial; and

R-C District – conservation; Comprehensive Plan designation - conservation.

The text amendments further amend Article XIX (Heights, Lots Sizes, Yards) to incorporate the forgoing changes and revise the supplementary regulations included therein; amend Article XXVII (Board of Zoning Appeals) and Article XXVIII (Changes and Amendments) to transition approval for conditional and special use permits under the zoning ordinance from the BZA to City Council; amend Article XXIX (Definitions) to expand the definitions and use types detailed in the zoning ordinance; and make other formatting and organizational changes throughout the zoning ordinance.

WHEREAS, the City Council of the City of Franklin, Virginia has the legislative authority to make reasonable changes to the ordinances that govern the orderly growth and development of the City of Franklin; and

WHEREAS, the Franklin City Council is also concerned about the compatibility of uses on public and private lands within the City of Franklin, and seeks to protect the health, safety, and general welfare of present and future residents and businesses of the city.

NOW, THEREFORE, BE IT RESOLVED by the Franklin City Council that the Code of the City of Franklin, Virginia, Appendix D, Zoning be repealed, readopted, and add the following articles and/or districts of the Code of the City of Franklin, Virginia, Appendix D - Zoning:

Article I (Districts and District Map);

Article II (General Provisions);

Article III (R-O One-Family Residential District Use Regulations);

Article IV (R-1 Limited Residential District Use Regulations);

Article V (R-2 General Residential District Use Regulations);

Article VI (R-3 Mixed-Use Residential District Use Regulations);

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and repeal the following districts and/or articles of the City of Franklin, Virginia, Appendix D – Zoning:

R-OA One Family Residence District;

R-1A General Residence District;

R-1B One-Family Residence District;

Article VIII A (R-UR Single Family Urban Revitalization District);
Article XIA (O-I Office and Institutional District)
Article XII A (B-3A General Business District Use Regulations);
Article XVA (PEERC Planned Elderly or Retirement Residential Community District); and
Article XVB (PUD Residential Planned Unit Development District).

The proposed amendments are intended to simplify the zoning ordinance, in particular to reduce the number of residential zoning districts in the City. The City's zoning map will be updated to reflect the district changes. The general usage and density range of the proposed amendment to each district, and the corresponding general usage and density set forth in the City's Comprehensive Plan, are as follows:

ARTICLE I. Districts and District Maps

§ 1.1 Districts.

[Amended by Ord. No. 2004-7, 5-24-2004 and 0-0-2023]

For the purpose of this ordinance the City of Franklin is hereby divided into the following districts:

R-O One-Family Residential District
R-1 Limited Residential District
R-2 General Residential District
R-3 Mixed-Residential District
M-U Mixed Use Planned Unit Development District
B-1 Neighborhood Business District
B-2 Central Commercial Business District
B-3 General Business District
M-1 Light Industrial District
M-2 Heavy Industrial District
RC Conservation District

The term "R district," as used hereinafter, means the "R-O," "R-1," "R-2" and "R-3" districts. "B district" means the "B-1", "B-2" and "B-3" districts. "M district" means "M-1" and "M-2" districts.

§ 1.2 Map.

The boundaries of the several districts are hereby established as shown on the zoning district map which accompanies and is hereby made a part of this ordinance.^u The boundaries of said districts are intended to follow lot lines, other property lines, or the center lines of streets or alleys (existing or projected), all as they existed at the time of passage of this ordinance; except that where a district boundary clearly does not follow any such line and is not otherwise identified, it shall be located by a graduated measure or rule. Any question as to the location of a boundary shall be determined by the board of appeals as provided in article XXVII.

[1]

Editor's Note: The Zoning District Map is on file in the City offices.

§ 1.3 Annexations.

In case any territory has not specifically been included within one district or another, or may hereafter become a part of the incorporated area of Franklin by annexation or otherwise, such territory shall automatically be classified in the RC district until reclassified as provided herein.

ARTICLE II. General Provisions

§ 2.1 Requirements are minimum.

The provisions of this ordinance shall be minimum requirements, adopted for the public health, safety, moral comfort, prosperity, and the general welfare. Where this ordinance imposes greater restrictions upon the use or height of buildings or the use of land, or requires larger lot yards, or other open space, than are imposed or required by other provisions of law or ordinance, the provisions of this ordinance shall prevail.

§ 2.2 Conformance required.

Except as hereinafter provided, no building, structure, land shall hereafter be used, and no building or part thereof or other structure shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered except in conformity with the regulations herein prescribed for the district in which such building, structure, or land is located.

§ 2.3 Street frontage required.

Each dwelling structure, other than a farm dwelling, shall be on a separate lot, which lot fronts upon a public street, and no dwelling except the residence of employees or caretakers and guest houses not for lease shall be located behind another building on the same lot. For the purpose of this regulation a two-family or multi-family dwelling may be regarded as one structure.

§ 2.4 Yards and lots may not be reduced.

[Amended 11-26-2007]

(1)

No lot shall be reduced in size to less than required herein, or so as to make any yard or court less than the minimum required herein. No required open space, parking space, or loading space provided about any structure shall be considered as open space, parking space or loading space for any other structure.

(2)

Any lot of official record at the time of enactment of this ordinance located in the B-1, B-2 and or R zoning districts which contains two detached single family dwellings or a single family dwelling and or a business that front on a public street may be subdivided into no more than 2 lots where the following conditions exist:

(a)

Equal rear and or side yard distances are provided between units.

(b)

The exterior walls of each structure shall meet the fire resistance rating for fire separation distance as required in the Virginia Uniform Statewide Building Code based on the use classification of the structure and the distance between the structures and the proposed property line.

(c)

The uses on each proposed lot are conforming or legally nonconforming.

(d)

There is no reduction in the existing off-street parking spaces.

§ 2.5 Nonconforming uses and structures.

(1)

Any land or structure, or the use thereof, lawfully existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued except as provided in § 2.5(b). Nothing in this ordinance shall prevent the repair or maintenance of existing structures, nor the strengthening or restoring to a safe condition or any structure declared unsafe by the building inspector.

(2)

A use or structure which does not conform to this ordinance may not be:

(a)

Changed to another nonconforming use;

(b)

Reestablished after discontinuance for two years;

(c)

Rebuilt if damaged to the extent of two-thirds or more of its insurable value immediately prior to such damage.

§ 2.6 Public garages, service stations and convenience stores.

No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, service station, or convenience store, having an entrance or exit for vehicles in the same block front, on the same side of the street and within 200 feet of any school, public playground, church, hospital, public library, day care center, group home or nursing home, and no such entrance or exit shall be located within the same block front and within 20 feet of any R district, nor shall any part of such structure be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

§ 2.7 Special regulations for townhouses.

(1)

Townhouses are permitted as indicated in the underlying zoning district regulations. The following standards for townhouse development are intended to supplement, and in some cases, supercede those outlined in the district regulations:

(a) Density requirements:

- i. Maximum density: Fourteen (14) dwellings units per acre
- ii. There shall be no more than ten townhouse dwelling units continuously connected.
- iii. There shall be no more than one (1) townhouse dwelling unit on a townhouse lot and each lot shall have a separate utility system.

(b) Townhouse developments:

- i. Each parcel utilized for townhouse development shall have a minimum frontage of at least one hundred (100) feet upon a public street and shall have a minimum depth of not less than one hundred (100) feet.
- ii. A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.
- iii. Each such recreational space shall be at least fifty (50) feet in the least dimension.

(c) Townhouse lots:

- i. The lot width, measured at the building line, for individual townhouse dwelling units shall be no less than twenty (20) feet.
- ii. Individual townhouse lots shall contain no less than two thousand (2,000) square feet.

(d) Yard requirements:

- i. Front yards....The front yard of a townhouse lot which fronts on a public or private street shall be twenty (20) feet.
- ii. Side yards....Side yards shall be required only for end unit lots of a townhouse structure and shall be twenty (20) feet in width, except that a side yard adjacent to a public or private street, or adjacent to the property line of the townhouse development shall meet the required minimum front yard setback.
- iii. Any end unit whose side wall faces a public or private street or adjacent to the property line of the townhouse development shall have a minimum side yard of twenty (20) feet.
- iv. Rear yards....A rear yard of twenty (20) feet shall be provided for each townhouse lot.

(e) Management of Common areas:

All lands in common open space, not a part of individual lots, and all private streets, driveways, recreational and other facilities and buildings or portions thereof as may be provided for the common use, benefit, and/or enjoyment of the occupants of the development shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner provides for and establishes a homeowner's association or other legal entity under the laws of Virginia.

Such entity shall be composed of all persons having ownership within the development and membership in the management structure shall be mandatory for all property owners, present or future, within the development.

(f) Architectural requirements:

- i. The facades of dwelling units in a townhouse development shall be varied in materials and design so that no more than three abutting units will have the same essentially the same architectural treatment of facades and roof lines.
- ii. Both sides of the rear yard of each dwelling unit shall be screened with a privacy type fence or wall of six feet minimum height and extending not less than ten feet from the rear building wall.

- iii. Each lot shall have frontage on a dedicated public street or on a thirty-foot minimum width public access easement which shall be improved with a twenty-two-foot minimum width road unobstructed by parking with concrete curb and gutter on both sides and either a four-foot concrete sidewalk on at least one side or a ten-foot minimum width concrete sidewalk when adequate parking has been provided in convenient off-street bays.
- iv. Lots fronting on a public access easement and not a dedicated public street shall only be required to have a minimum front yard depth of 20 feet.
- v. For the purpose of the side yard regulations a townhouse accessory building may be constructed without any side yard and may be immediately adjacent or attached to the privacy fence or wall in the rear yard of the townhouse except that any accessory building constructed in the rear yard of an end unit must meet the same side yard requirements as the townhouse itself.

§ 2.8 Prohibition of visual obstructions at street intersections.

On corner lots in any district except the B-2 central business district, no fence, shrubbery, trees, other plantings or structures shall be permitted higher than three feet above the curb or street, whichever is higher, within a triangle formed by two twenty-foot legs measured from the point of intersection of the street right-of-way lines.

§ 2.9 Fences and walls.

[Amended by Ord. of 11-24-1997(1)]

(1)

(a)

A fence or wall not more than eight feet in height may be located in any required side or rear yard in any district other than a required side or rear yard adjacent to a street.

(b)

No fence or wall which creates a solid screen may exceed three feet in height in any required front yard or side or rear yard adjacent to a street.

(c)

Fences having a uniform open area of 50% or more may be erected to a maximum height of four feet in any required front, side or rear yard.

(d)

Heights of fences or walls shall be measured from the average ground level adjacent to the fence or wall.

(2)

Open wire fences not exceeding eight feet in height may be erected in any required yard when wholly or partially enclosing any public school, park, recreational or playground site or a public utility. Height shall be measured from the average level of the ground adjacent to the fence or wall.

(3)

Fences of greater height and open wire fences at other locations may be allowed upon a finding by the zoning enforcement officer that they are reasonably required to protect safety or property.

§ 2.10 Sexually oriented businesses.

[Amended by Ord. of 6-12-2000(1)]

(1)

Intent. It is the intent of the city council to adopt regulations restricting the location and public visibility of sexually oriented businesses in order to protect and preserve the quality of life, of its citizens, its neighborhoods and its commercial districts based upon the following findings:

(a)

Areas where children could be expected to walk, patronize or play, such as parks and playgrounds, should be free of such uses as being detrimental to their growth, character and safety.

(b)

Such uses should not be located in close proximity to residential areas, because of the possibility of such uses leading to increased levels of criminal activity in such places, imperilment of the safety of the residents and reduction in property values.

(c)

Such uses should not be located in close proximity to churches and other religious institutions, because they may have an adverse effect upon the attendance and ministry of same.

(d)

Such uses should not be located in close proximity to schools or day care centers, because they may distract children from their educational endeavors, and the

presence of patrons of such establishments may imperil the safety and welfare of children attending school or being cared for in a day care center.

(e)

The location of more than one sexually oriented business in any particular area of the city would have a deleterious effect upon the neighborhood, other businesses in the area and the property values of the properties located in that area.

(2)

Location and public visibility of sexually oriented businesses.

(a)

No sexually oriented business may be located within 2,000 feet of another sexually oriented business in any zoning district;

(b)

No sexually oriented business may be located within 2,000 feet of a district zoned residential, a church or other religious institution, a school, a licensed day care center or a public park or playground.

(c)

No sexually oriented business may post, place, display or otherwise exhibit any photographic, pictorial or otherwise graphic or written advertisement depicting specified anatomical areas or specified sexual activities anywhere on the premises visible from the exterior of the same.

(d)

Any activities occurring on the premises of a sexually oriented business shall be completely screened from the public view of persons walking or driving past the exterior of the premises.

(3)

Measurement of distances. All distances specified in this section shall be measured from the nearest property line of one use to the nearest property line of another use or to the nearest residential zone boundary as the case may be.

(4)

Districts in which permitted. Sexually oriented businesses shall only be located in B-3 general business districts as set forth in article XII herein.

(5)

Severability. This section and every provision hereof shall be deemed severable, and the invalidity of any subsection, clause, paragraph, sentence or provision of the section shall not affect the validity of any other portion of this section.

§ 2.11 Temporary uses.

[Amended by Ord. No. 2005-18, 7-11-2005]

(1)

The purpose of this section is to provide general regulations for uses which have a seasonal or temporary duration.

(2)

A temporary use zoning certificate will be issued by the zoning administrator, provided that the applicant meets all applicable requirements of this section and any other requirements determined by the zoning administrator to insure that the temporary use will not have a detrimental impact on the city.

(3)

A temporary use zoning certificate shall be denied if the zoning administrator determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof to such applicant. In addition, such a certificate may be denied if the zoning administrator determines that the applicant has failed at some previous time to comply with the standards, conditions or terms of any previously issued zoning certificate.

(4)

The temporary use zoning certificate for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this ordinance and to protect the public health, safety, and welfare.

(5)

A temporary use zoning certificate may be revoked if any of the provisions of this section or any of the conditions imposed on such certificate are violated.

(6)

Subject to the specific regulations and time limits that follow and other applicable regulations of the district in which the use is permitted, the following temporary uses are permitted with a temporary use zoning certificate:

(a)

Sale of Christmas trees and greenery, pumpkins and other seasonal items is permitted when operated or sponsored by charitable or civic organizations or governmental agencies in business zoning districts; provided, however that any such use shall require the specific prior approval of the zoning administrator on the basis of the adequacy the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of Christmas trees and greenery, pumpkins and other seasonal items need not comply with the yard requirements of this ordinance, except that no merchandise shall be displayed so as to obstruct the sight distance triangle as described in § 2.8 of this ordinance.

(b)

Festivals, bazaars, outdoor sale events, carnivals and circuses are permitted items when operated or sponsored by charitable or civic organizations or governmental agencies in business zoning districts; provided, however, that any such use shall require the zoning administrator's determination with regard to the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on adjacent properties. Such use shall be limited to a period not to exceed ten days. Such use need not comply with the yard requirements of this ordinance except that no structures or equipment shall be located within the sight distance triangle as described in § 2.8 of this ordinance. In addition, such use need not comply with the maximum height requirements of this ordinance. The concessionaire responsible for the operation of any such festival, bazaar, outdoor sale event, carnival or circus shall submit to the zoning administrator, at least ten calendar days in advance of the event date, a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead-end aisles.

(c)

Tents used for commercial purposes large enough to accommodate persons in standing positions in business and industrial districts. No such tent shall be allowed to remain for a period of more than two days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten days. Unless waived in writing by the zoning administrator, every such tent shall comply with the front, side and rear yard requirements of the district in which it is located and shall not be located within the sight distance triangle as described in § 2.8 of this ordinance.

(d)

Shipping containers, sea containers, freight containers, portable storage units and like containers in the active transport or storage of goods for sale or return, commercial or industrial equipment, fixtures or materials are permitted in business and industrial zoning districts for a period not exceeding 60 days. All such containers and units for which a zoning certificate has been issued pursuant to § 26.2 of this ordinance prior to the effective date of this ordinance shall not be required to comply with this ordinance.

(7)

Trailers serving as contractors' offices, on-site storage yards for construction materials and containers for construction debris in conjunction with construction of improvements to real property during the construction period, are permitted in all zoning districts, but limited to 180 days in residential districts unless an extension is obtained from the zoning administrator for good cause shown; provided, however that containers for construction debris may only be placed on city streets and rights of way with the permission of the zoning administrator. A temporary use zoning certificate is not required for such trailers. Whenever feasible, such facilities shall not be located in any required front, side or rear yard on the site. When, due to site constraints, location outside of the required front, side or rear yards is infeasible, the location of such facilities shall be approved by the zoning administrator to minimize potential impact on adjacent properties. No equipment or material may be located within the sight distance triangle as described in § 2.8 of this ordinance. Temporary construction facilities shall be removed when a certificate of occupancy is issued or a final inspection is made upon completion of construction, whichever is first.

(8)

No more than one portable storage unit, no higher than 8 1/2 feet tall, no more than 16 feet long and no more than eight feet wide, containing household goods or other personal items is permitted on residential property in any zoning district for a period not to exceed 30 days. A temporary use zoning certificate is not required for a portable storage unit, except after 30 days, the portable unit shall be removed unless granted an extension by the Zoning Administrator, subject to his or her discretion. Whenever feasible, such facilities shall not be located in any required front, side or rear yard of the property within the site distance triangle as described in § 2.8 of this ordinance.

(9)

Tents used for residential purposes or for memorial services located in cemeteries or similar places large enough to accommodate persons in standing positions are permitted in all zoning districts without a temporary use certificate. Unless waived in writing by the zoning administrator, every such tent shall comply with the front, side and rear yard

requirements of the district in which it is located and shall not be located within the sight distance triangle as described in § 2.8 of this ordinance.

(10)

Failure to obtain a temporary use zoning certificate as required hereinabove or any other violation of this section shall constitute a Class 3 misdemeanor.

§ 2.12 (Repealed by Ord. No. 2018-09, 6-25-2018)

§ 2.13 Special regulations for multi-family dwellings.

(1)

Districts permitted.Multifamily dwellings are permitted as indicated in the zoning district regulations. The following standards for such uses are intended to supplement, and in some cases, supersede those outlined in the zoning district regulations.

(2)

Density controls for multifamily apartment development.

(a)

Lot area and dimensions.

- i. Minimum frontage:One hundred (100) feet in continuous frontage.
- ii. Minimum lot depth:One hundred (100) feet.
- iii. Minimum setbacks:
 - Front: Thirty (30) feet.
 - Side: Fifteen (15) feet.
 - Rear: Twenty (20) feet.

(3)

Buffers and special setback requirements.

(a)

An additional setback of one (1) foot for each one (1) foot of height in excess of thirty-five (35) feet shall be required from all public streets and any property line adjacent to single-family residential districts or property used for single family dwellings. No parking or refuse containers should be located within the required setback area between single family and multifamily.

(b)

The minimum distance between multifamily structures shall be no less than the height of the taller of the two (2) adjacent structures.

(4)

Maximum density:Fourteen (14) dwelling units per acre.

(5)

Open space:

(a)

A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.

(b)

Each such recreational space shall be at least fifty (50) feet in the least dimension.

(6)

[Multifamily apartments:]Multifamily uses shall be provided with public water and public sewerage systems constructed in accordance with city standards and specifications for such systems and be approved by all appropriate agencies.

(7)

[Private streets:]Private streets shall meet the design, material and construction standards established by the Zoning Administrator in coordination with the City of Franklin Public Works. A maintenance plan shall be prepared and submitted as part of the site development plan approval process.

(8)

Landscaping:For the purpose of landscaping, multifamily dwellings shall be treated as a regulated in Article XXV.

(9)

Management of common and open spaces in multifamily developments:

(a)

All common and open spaces shall be preserved for their intended purpose as expressed on the approved site plan.

(b)

A management structure consisting of a nonprofit association, corporation, trust, or foundation shall be established to insure the maintenance of open space and other facilities.

(c)

The management structure shall be established prior to final site plan or construction plan approval.

(d)

The management structure shall manage all common and open spaces, recreational and cultural facilities, and private streets, and shall provide for the maintenance, administration and operation of said land and improvements, and secure adequate liability insurance on the land.

(e)

The management structure and organization shall comply with the Condominium Act, Code of Virginia (1950), as amended, if developed as a condominium.

(10)

Architectural treatment:The following architectural treatments shall be incorporated into all multifamily developments:

(a) Developments shall possess architectural variety but enhance an overall cohesive residential character. This character shall be achieved through the creative use of design elements such as balconies and or/terraces, articulation of doors and windows, varied sculptural or textural relief of facades, and architectural ornaments, varied rooflines or other appurtenances such as lighting fixtures and/or plantings, and where applicable varied placement of front entryways.

(b) Pedestrian pathways shall be used to link all buildings, greenspaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted.

(c) Open space areas shall be considered an organizing element of the site plan. Courtyards or greens shall be utilized within the development. In such instances, residential buildings shall front on these open spaces.

§ 2.14 Special regulations for mini-storage warehouses.

(1)

All storage for mini-storage warehouses shall be within a completely enclosed building.

(2)

Except for purposes of loading and unloading, there shall be no parking or storage of vehicles including but not limited to trucks, trailers, moving vans, boats, and recreational vehicles.

(3)

The minimum distance between warehouse buildings shall be twenty-five feet (25'). Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access in accordance with the site plan ordinance contained in Article XXIV Chapter 24.

(4)

The following activities shall be prohibited:

(a)

Storage of hazardous and flammable materials. Any liquid-fuel powered object or device stored in any storage unit shall have all liquid fuel drained and fuel tanks shall be left unsealed during storage.

(b)

Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.

- (c)
The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- (d)
The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment by tenants.
- (e)
An individual tenant shall not establish a transfer or storage business from within a rented mini-storage unit.
- (f)
The maximum length of any single storage building shall not exceed two hundred (200') feet.
- (g)
Mini-storage warehouses shall have all sides visible to a public right-of-way faced in brick, architectural block, residential siding, or some other material approved by the Planning Commission as being compatible with surrounding properties. Doors providing access to individual units shall face inward and any direct views of such doors shall be obscured by landscaping supplemented if necessary by earth-forms.
- (h)
A site plan shall be submitted for review and approval. If the project is to be phased, phasing shall be delineated on the plan. A manager's office shall be included within the first phase of the project. All required off street parking outlined in § 18.2(4)(b) of the Zoning Ordinance, landscaping outlined in Article XXV of the Zoning Ordinance, and construction design shall be included within the Master Plan.
- (i)
Lighting shall be direct cut off and shall not project into any adjacent properties.
- (j)
All storage units shall be buffered along all public streets with a combination of trees and shrubs, fences or walls architecturally compatible with surrounding properties and the development.
- (k)
Except for in the case of emergencies access to storage units shall be restricted to 6:00 a.m. to 11:00 p.m.

§ 2.15 Special regulations for home occupations.

- (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 by the city council following a recommendation by the planning commission, 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 manufacturer representatives.

(i) Person 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 home.

(l) One chair beauty or barber shop.

(8)

Prohibited home occupations:

(a) Realtors or insurance agent.

(b) Animal hospital, stable or kennel.

(c) Tourist home.

(d) Convalescent or nursing home.

(e) Massage parlor.

(f) Restaurant.

(g) Mortuary.

(h) Day care center.

(i) Private club.

(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 by the city council following a recommendation by the planning commission, 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.

Article III. R-O One-Family Residential 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??

- (1) Single-family dwelling, detached
- (2) Public park or playground.
- (3) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (4) Public utility, neighborhood.

- (5) Cluster zoning in accordance with the provisions of article XV of this zoning ordinance.
- (6) Community recreation.

§ 3.3. Conditional uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 2-25-2002(5); Ord. of 4-28-2002(3); Ord. of 0/0/2023]

Certain uses are allowed by conditional use permit in the R-O district, as follows:

- (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.

§ 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 house.
 - (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 IV. R-1 Limited Residential District Use Regulations

§ 4.1. 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.

§ 4.2. Permitted principal uses.

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

- (1) Single-family dwelling, detached.
- (2) Two-family dwelling.
- (3) Public park or playground.
- (4) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (5) Public utility, neighborhood.
- (6) Cluster zoning in accordance with the provisions of article XV of this zoning ordinance.
- (7) Family day home.
- (8) Community recreation.

§ 4.3. Conditional uses.

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

Certain uses are allowed by conditional use permit in the R-1 district, as follows:

- (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.
- (21) Workshop.

§ 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 garage or carport.
- (2) Storage building other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest house.
- (4) Home occupation.
- (5) Sign, as permitted by article XXII of this ordinance.
Fence and wall as permitted in § 2.9 of this ordinance.
- (6) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)
- (7) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)
- (8) Gardening (no zoning permit required).

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

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

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

§ 4.5. 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.

§ 4.6. 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.

§ 4.7. 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.

§ 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 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 § 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. Yard variations.

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

§ 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-2. General Residential District Use Regulations

§ 5.1. 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.

§ 5.2. Permitted principal uses.

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

- (1) Single-family dwelling, detached.
- (2) Two-family dwelling. (Added by Ord. No. 2018-12, 8-27-2018)
- (3) Single-family dwelling, attached such as townhouses as set forth in § 2.7 of this zoning ordinance
- (4) Public park or playground
- (5) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (6) Public utility, neighborhood.
- (7) Cluster zoning in accordance with the provisions of article XV of this zoning ordinance.
- (8) Family day home.
- (9) Community recreation.

§ 5.3. Conditional uses.

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

Certain uses are allowed by conditional use permit in the R-2 district, as follows:

- (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 in accordance with article XXIII.
- (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.

§ 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 house.
- (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 5-22-2006¹¹]

[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.

§ 5.5. 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.

§ 5.6. 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.

§ 5.7. 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.

§ 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 detached single family and two-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 detached single-family or two-family dwellings. 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 VI. R-3 Mixed-Residential District Use Regulations

§ 6.1. 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.

§ 6.2. Permitted principal uses.

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

- (1) Single-family dwelling, detached.
- (2) Two-family dwelling.
- (3) Single-family attached dwellings, such as townhouses as set forth in § 2.7 of this zoning ordinance.
- (4) Multi-family dwelling, as set forth in section 2.13 of this ordinance.
- (5) Public park and playground.

- (6) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (7) Public utility, neighborhood.
- (8) Public utility, community.
- (9) Family day home.

- (10) Community center.

- (11) Community recreation.

- (12) Cultural service.

- (13) Church.

- (14) Club.

- (15) Nursing home.

- (16) Funeral home.

- (17) Child day center.

- (18) Adult day center.

- (19) Assisted living facility.

- (20) Public maintenance and service facility.

§ 6.3. Conditional uses.

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

Certain uses are allowed by conditional use permit in the R-3 district, as follows:

- (1) Golf course.
- (2) Hospital.
- (3) Cemetery.
- (4) Antenna and/or Satellite in accordance with article XXIII.
- (5) Educational facility, primary/secondary
- (6) Educational facility, college/university.
- (7) Adult day treatment facility.
- (8) Mixed-Use Planned Unit Development (As regulated under Article VII of Appendix D, Zoning Ordinance of the City Code.

§ 6.4. 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) Home occupation.
- (5) Sign, as permitted by article XXII of this ordinance.
- (6) 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).*

- (7) 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.
- (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).

§ 6.5. Minimum lot area.

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

(1) The minimum area for the establishment of a mixed-residential development is five (5) 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.

§ 6.6. 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.

§ 6.7. 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.

§ 6.8. 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 § 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. Yard variations.

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

§ 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 § XX.

Article VII. M-U Mixed Use Planned Unit Development

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

§ 7.1. 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.

§ 7.2. Permitted principal uses.

- (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) Child day center.
- (8) Church.
- (9) Educational facility, primary/secondary.
- (10) Educational facility, college/university.
- (11) Cultural service.
- (12) Public utility, neighborhood.
- (13) Office/Institution.
- (14) Retail sales.
- (15) Retail service.
- (16) Hospital.
- (17) Nursing home.
- (18) Medical facility.
- (19) Clinic.
- (20) Adult Day Care Center.

§ 7.3. 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 house.
- (9) Accessory dwelling unit.
- (10) Gardening (no zoning permit required).

§ 7.4. General Standards.

(1)

The master plan of the PUD 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)

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.

(4)

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.

(5)

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.

(6) 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

- (a) Locating dwelling units above the ground floor of a commercial building.
- (b) 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.
- (c) 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)

§ 7.5. District Requirements.

(1)

The minimum size for a district shall be five (5) contiguous acres, but contiguous additions to the district may be added by the same process as set forth below.

(2)

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:

(a)

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;

(b)

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

(3)

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.

(4)

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.

(5)

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

(6)

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.

(7)

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.

(8)

Each dwelling and commercial unit in the district shall front on a public street, except as permitted in Paragraph VII.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.

(9)

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

(10)

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.

§ 7.6. Setback and Yard Requirements.

(1)

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.

(2)

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.

(3)

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.

(4)

The minimum lot size, yard, frontage and width requirements shall be established and approved as part of the master plan process.

(5)

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.

(6)

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.

(7)

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.

§ 7.7. 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.

§ 7.8. 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.

§ 7.9. Development and Preservation of Common Areas.

(1)

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.

(2)

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.

§ 7.10. Procedure to Obtain Approval of Residential Planned Unit Development.

(1)

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.

(2)

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.

(3)

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.

(4)

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.

(5)

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

(6)

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.

(7)

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.

(8)

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.

§ 7.11. 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.

§ 7.13. 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 VIII. B-1 Neighborhood Business District Use Regulations

§ 8.1 Purpose of the district.

[Amended 11-26-2012 by Res. No. 2012-10]

Pursuant to the general purposes of this chapter, the intent of the B-1 neighborhood commercial district is to provide for neighborhood commercial development primarily serving the needs of the residents within the district and the surrounding neighborhood and related uses including those public and semi-public uses and accessory uses as may be necessary to serve those businesses and residents. It is also the intent of this chapter to preserve and enhance the established character of older mixed use commercial and residential neighborhoods in the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling by right and through the conditional use permit process, mixed use developments, commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

§ 8.2 Permitted principal uses.

(1) Single-family dwelling, detached.

(2) Two-family dwelling.

(3) Church.

(4) Educational facility, primary/secondary.

(5) Educational facility, college/university.

(6) Cultural service

(7) Public park or playground.

(8) Community center.

(9) Existing railroad lines, not including switching or storage yards, or other station facilities.

(10) Public utility, neighborhood.

(11) Retail sales.

(13) Retail service.

(14) Office/Institution.

(15) Club.

(16) Community center.

(17)_Child day center.

(18) Family day home.

(19) Adult day care center.

(20) Adult day treatment facility.

(21) Assisted living facility.

(22) Commercial accessory apartment

(23) Construction office temporary

- (24) Event center
- (25) Funeral home
- (26) Greenhouse, commercial
- (27) Motor vehicle, parts/supply retail
- (28) Public sports/event center
- (29) Restaurant

§ 8.3 Conditional uses.

Certain uses are allowed by conditional use permit in the B-1 district, as follows:

- (1) Public maintenance and service facility.
- (2) Antenna and/or Satellite, when installed and maintained in accordance with in article XXIII.
- (3) Mixed-Use Planned Unit Development District (As regulated under Article VII of Appendix D the Zoning ordinance of the City Code).
[Added 11-26-2012 by Res. No. 2012-10]
- (4) Brewery, distillery, cidery.
- (5) Car wash.
- (6) Commercial indoor amusement.
- (7) Commercial Indoor Entertainment.
- (8) Commercial outdoor entertainment/sports and recreation.
- (9) Communication tower.
- (10) Construction sales and service.
- (11) Construction yard.

(12) Construction office and storage facility.

(13) Crisis center.

(14) Custom manufacturing.

(15) Halfway house.

(16) Hotel.

(17) Lawn and garden services.

(18) Live/work unit.

(19) Medical facility.

(20) Motor vehicle repair service, minor.

(21) Rooming house.

(22) Workshop.

§ 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. They include:

(1) Private garage or carport.

(2) Storage buildings 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) Fences and walls as permitted in § 2.9 of this ordinance.

[Added 5-22-2006^m]

[1]

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

(7) Additional provisions dealing with the location and size and heights of accessory structures are found in § 19.2(11).

§ 8.5 Minimum lot area.

(1) Business uses — No minimum lot area is established.

(2) Residential uses — The minimum lot area is 7,500 square feet.

(3) Mixed-Use Development — There is no minimum lot size.

[Added 11-26-2012 by Res. No. 2012-10]

§ 8.6 Setback regulations.

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

(1) Business uses and mixed-use developments — There is no minimum setback.

[Amended 11-26-2012 by Res. No. 2012-10]

(2) Residential uses — 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.

(1) Business uses and mixed-use development — There is no minimum lot frontage.

[Amended 11-26-2012 by Res. No. 2012-10]

(2) Residential uses — The minimum lot frontage 60 feet for one- and two-family dwelling units.

§ 8.8 Minimum lot width.

(1) Business uses and mixed-use development — There is no minimum lot width.
[Amended 11-26-2012 by Res. No. 2012-10]

(2) Residential uses — The minimum lot width shall be 60 feet for one- and two-family dwelling units.

§ 8.9 Yard regulations.

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 yard — Business uses and mixed-use developments. There is no minimum side yard.

[Amended 11-26-2012 by Res. No. 2012-10]

(2) Side yard — One- and two-family dwelling units. 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 — Business uses and mixed-use developments. The minimum depth of the rear yard shall be at least 30 feet from the principal permitted structure.

[Amended 11-26-2012 by Res. No. 2012-10]

(4) Rear yard — One and two family dwelling units. The minimum depth of the rear yard shall be at least 40 feet from the principal permitted structure.

(5) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 10.6 of this article.

§ 8.10 Height regulations.

(1)

Business uses. The maximum height of all structures shall not exceed 30 feet and shall not exceed two stories.

(2)

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

§ 8.11 Special provisions for corner lots.

Are set forth in § 19.2(7).

§ 8.12 Sign regulations.

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

§ 8.13 Parking regulations.


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

§ 8.14 Floodplain regulations.

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

§ 8.15 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. B-2 Central Business District Use Regulations

§ 9.1 Purpose of the district.

The purpose of commercial district, B-2, is to provide for commercial development and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serves the entire city and the surrounding region.

§ 9.2 Permitted principal uses.

[Amended by Ord. of 4-8-2002(3)]

- (1) Single-family dwelling, detached.
- (2) Two-family dwelling.
- (3) Church.
- (4) Educational facility, primary/secondary.
- (5) Educational facility, college/university.
- (6) Cultural service.
- (7) Public park or playground.
- (8) Community center.
- (9) Existing railroad lines, not including switching or storage yards, or other station facilities.
- (10) Public utility, neighborhood.
- (11) Retail sales.
- (12) Retail service.
- (13) Office/Institution.
- (14) Hotel
- (15) Bus terminal
- (16) Parking lot
- (17) Club.

- (18) Community center.
- (19) Child day center.
- (20) Family day home.
- (21) Adult day care center.
- (22) Adult day treatment facility.
- (24) Assisted living facility.
- (25) Brewery, distillery, cidery.
- (26) Car wash.
- (27) Commercial accessory apartment.
- (28) Commercial indoor amusement.
- (29) Commercial indoor entertainment.
- (30) Construction office temporary.
- (31) Crisis center.
- (32) Custom manufacturing.
- (33) Event center.
- (34) Funeral home.
- (35) Garden center.
- (36) Greenhouse, commercial.
- (37) Lawn and garden services.
- (38) Motor vehicle, parts/supply retail.

- (39) Motor vehicle, rental.
- (40) Motor vehicle repair service, major.
- (41) Motor vehicle repair service, minor.
- (42) Public sports/event center.
- (43) Restaurant.
- (44) Veterinary hospital/clinic.

§ 9.3 Conditional uses.

Certain uses are allowed by conditional use permit in the B-2 district, as follows: .

- (1) Public maintenance and service facility.
- (2) Commercial outdoor entertainment/sports and recreation.
- (3) Communication tower.
- (4) Construction sales and service.
- (5) Construction yard.
- (6) Contractor office and storage facility.
- (7) Live/work unit.
- (8) Medical facility.
- (9) Rehabilitation service.
- (10) Rooming house.
- (11) Tattoo parlor.

(12) Workshop.

(13) Any principal use permitted in the B-3 district, which will not be detrimental to other uses permitted in the B-2 district.

§ 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. They include:

(1) Private garage or carport.

(2) Storage buildings 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) Fences and walls as permitted in § 2.9 of this ordinance.

[1]

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

(7) Antenna and/or Satellite, when installed and maintained in accordance with article XXIII.

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

§ 9.5 Minimum lot area.

(1) Business uses — No minimum lot area is established.

(2) Residential uses — The minimum lot area is 7,500 square feet.

§ 9.6 Setback regulations.

[Amended by Ord. of 11-24-1997(3); Ord. of 2-25-2002(3)]

(1) Business uses — There is no minimum setback.

(2) Residential uses — All structures shall be set back at least ten 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) Business uses — There is no minimum lot frontage.

(2) Residential uses — The minimum lot frontage is 60 feet for one- and two-family dwelling units.

§ 9.8 Minimum lot width.

(1) Business uses — There is no minimum lot width.

(2) Residential uses — The minimum lot width shall be 60 feet for one- and two-family dwelling units.

§ 9.9 Yard regulations.

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 yard — Business uses. There is no minimum side yard.

(2) Side yard — One- and two-family dwelling units. 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 — Business uses. There is no minimum rear yard, except in those cases where a conditionally permitted B-3 use abuts an R District. In that case there shall be a rear yard of at least 30 feet.

(4) Rear yard — One- and two-family dwelling units. The minimum depth of the rear yard shall be 40 feet.

(5) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 11.6 of this article.

§ 9.10 Height regulations.

(1) Business uses. The maximum height of all structures shall not exceed 80 feet and shall not exceed or six stories.

(2) Residential uses. The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 9.11 Special provisions for corner lots.

Are as set forth in § 19.2(7).

§ 9.12 Sign regulations.

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

§ 9.13 Parking regulations.

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

§ 9.14 Floodplain regulations.

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

§ 9.15 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 X. B-3 General Business District Use Regulations

§ 10.1 Purpose of the district.

The purpose of commercial district, B-3, is to provide for intense commercial development and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serve a large portion of the community. It includes specialized businesses that are not appropriate for location in neighborhood business districts or the central business district.

§ 10.2 Permitted principal uses.

[Amended by Ord. of 4-8-2002(3)]

(1) Retail sales.

- (2) Retail service.
- (3) Church.
- (4) Educational facility, primary/secondary.
- (5) Educational facility, college/university.
- (6) Cultural service.
- (7) Public park or playground.
- (8) Community center.
- (9) Existing railroad lines, not including switching or storage yards, or other station facilities.
- (10) Public utility, neighborhood.
- (11) Office/institution
- (12) Bus terminal
- (13) Hotel
- (14) Parking lot
- (15) Funeral home
- (16) Motor vehicle dealership.
- (17) Motor vehicle repair, major.
- (18) Motor vehicle repair, minor.
- (19) Garden center.
- (20) Construction sales and service.
- (21) Industry, type 1
- (22) Retail services.
- (23) Commercial indoor amusement.
- (24) Warehousing and Distribution.

- (25) Club.
- (26) Community center.
- (27) Commercial indoor entertainment.
- (28) Child day center.
- (29) Adult day care center.
- (30) Adult day treatment facility.
- (31) Assisted living facility
- (32) Brewery, distillery, cidery.
- (33) Car wash.
- (34) Construction office temporary.
- (35) Construction office and storage facility.
- (36)Crisis center.
- (37) Greenhouse commercial.
- (38) Lawn and garden services.
- (39) Motor vehicle, parts/supply retail.
- (40) Motor vehicle, rental.
- (41) Park and ride facility.
- (42) Restaurant.
- (43) Taxidermy.
- (44) Truck stop.

(45) Veterinary hospital/clinic.

(46) Wholesale trade.

§ 10.3 Conditional uses.

[Amended by Ord. No. 6-12-2000(9); Ord. of 2-25-2002(6)]

Certain uses are allowed by conditional use permit in the B-3 district, as follows:

(1) Commercial accessory apartment.

(2) Commercial outdoor entertainment/sports and recreation.

(3) Communication tower.

(4) Live/work unit.

(5) Public utility, community.

(6) Rehabilitation service.

(7) Rooming house.

(8) Tattoo parlor.

(9) Workshop.

10) Any principal use permitted in the M-1 district and not permitted as a permitted principal use in the B-3 district, which will not be detrimental to other uses permitted in the B-3 district.

(11) Medical facility.

(12) Railroad yard.

(13) Blacksmith.

(14) Mobile home courts in accordance with the provisions of article XVI.

(15) Sexually oriented businesses in accordance with the provisions of § 2.10 of this ordinance.

(16) Kennel, commercial.

§ 10.4 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. They include:

(1) Private garage or carport.

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

(3) Sign, as permitted by article XXII of this ordinance.

(4) Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.

(5) Antenna and/or Satellite, when installed and maintained in accordance with article XXIII.

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

§ 10.5 Minimum lot area.

No minimum lot area is established.

§ 10.6 Setback regulations.

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

(1)

There is no minimum setback for business uses except that in a block which has business and residential district frontage 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.

(2)

Industrial uses — 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.

§ 10.7 Minimum lot frontage.

There is no minimum lot frontage.

§ 10.8 Minimum lot width.

There is no minimum lot width.

§ 10.9 Yard regulations.

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 yard — Business uses. There is no minimum side yard.

(2) Side yard — Manufacturing uses. The minimum side yard shall be equal to the building height, but never less than 15 feet. Where the use abuts an R district, the minimum side yard shall be 25 feet.

(3) Rear yard — Business uses. There is no minimum rear yard, except where the district abuts an R district, then the minimum rear yard shall be 30 feet.

(4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 12.6 of this article.

§ 10.10 Height regulations.

The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

§ 10.11 Special provisions for corner lots.

Are as set forth in § 19.2(7).

§ 10.12 Sign regulations.

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

§ 10.13 Parking regulations.

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

§ 10.14 Floodplain regulations.

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

§ 10.15 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 XI. M-1 Light Industrial District Use Regulations

§ 11.1 Purpose of the district.

The purpose of manufacturing district M-1 is to provide for light industrial activities and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with light industrial activities, including the manufacture, storage or handling of products that are not dangerous or offensive because of odor, dust, fire, explosion or other reasons, and which employ processes or equipment that do not produce objectionable noise, vibration, glare, smoke, gas, wastes or the like. The district also provides for retail and service businesses.

§ 11.2 Permitted uses.

[Amended by Ord. of 2-25-2002(7)]

- (1) Retail sales.
- (2) Retail service.
- (3) Industry Type 1.
- (4) Medical facility.
- (5) Railroad yard.
- (6) Blacksmith.
- (7) Kennel, commercial.
- (8) Wholesale trade.
- (9) Mini-Storage facility.

[Added 2-25-2008]

- (10) Construction office temporary.
- (11) Construction sales and service.

- (12) Construction yard.
- (13) Contractor office and storage facility.
- (14) Custom manufacturing.
- (15) Equipment sales and service.
- (16) Garden center.
- (17) Greenhouse, commercial.
- (18) Motor vehicle, dealership.
- (19) Motor vehicle repair service, major.
- (20) Public maintenance and service facility.
- (21) Public utility, community.
- (22) Public utility, neighborhood.
- (23) Shipping container.
- (24) Truck stop.
- (25) Truck terminal.
- (26) Existing railroad lines, not including switching or storage yards, or other station facilities.
- (27) Warehousing and distribution.

§ 11.3 Conditional uses.

Certain uses are allowed by conditional use permit in the M-1 district, as follows:

- (1) Brewery, distillery, cidery.
- (2) Communication tower.
- (3) Flea market.
- (4) Industry, type 2.
- (5) Industry, type 3.
- (6) Towing service storage yard.
- (7) Transfer station.

§ 11.4 Permitted accessory uses.

- (1) Accessory uses customarily incidental to a permitted principal use including the dwelling of a watchman or caretaker.
- (2) Sign as permitted by article XXII of this ordinance.
- (3) Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.
- (4) Antenna and/or Satellitewhen installed and maintained in accordance with article XXIII.
- (5) Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11).

§ 11.5 Minimum lot area.

No minimum lot area is established.

§ 11.6 Setback regulations.

All structures shall be set back at least 25 feet from the right-of-way of any primary highway or other street.

§ 11.7 Minimum lot frontage.

No minimum lot frontage is established.

§ 11.8 Minimum lot width.

No minimum lot width is established.

§ 11.9 Yard regulations.

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 yard. Each side yard shall be equal to the building height, but no less than 15 feet. If the parcel abuts a residential (R) district, each side yard shall be equal to the building height, but no less than 25 feet.
- (2) Rear yard. No minimum depth for the rear yard is established, unless the parcel abuts a residential (R) district. If the parcel abuts a residential (R) district, the minimum depth of the rear yard shall be at least 30 feet.
- (3) Front yard. Except as provided for in article XIX front yard regulations are set forth in § 11.5 of this article.

§ 11.10 Height regulations.

The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

§ 11.11 Yard variations.

Are as set forth in § 19.2(7).

§ 11.12 Reserved.

§ 11.13 Sign regulations.

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

§ 11.14 Parking regulations.

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

§ 11.15 Floodplain regulations.

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

§ 11.16 Aircraft approach regulations.

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

ARTICLE XII. M-2 Heavy Industrial District Use Regulations

§ 12.1 Purpose of the district.

The purpose of manufacturing district M-2 is to provide for heavy industrial activities and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with heavy industrial activities. The district also provides for light industrial activities and retail business, associated with industrial activities.

§ 12.2 Permitted uses.

[Amended by Ord. of 2-25-2002(8)]

(1) Wholesale trade.

(2) Retail sales, when conducted as an incidental or accessory activity to a permitted industrial use. Such retail activities must occur on the same site as the permitted industrial use. They must occupy no more than ten percent of the gross floor area.

(3) Industry, Type 1.

- (4) Medical facility.
- (5) Railroad yard.
- (6) Blacksmith.
- (7) Industry, Type 2.
- (8) Kennel, commercial.
- (9) Construction office temporary.
- (10) Construction sales and service.
- (11) Construction yard.
- (12) Contractor office and storage facility.
- (13) Custom manufacturing.
- (14) Existing railroad lines, not including switching or storage yards, or other station facilities.
- (15) Truck terminal.
- (16) Motor vehicle repair service, major.
- (17) Public maintenance and service facility.
- (18) Public utility, community.
- (19) Public utility, neighborhood.
- (20) Shipping container.
- (21) Truck stop.
- (22) Warehousing and distribution.

§ 12.3 Conditional uses.

Certain uses are allowed by conditional use permit in the M-2 district, as follows:

- (1) Brewery, distillery, cidery.
- (2) Communication tower.
- (3) Industry, type 3.
- (4) Landfill, sanitary.
- (5) Towing service storage yard.
- (6) Transfer station.

§ 12.4 Permitted accessory uses.

- (1) Accessory uses customarily incidental to a permitted principal use including the dwelling of a watchman or caretaker.
- (2) Sign as permitted by article XXII of this ordinance.
- (3) Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.
- (4) Antenna and/or Satellite, when installed and maintained in accordance with article XXIII.
- (5) Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11).

§ 12.5 Minimum lot area.

No minimum lot area is established.

§ 12.6 Setback regulations.

All structures shall be set back at least 25 feet from the right-of-way of any primary highway or other street.

§ 12.7 Minimum lot frontage.

No minimum lot frontage is established.

§ 12.8 Minimum lot width.

No minimum lot width is established.

§ 12.9 Yard regulations.

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 yard. Each side yard shall be equal to the building height, but no less than 25 feet, for one yard. If the parcel abuts a residential (R) district, each side yard shall be no less than 100 feet.
- (2) Rear yard. No minimum depth for the rear yard is established, unless the parcel abuts a residential (R) district. If the parcel abuts a residential (R) district, the minimum depth of the rear yard shall be at least 30 feet.
- (3) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 12.5 of this article.

§ 12.10 Height regulations.

The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

§ 12.11 Yard variations.

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

§ 12.12 Sign regulations.

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

§ 12.13 Parking regulations.

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

§ 12.14 Floodplain regulations.

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

§ 12.15 Aircraft approach regulations.

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

ARTICLE XIII. RC Resource Conservation District Use Regulations

§ 13.1 Purpose of the district.

The purpose of conservation district, RC, is to provide for preservation of environmentally sensitive areas, resource extraction activities, and public and commercial recreational activities.

§ 13.2 Permitted principal uses.

(1) Agricultural activity.

- (2) Silvicultural activity.
- (3) Construction office temporary.
- (4) Public sports/event center.
- (5) Public park or playground.
- (6) Stable, commercial.
- (7) Public utility, community.
- (8) Public utility, neighborhood.
- (9) Existing railroad lines, not including switching or storage yards, or other station facilities.

§ 13.3 Conditional uses.

Certain uses are allowed by conditional use permit, as follows:

- (1) Resource extraction in compliance with the requirement of mines and mining of Code of Virginia, § 45.1-161.1 et seq.
- (2) Hotel.
- (3) Commercial outdoor entertainment/sports and recreation.
- (4) Marina and incidental uses such as retail sales and services.
- (5) Commercial outdoor swimming pool and tennis facility.
- (6) Communication tower.
- (7) Golf course.

§ 13.4 Permitted accessory uses.

- (1) Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot.
- (2) Sign as permitted by article XXII of this ordinance.
- (3) Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11).
- (4) Antenna and/or Satellite, when installed and maintained in accordance with article XXIII.
- (5) Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11).

§ 13.5 Minimum lot area.

The minimum lot area shall be one acre.

§ 13.6 Setback regulations.

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

All structures shall be set back at least 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 setback at least 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 50 feet wide.

§ 13.7 Minimum lot frontage.

The minimum lot frontage shall be 150 feet.

§ 13.8 Minimum lot width.

The minimum lot width shall be 150 feet.

§ 13.9 Yard regulations.

- (1) The minimum side yard shall be 20 feet for each yard.
- (2) The rear yard depth shall be at least 50 feet.

§ 13.10 Height regulations.

The maximum height of structures shall not exceed 80 feet and shall not exceed six stories.

§ 13.11 Yard variations.

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

§ 13.12 Sign regulations.

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

§ 13.13 Parking regulations.

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

§ 13.14 Floodplain regulations.

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

§ 13.15 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 XIX. Supplementary Regulations: Heights, Lot Sizes, Yards, etc.

§ 19.1 Table of requirements.

Table I summarizes the requirements for lot sizes, yards and structure height applicable in specific districts.

§ 19.2 Additional requirements, exceptions and limitations.

[Amended by Ord. of 11-24-1997(9); Ord. of 11-24-1997(10)]

In addition to requirements for lot sizes, yards and the height of structures outlined in the articles concerning each district for specific uses and types of uses, there are established specific requirements for modifications to these requirements.

(1)

Height limitations do not apply to:

(a)

Barns, silos or other farm structures.

(b)

Elevators, derricks, towers and other necessary industrial equipment, provided these are at least 50 feet from a property line.

(c)

Church spires, belfries, cupolas, domes, monuments, water towers, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials.

(d)

Parapet walls, extending not more than four feet above the limiting height of the building.

(2)

Any lot lawfully of record may be used for a single-family dwelling, even though such lot does not meet the current lot area or lot frontage (width) requirements of the district, provided all other regulations of this ordinance are satisfied. Such single family dwelling shall not be deemed to be nonconforming.

[Amended 8-28-2006 and 0/0/2023]

(3)

Front yards on through lots.On any lot that runs through a block from street to street, a front yard as otherwise required in the zone shall be provided along each street lot line. This requirement shall not apply to lots that back up to alleys. Amended 0/0/2023

(4)

Front yard requirements in developed areas.Where existing buildings or structures occupy lots comprising at least fifty percent (50%) of the lots within a block, and the average front yard depth of the existing buildings or structures is less than that required by this ordinance, the average so established may be taken in lieu of that which is normally required, provided that in no case shall a front yard depth so determined be less than fifteen (15) feet, or less than the setback line denoted on a recorded subdivision plat, whichever is greater. For the purpose of this calculation, lots on the same side of a street on either side of the lot in question for a distance of six hundred (600) feet or to the nearest street intersection, whichever is less, shall be considered. Amended 0/0/2023

(5)

Setback measurement from right-of-way.

(a)

If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line, except where such line may be modified or supplemented by any officially adopted street widening or location plan of the City of Franklin or the State of Virginia, an attested copy of which has been or may be filed with the City, in which case, the latter shall control. On streets not covered by the foregoing rule, said yards shall be measured from the existing right-of-way line, except that for the purpose of this ordinance, no street shall be considered as having an established right-of-way less than 50 feet wide. Amended 07/02/2023

(b)

In any district, on any lot which fronts on a road having a right-of-way less than fifty (50) feet wide or of undetermined width, the required minimum front yard setback line shall be measured from a point twenty-five (25) feet from the center of such street right-of-way.

Amended 07/02/2023

(6)

Projections into yards. Architectural features may project into required yards as follows:

(a)

Cornices, canopies, eaves, chimneys or other architectural features may extend not more than 36 inches into a front, rear or street side yard.

(b)

Terraces, decks, steps uncovered porches and landings, not more than three feet above the finished grade, may extend not more than six feet into a front, rear or street side yard.

(c)

Fire escapes may extend not more than four feet, six inches (4.5 feet) into a front, rear, or street side yard.

(d)

Bay windows and balconies occupying not more than one-third of the wall length may extend not more than five feet into a front, rear, or street side yard.

(e)

Any of the architectural features, enumerated in §§ 19.2(6)a. — d., subject to the same conditions, may project into a side yard along an interior side lot line, up to one-fifth of the required side yard width, but no more than three feet in any case.

(7)

Side yard variations. Variations to side yard requirements are required or allowed as follows:

(a)

On a narrow lot or record at the time of enactment of this zoning ordinance the side yards may be reduced in proportion to the width of the lot, provided that no required side yard may be reduced to less than five feet. Amended 0/0/2023

(b)

Corner lot.On a corner lot in any zone, both yards fronting the street shall equal the required minimum frontage, width and front yard setback for that zone. Of the two (2) sides of the corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on the streets. The Zoning Administrator has the ability to waive this requirement In the case of developed neighborhoods where structures have historically been allowed to encroach in the corner side setback consistent with the existing development pattern.

Amended 0/0/2023

(c)

Side yard exceptions for attached dwellings.In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.

Amended 0/0/2023

(d)

Measure of setback distances or required yards.Setback distances or required yards shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.). Amended

0/0/2023

(8)

On a lot less than 100 feet deep, of official record at the time of enactment of this ordinance, the rear yard may be reduced to 40 percent of the lot depth, but to no less than 15 feet in any case. Amended 0/0/2023

(9)

Prohibited uses.....The following uses are specifically excluded from all residential districts: Amended 0/0/2023

(a)

Unless otherwise expressly permitted, the use of a recreational vehicle as a temporary or permanent residence.

(b)

The use of a motor vehicle permanently parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

(c)

It shall be unlawful for any person, firm or corporation to keep on any property any watercraft which is inoperable, except within a fully enclosed building or structure or otherwise shielded or screen from view. Shielded or screened from view means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

(d)

Parking of a commercial vehicle overnight shall be prohibited, unless otherwise expressly permitted by this ordinance.

(e)

No construction machinery or similar equipment shall be parked overnight unless the machinery is incidental to improving the premises.

(10)

Where a court is provided for the purpose of furnishing light and air to rooms in which persons are to live, sleep or work, except storage rooms, such court shall be an outer court, open on at least one side and shall have at least the following dimensions:

(a)

Dwelling and other buildings in R districts, the least width shall be the sum of the heights of building wings opposite one another or a minimum of 50 feet.

(b)

Non-dwelling structures in B or M districts, two-thirds of the sum of the heights of building wings opposite one another or a minimum of 40 feet.

(c)

In all cases, the maximum depth shall be one and one-half times the width.

(11)

Accessory uses

(a)

A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use. Amended 0/0/2023

(b)

An accessory use does not have to be connected with a principle use. However, their association must take place with sufficient frequency that there is common acceptance of their relatedness. Amended 0/0/2023

(c)

In any residential district requirements for accessory structures shall be as follows:

- i. Accessory structures located in any part of a rear yard may not exceed 30 percent of the area of the required rear yard.
- ii. Accessory structures may not exceed 18 feet in height.
- iii. Accessory structures located in a rear yard shall be set back at least three feet from any rear lot line or from any side lot line and at least six feet from any alley except if such structure is more than 12 feet in height, it shall be set back at least ten feet from any rear lot line, from any alley or from any side lot line. Amended 0/0/2023
- iv. Accessory structure requirements in developed areas.....On a corner lot any accessory structure in the rear yard shall be set back as far away from the adjacent street as the principal structure except that such structure in the required rear yard of such corner lot shall be no closer to the corner side street than the principle dwelling located on the adjacent lot to the rear of the corner lot. Amended 0/0/2023
- v. Accessory structures located in a front or side yard shall be set back as far from the front and side lines as the principal structure must be.™
- vi. Accessory Dwelling Units (ADU's) as allowed by the zoning district shall meet the following criteria: added by Ord. No. 2018-05, 6-25-20181.
 1. ADU's shall be located in the rear yard only.
 2. ADU's are limited to a minimum of 300 and a maximum of 900 square feet of living space and shall be smaller in area than the main structure.
 3. No more than one (1) ADU shall be allowed per lot.
 4. ADU's must meet the minimum side yard setback as the main structure.
- vii. The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal USES: Amended 0/0/2023
 1. Hobbies or recreational activities of a noncommercial nature.
 2. The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling.

3. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety-day period.
- viii. The square footage of an accessory building shall not exceed the square footage of the primary structure. *Amended 0/0/2023*
- ix. Special regulations for a guest house: *Amended 0/0/2023*
 1. Location.A guest house shall be permitted as indicated in the zoning district regulations as an accessory structure and shall meet the required setbacks for the primary structure.
 - a. The owner of the lot or parcel must occupy the primary dwelling.
 - b. A guest house shall not be permitted as an accessory structure prior to the construction and occupancy of the primary dwelling.
 2. Occupancy.
 - a. No such quarters shall be occupied by the same guest or guests for more than three (3) consecutive or non-consecutive months in any twelve-month period.
 - b. No such quarters shall be rented, leased, or otherwise made available for compensation of any kind.
 3. Maximum floor area.The maximum floor area of a guest house shall not exceed thirty percent (30%) of the floor area of the primary dwelling, excluding garages, breezeways, patios, decks, etc.
 4. Maximum number of bedrooms.No more than two (2) bedrooms are permitted in a guest house.
 5. Maximum number of guest houses.There shall be no more than one (1) guest house permitted per residential lot or parcel.
 6. Exterior appearance.The design of a guest house shall maintain and enhance the character and exterior appearance of the primary dwelling.
 7. A guest house shall not contain kitchen facilities.

Article XIV. (Reserved)

ARTICLE XXVII. Board of Zoning Appeals

§ 27.1 Creation of board.

[Amended by Ord. of 7-10-1995(4)]

The circuit court of Southampton County is hereby requested to appoint a board of zoning appeals for the City of Franklin consisting of seven residents of the city in

accordance with Code of Virginia, § 15.2-2308. Such board shall organize itself, adopt rules of procedure, hold meetings, keep records, and exercise its general powers and duties, all as prescribed in Code of Virginia, § 15.2-2308 et seq. The board may call upon any city officer or department for information or assistance in the performance of its duties, and such officer or department shall render such assistance as may reasonably be required.

§ 27.2 Powers of the board.

[Amended by Ord. No. 2004-18. 6-28-2004]

In accordance with Code of Virginia, § 15.2-2309 et seq., the powers of the board shall be as follows:

(1)

Administrative review. The board shall have the power to hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or zoning administrator in the administration and enforcement of this ordinance.

(2)

Variations. The board shall have the power to authorize upon appeal or original application in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

(a)

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variance shall be in harmony with the intended spirit and purpose of the ordinance.

(b)

No grant of variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

(c)

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(3)

Interpretation of zoning district map. The board shall have the power to hear and decide applications for interpretation of the zoning district map as further set forth in § 27.4.

§ 27.4 Interpretation of map.

[Amended by Ord. No. 2004-18, 6-28-2004]

(1)

The board shall have the power to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(2)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant shall post the sign or signs provided to him or her by the zoning administrator providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 27.5 Applications for variances.

[Amended by Ord. No. 2004-18, 6-28-2004]

(1)

Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board.

(2)

No such variances shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. In addition, an applicant shall post the sign or signs provided to him or her by the zoning administrator providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

(3)

The zoning administrator shall also transmit a copy of the application the local planning commission which may send a recommendation to the board or appear as a party at the hearing.

(4)

The same or substantially the same application shall not be considered by the board within a year of date of the original application.

§ 27.6 Appeal to board.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance. Such appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a

court of record, on application and on notice to the zoning administrator and for good cause shown.

§ 27.7 Procedures on appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or zoning administrator to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

§ 27.8 Fee for application or appeal.

[Amended by Ord. No. 2004-4, 5-24-2004 and by Ord. No. 2016-02, 2-8-2016 and 0/0/2023]

(1)

Any application for interpretation of the zoning map or variance shall be accompanied by the prescribed fee to cover the cost of advertising of public notices and expenses incidental to processing and reviewing such application.

(2)

Any appeal to the board from any order, requirement, decision, or determination of the zoning or other administrative officer in the administration of this ordinance shall be accompanied by the prescribed fee to cover the cost of advertising of public notice and expenses incidental to processing and reviewing such appeal.

§ 27.9 Appeal from decision of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the city may present to the Southampton Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board as set forth in Code of Virginia, § 15.2-2314.

ARTICLE XXVIII. Changes and Amendments

§ 28.1 Authority of city council.

In accordance with the provisions of Code of Virginia, §§ 15.2-2285 — 15.2-2286, and § 15.2-2303, the city council may from time to time amend, supplement, or change by ordinance the number, shape, or area of districts established on the zoning district map or the regulations set forth in this ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall have first been submitted to the city planning commission for its recommendation and such commission shall have been allowed a reasonable time, not less than 30 days, for investigation and report.

§ 28.2 Methods of initiation.

An amendment or change may be initiated by (1) resolution of the city council; (2) by motion of the planning commission; or (3) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, including applications for conditional and special use permits, addressed to the city council or planning commission, which shall forward such petition to the city council. Any such resolution by the city council or motion by the planning commission shall state that the proposed amendment is required by public necessity, convenience, general welfare or good zoning practice.

§ 28.3 Hearing before planning commission.

[Amended by Ord. No. 2004-19, 6-28-2004]

(1)

Before submitting its recommendation, the planning commission shall hold a public hearing on the proposed amendment, change or application for conditional or special use permit after giving notice as required by Code of Virginia § 15.2-2204, as amended.

(2)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant for rezoning shall post the sign or signs provided to him or her by the secretary of the planning commission providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 28.4 Hearing before city council.

[Amended by Ord. No. 2004-19, 6-28-2004]

(1)

The city council, after receiving the report of the planning commission, shall hold a public hearing in accordance with the provisions of Code of Virginia § 15.2-2285, after giving public notice as required by Code of Virginia § 15.2-2204, as amended.

(2)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant for rezoning shall post the sign or signs provided to him or her by the clerk of the city council providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 28.5 Joint hearings.

Notwithstanding the provisions of §§ 28.3 and 28.4, the planning commission and the city council may hold a joint public hearing after public notice has been given as required by Code of Virginia, § 15.2-2204, as amended. If such joint hearing is held, then public notice need be given only by the city council. After such joint hearing the planning commission shall submit its recommendation on the proposed amendment or change to the city council.

§ 28.6 Fees.

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

Any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor, who makes an application to amend the district boundaries or zoning classification of property shall pay the prescribed fee to cover the cost of advertising of notices and processing such application.

(1)

All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted.

(2)

Fees for engineering/consultant review.If in the discretion of the county review of any request by any outside engineering firm or other consultant expert in the field of the request is deemed necessary, the landowner/applicant shall be required to pay the fee for such review prior to consideration of the request by the city. The purpose of the review will be to ensure that the request complies with any applicable regulations.

§ 28.7 Conditional zoning.

[Amended 1-8-2007]

(1)

Conditional zoning authorized. Whenever it appears that the zoning methods and procedures provided for elsewhere in this ordinance may prove to be inadequate in regard to a particular zoning reclassification, and when a more flexible and adoptable zoning method is deemed necessary, amendments to this ordinance may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the city that are not generally applicable to land similarly zoned.

(2)

Proffer of conditions. Proposed rezonings may include the voluntary proffering in writing by the property owner of reasonable conditions to attach to the rezoning of his property in addition to the regulations already provided for in the applicable zoning district, provided that:

(a)

The rezoning itself must give rise to the need for the conditions.

(b)

Such conditions shall have a reasonable relation to the rezoning.

(c)

Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for by the subdivision ordinance of this city (Appendix C).

(d)

Reasonable conditions may include the payment of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an

amendment to the required comprehensive plan and incorporated into the capital improvements program.

(e)

All such conditions shall be in conformity with the comprehensive plan of the city.

(f)

Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by the conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(g)

The planning commission and the city council may approve permitted conditional uses as a part of a conditional rezoning.

[Added 11-26-2012 by Res. No. 2012-11]

(3)

Time of proffer. All written proffers shall be filed with the application for rezoning. City Council may accept amended proffers once a public hearing has begun if the amended proffers do not materially affect the overall proposal.

(4)

Enforcement, guarantees and administration of conditions.

(a)

The zoning administrator shall administer and enforce conditions attached to a rezoning including:

- i. The ordering in writing of the remedy of any noncompliance with such conditions:
- ii. The referral of any noncompliance to the city attorney with a request for appropriate legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceedings; and
- iii. Requiring a guarantee, satisfactory to the city council, in an amount sufficient for and conditional upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee in like amount so conditioned, which guarantee shall be

reduced or released by the city council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

(b)

Failure to meet any and all conditions imposed as a condition of rezoning shall constitute cause to deny the issuance of any of the required use, occupancy or building permits, as may be appropriate.

(c)

Any zoning applicant who is aggrieved by a decision of the zoning administrator pursuant to the provisions of paragraph (a) of this subsection may petition the board of zoning appeals for a review of the decision of the zoning administrator.

(5)

Records. The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district.

(6)

Substantial conformity. Upon approval of an application and proffered conditions, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations or other demonstrative materials and no development shall be approved by any city official in the absence of such substantial conformity. For the purpose of this subsection "substantial conformity" means that level of conformity which leaves a reasonable margin for adjustment due to final engineering data but which conforms with the general nature of the development, the specific uses and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

(7)

Amendments and variations of conditions. There shall be no amendment or variation of conditions created pursuant to the provisions of subsection 28.7(b) until after public hearings before the planning commission and city council advertised pursuant to the provisions of Code of Virginia, § 15.2-2204.

(8)

Relation of section to other laws. The provisions contained in this section shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this Code or other city ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code or other city ordinance.

§ 28.8 Conditional use permits.

[Amended by Ord. of 2-25-2002(2) and 0/0/2023]

(1)

The city council shall have the power to hear and decide applications for conditional use permits as may be authorized in this ordinance. No such application shall be considered by council unless the application shall have first been submitted to the city planning commission for its recommendation and such commission shall have been allowed a reasonable time, not less than 30 days, for investigation and report.

(2)

In considering an application for a conditional use permit, the planning commission and council shall determine the appropriateness of the application based upon the following standards:

(a)

The use is compatible with the character and appearance of the surrounding neighborhood by virtue of its height, bulk, location on site and the design and location of parking, signage, landscaping and other outside activities or structures.

(b)

The use does not create a demand on public water or sanitary sewer services that exceeds the design capacity of those systems at the proposed site or that would in any way decrease the quality of service to the surrounding neighborhood.

(c)

The use does not generate traffic or parking on public streets that exceeds the design capacity of said streets and does not create a dangerous traffic problem by virtue of driveway location, site clearance, driveway slope or other factors.

(d)

The use does not increase the flood potential in the surrounding neighborhood.

(e)

The use is in conformance with the setback, yard, frontage, lot area, parking, signage, screening and any other applicable requirements of the zoning ordinance as they pertain to the district in which the use is to be located or to the specific use.

(f)

The use does not adversely affect the health or safety of persons residing or working in the neighborhood.

(g)

The use is not detrimental to the public welfare or injurious to other property and improvements in the neighborhood.

(h)

The use is not in conflict with the comprehensive plan and complies with all applicable federal, state and local laws.

(3)

The council may approve or disapprove the permit based upon its determination as to whether or not the use is in keeping with the standards set forth hereinabove in subsection (2) or can be made compliant therewith by the imposition of conditions on the permit. In the event that the council determines that conditions are required for compliance with the above standards, it may condition the granting of the permit on adherence to conditions with respect to the location, construction, maintenance or operation of the use.

(4)

The council may limit the duration of a permit and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(5)

Construction or operation of the conditional use shall commence within one year of the issuance of the permit, except that the zoning administrator may extend this period for up to one more year upon the administrator's determination in his or her sole discretion that additional time is reasonably needed to complete the construction or commence operations. If after the permit is issued and the use for which the permit is issued is discontinued for a period of more than one year, the permit shall become void.

(6)

The council shall also have the power to revoke a conditional use permit if it determines that there has not been compliance with the terms or conditions of the permit. No

conditional use permit shall be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

§ 28.10 Special use permits for uses not provided for.

[Amended by Ord. 0/0/2023]

(1)

If, in any district established under this ordinance, a use is not specifically permitted and an application is made to the zoning administrator for such use, the zoning administrator shall refer the application to the planning commission as a special use permit. The planning commission shall make its recommendation to the city council after holding a public hearing on the said application.

The city council may, after receiving the recommendations from the planning commission and after holding a public hearing on said application, issue a special use permit for said use for a temporary period or permanently, as determined by the council, upon such conditions as the council may deem necessary to safeguard and protect the public health, morals, safety and general welfare of the neighborhood or area within the proposed use will be located.

(2)

Initiation of special use permit.

(a)

The property owner or other person with an enforceable legal interest in the property may file an application for a special use permit.

(3)

Application for special use.An application for special use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth. Such application shall be forwarded from the zoning administrator to the planning commission for review and recommendation. The planning commission shall conduct a public hearing and render a recommendation on the application, which shall be forwarded to city council.

(4)

Planning commission recommendation.The planning commission, after public notice and hearing, shall forward its recommendation to city council which in turn shall hold another hearing.

(5)

The city council after public notice and hearing and upon recommendation by the planning commission may authorize the issuance of special use permits in harmony with the general purpose and intent, as hereinafter provided, and subject to appropriate conditions.

(6)

Standards for review of a special use application.The planning commission and city council shall consider the following criteria before the granting of a special use permit:

(a)

That the establishment, maintenance, and operation of the special use will not be detrimental to or endanger the public health, safety, and general welfare;

(b)

That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;

(c)

That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;

(d)

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;

(e)

That the proposed special use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;

(f)

That the special use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use;

(g)

That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

(7)

Conditions and guarantees.The city council may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

(a)

The number of persons living or working in the immediate area and the proposed hours of operation, as may be applicable;

(b)

Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;

(c)

The orderly growth of the neighborhood and community and the fiscal impact on the city;

(d)

The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;

(e)

Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the county or persons to supply such services;

(f)

The degree to which the development is consistent with generally accepted engineering and planning principles and practices;

(g)

The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;

(h)

The purposes set forth in this ordinance, the county's comprehensive plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;

(i)

The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space;

(j)

The preservation of cultural and historic resources or landmarks.

(8)

Other laws applicable.The granting of a special use does not exempt the applicant from obtaining a zoning permit certificate or complying with all other requirements of this ordinance or any applicable county, state, or federal law.

(9)

Denial of a special use permit.If the city council finds that in an application for a special use provided in this ordinance and requested in said application will not conform to the general character of the neighborhood to which the proposed use will apply, and that the public health, safety and general welfare of such neighborhood will not be secure by granting such special use, then the city council may deny such application, anything in this ordinance to the contrary notwithstanding.

(10)

Effect of denial of a special use.

(a)

No application for a special use which has been denied wholly or in part by city council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by council.

(b)

The city council may, at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered, as determined by the zoning administrator.

(11)

Scope of approval.

(a)

Unless otherwise specified by the conditions of the permit, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the city council shall cause the permit to terminate and to become void.

(b)

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the city and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the city to rezone the subject property or to exercise any other power provided by law.

(c)

Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the city council, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement.

(d)

Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall terminate and become null and void. A use shall be deemed to have been "discontinued" when the use shall

have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

(12)

Revocation of special use permits.

(a)

The city council may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit.

(b)

After review by the zoning administrator and consideration and recommendation by the planning commission, the city council shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

- i. A change in conditions affecting the public health, safety and welfare since the adoption of the special use permit; or
- ii. Repeated violations of this article, including any conditions attached to the special use permit, by the owner/operator of the use; or
- iii. Fraudulent, false or misleading information or an error or mistake in fact supplied by the applicant (or his agent) for the special use permit.

(13)

Violations.If it is determined that violations exist with regard to an approved special use permit, the following procedure shall be followed: After review and recommendation by the planning commission, the city council shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

(a)

A change in conditions affecting the public health, safety and general welfare since adoption of the special use permit; or

(b)

Repeated violations, including any conditions attached to the special use permit owner/operator of the use; or

(c)

Fraudulent, false or misleading information or an error or mistake in fact supplied by the applicant (or his agent) for the special use permit.

ARTICLE XXIX. 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.

ACCESS, PEDESTRIAN

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

ACCESS, VEHICULAR

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

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.

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.

ACCESSORY USE

A use customarily incidental and subordinate to, and on the same lot as the principal use.

ADDITION

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

ADMINISTRATOR

See "Zoning Administrator."

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.

ALLEY

A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

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 external appearance, such as doors or windows or any enlargement to or diminution of an existing structure.

AMEND OR AMENDMENT

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.

APARTMENT

A dwelling unit located in a multi-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.

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.

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 story 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. 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.

BLACKSMITH

A business involving a person who makes and repairs things in iron by hand.

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.

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 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 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.

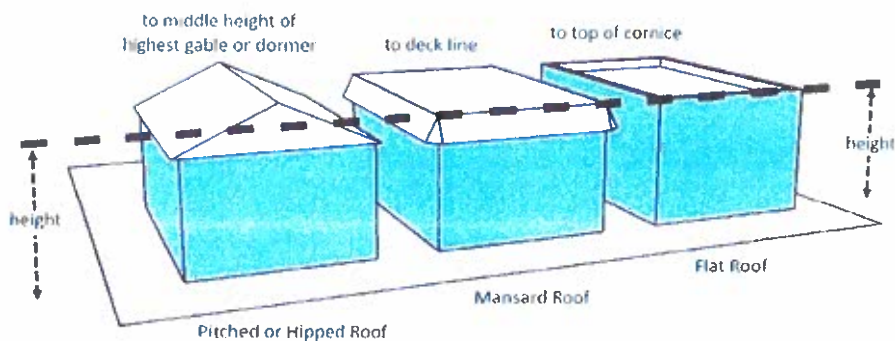
BUILDING FLOOR AREA

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 gable or dormer in a pitched or hipped roof.

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 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 carwashes.

CEMETERY

All land in the City and owned by the City devoted exclusively to the interment of deceased persons, and all land hereafter acquired by the City in the City for such purposes.

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.

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.

CLINIC

An institution, building, or part of a building where ambulatory patients receive health care. Included in this definition are urgent care facilities.

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.

CO-LOCATION

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

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.

COMMERCIAL ACCESSORY APARTMENT

An apartment or apartments above a commercial use.

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.

COMMERCIAL INDOOR ENTERTAINMENT

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

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 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

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.

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.

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.

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.

CONDITIONAL USE

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 city council following a recommendation by the planning commission by imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

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 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.

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.

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.

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.

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."

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

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.

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.

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.

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.

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.

DRIPLINE

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

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.

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, 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, MULTI-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.

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.

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

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.

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.

EVENT CENTER

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

FAÇADE

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.

FAMILY

A family shall be:

(1)

An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons 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.

FOSTER HOME

A residential institution providing care and guardianship for children whose parents are dead or unable to look after them.

[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 a structure, the flood insurance premiums maybe less expensive.

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 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 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.

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.

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 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.

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.

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.

HOME OCCUPATION

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

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. The use also includes sheet metal and welding shops.

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.

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 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.

KENNEL, COMMERCIAL

A soundproof enclosure or structure wherein dogs or cats or a combination thereof are kept for compensation for the purpose of breeding, hunting, training, renting or showing from which they cannot escape. It shall not mean a structure, wall or fence used to demarcate a property line.

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.

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.

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.

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.

LIVE/WORK UNIT

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

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.

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

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

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.

MARINA

A use for docking or mooring of more than four (4) boats (excluding paddle or rowboats) or providing services to boats, including servicing and repair, sale of fuel and supplies, and provisions of lodging, goods, beverages. A yacht or boat club shall be considered a marina.

MEDICAL FACILITY

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 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 As defined under Article XVB of this ordinance and 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.

MODULAR CLASSROOM

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

MODULAR HOME

See Dwelling, Single-family.

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.

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.

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.

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.

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.

MUSEUM

See "cultural service."

NONCONFORMING USE

The otherwise legal use of a building or structure or a tract of land 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 to the ordinance.

NONCONFORMING BUILDING 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.

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.

NONCONFORMING SITE

An otherwise legal site for which existing improvements do not conform to the lot coverage, bufferyard, landscaping, parking and other site requirements set forth 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.

NURSING 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.

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.

PARK AND RIDE FACILITY

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

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.

POST OFFICE

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

PRINCIPAL BUILDING

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

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.

PROFFER

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."

PUBLIC MAINTENANCE AND SERVICE FACILITY

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

PUBLIC PARK OR PLAYGROUND

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

[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.

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.

[Added 4-9-2007]

PUBLIC UTILITY, COMMUNITY

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.

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.

RAILROAD

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

RAILROAD YARD

A complex series of railroad tracks for storing, sorting, or loading/unloading, railroad cars and/or locomotives. This definition includes incidental structures for storage, consolidation and de-consolidation of freight.

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.

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.

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.

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.

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.

RESTAURANT

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

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.

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.

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.

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.

SATELLITE

See "Antenna".

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.

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

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.

SHIPPING CONTAINER

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

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.

SHRUB, DECIDUOUS

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

SHRUB, EVERGREEN

Any shrub which retains its foliage throughout the entire year.

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.

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.

STABLE, PRIVATE

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

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

SUBDIVISION

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.

TATTOO PAROR

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.

TAXIDERM

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

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:

(1)

Is primarily assembled at a location other than its site of installation;

(2)

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;

(3)

Has no more than 300 square feet of gross floor area; and

(4)

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.

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.

TOWNHOUSE

See "Dwelling, Attached."

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.

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.

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.

TRUCK TERMINAL

See “warehousing and distribution.”

VARIANCE

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

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.

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.

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.

WHOLESALE TRADE

A transitional stage involving the movement, storage and sale of bulk products to a retailer or consumer.

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.

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.

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.

ZONING, BASE DISTRICT

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

ZONING, SPECIAL OVERLAY DISTRICT

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

[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.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Franklin City Council that the Code of the City of Franklin, Virginia, Appendix D, Zoning, repeal the following articles:

Article VIIIA (R-UR Single Family Urban Revitalization Use Regulations, Article XIIA (B-3A General Business District Use Regulations) and Article XVA PEERC Planned Elderly or Retirement Residential Community District.

Adopted this _____ day of _____, 2023 by the City Council of the City of Franklin, Virginia.

Signed by:

Mayor,

Approved as to form:

Attorney

Attest:

Clerk

City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE I Districts and District Map

§ 1.1 Districts.

[Amended by Ord. No. 2004-7, 5-24-2004 [and 0/0/2023](#)]

For the purpose of this ordinance the City of Franklin is hereby divided into the following districts:

R-O One-Family Residence District

~~R-OA One-Family Residence District~~

R-1 ~~One-Family Limited Residential~~ District

~~R-1A General Residence District~~

~~R-1B One-Family Residence District~~

R-2 General Residential District

R-3 ~~Townhouse Mixed-Residential~~ District

~~R-UR Single-Family Urban Revitalization District~~

M-U Mixed Use Planned Unit Development District

B-1 Neighborhood Business District

B-2 Central Commercial Business District

B-3 General Business District

M-1 Light Industrial District

M-2 Heavy Industrial District

RC Conservation District

The term "R district," as used hereinafter, means the "R-O," "R-1A," "R-2," and "R-3" ~~and "R-UR"~~ districts. "B district" means the "B-1", "B-2" and "B-3" districts. "M district" means "M-1" and "M-2" districts.

§ 1.2 Map.

The boundaries of the several districts are hereby established as shown on the zoning district map which accompanies and is hereby made a part of this ordinance.^u The boundaries of said districts are intended to follow lot lines, other property lines, or the center lines of streets or alleys (existing or projected), all as they existed at the time of passage of this ordinance; except that where a district boundary clearly does not follow any such line and is not otherwise identified, it shall be located by a graduated measure or rule. Any question as to the location of a boundary shall be determined by the board of appeals as provided in article XXVII.

[1]

Editor's Note: The Zoning District Map is on file in the City offices.

§ 1.3 Annexations.

In case any territory has not specifically been included within one district or another, or may hereafter become a part of the incorporated area of Franklin by annexation or otherwise, such territory shall automatically be classified in the RCR-4 district until reclassified as provided herein.

ARTICLE II General Provisions

§ 2.1 Requirements are minimum.

The provisions of this ordinance shall be minimum requirements, adopted for the public health, safety, moral comfort, prosperity, and the general welfare. Where this ordinance imposes greater restrictions upon the use or height of buildings or the use of land, or requires larger lot yards, or other open space, than are imposed or required by other provisions of law or ordinance, the provisions of this ordinance shall prevail.

§ 2.2 Conformance required.

Except as hereinafter provided, no building, structure, land shall hereafter be used, and no building or part thereof or other structure shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered except in conformity with the regulations herein prescribed for the district in which such building, structure, or land is located.

§ 2.3 Street frontage required.

Each dwelling structure, other than a farm dwelling, shall be on a separate lot, which lot fronts upon a public street, and no dwelling except the residence of employees or caretakers and guest houses not for lease shall be located behind another building on the same lot. For the purpose of this regulation a two-family or multi-family dwelling may be regarded as one structure.

§ 2.4 Yards and lots may not be reduced.

[Amended 11-26-2007]

(1a)

No lot shall be reduced in size to less than required herein, or so as to make any yard or court less than the minimum required herein. No required open space, parking space, or loading space provided about any structure shall be considered as open space, parking space or loading space for any other structure.

(2b)

Any lot of official record at the time of enactment of this ordinance located in the B-1, B-2 and or R zoning districts which contains two detached single family dwellings or a single family dwelling and or a business that front on a public street may be subdivided into no more than 2 lots where the following conditions exist:

(a1)

Equal rear and or side yard distances are provided between units.

(b2)

The exterior walls of each structure shall meet the fire resistance rating for fire separation distance as required in the Virginia Uniform Statewide Building Code

based on the use classification of the structure and the distance between the structures and the proposed property line.

(c3)

The uses on each proposed lot are conforming or legally nonconforming.

(d4)

There is no reduction in the existing off-street parking spaces.

§ 2.5 Nonconforming uses and structures.

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(1a)

Any land or structure, or the use thereof, lawfully existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued except as provided in § 2.5(b). Nothing in this ordinance shall prevent the repair or maintenance of existing structures, nor the strengthening or restoring to a safe condition or any structure declared unsafe by the building inspector.

(2b)

A use or structure which does not conform to this ordinance may not be:

(a4)

Changed to another nonconforming use:

(b2)

Reestablished after discontinuance for two years;

(c3)

Rebuilt if damaged to the extent of two-thirds or more of its insurable value immediately prior to such damage.

§ 2.6 Public garages, service stations and convenience stores.

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No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, service station, or convenience store, having an entrance or exit for vehicles in the same block front, on the same side of the street and within 200 feet of any school, public playground, church, hospital, public library, day care center, group home or nursing home, and no such entrance or exit shall be located within the same block front and within 20 feet of any R district, nor shall any part of such structure be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

§ 2.7 Special regulations for townhouses.

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1A.

Townhouses are permitted as indicated in the underlying zoning district regulations. The following standards for townhouse development are intended to supplement, and in some cases, supercede those outlined in the district regulations:

a. Density requirements:

- i. Maximum density: Fourteen (14) dwellings units per acre
- ii. There shall be no more than ten townhouse dwelling units continuously connected.
- iii. There shall be no more than one (1) townhouse dwelling unit on a townhouse lot and each lot shall have a separate utility system.

b. Townhouse developments:

- i. Each parcel utilized for townhouse development shall have a minimum frontage of at least one hundred (100) feet upon a public street and shall have a minimum depth of not less than one hundred (100) feet.
- ii. A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.
- iii. Each such recreational space shall be at least fifty (50) feet in the least dimension.

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c. Townhouse lots:

- i. The lot width, measured at the building line, for individual townhouse dwelling units shall be no less than twenty (20) feet.
- ii. Individual townhouse lots shall contain no less than two thousand (2,000) square feet.

d. Yard requirements:

- i. Front yards....The front yard of a townhouse lot which fronts on a public or private street shall be twenty (20) feet.
- ii. Side yards....Side yards shall be required only for end unit lots of a townhouse structure and shall be twenty (20) feet in width, except that a side yard adjacent to a public or private street, or adjacent to the property line of the townhouse development shall meet the required minimum front yard setback.
- iii. Any end unit whose side wall faces a public or private street or adjacent to the property line of the townhouse

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development shall have a minimum side yard of twenty (20) feet.

iv. Rear yards...A rear yard of twenty (20) feet shall be provided for each townhouse lot.

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e. Management of Common areas:

All lands in common open space, not a part of individual lots, and all private streets, driveways, ~~uses, recreational and other~~ facilities, and buildings or portions thereof as may be provided for the common use, benefit, and/or enjoyment of the occupants of the development shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner provides for and establishes a homeowner's association ~~nonprofit organization~~ or other legal entity under the laws of Virginia.

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Such entity shall be composed of all persons having ownership within the development and such organization being responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities membership in the management structure shall be mandatory for all property owners, present or future, within the development.

f. Architectural requirements

(b):

Each dwelling unit of a townhouse development shall be on a separate lot and shall have a separate utility system. Separate lots for all dwelling units in a townhouse building shall be in conformance with the subdivision ordinance [Appendix C of the Code of Ordinances] of City of Franklin, Virginia.

(e):

For the purpose of the side yard regulations, a townhouse building shall be considered as one building on one lot with side yards required for end units only. Lot width for end units shall be adequate to provide required side yards from the front to the rear of the lot. Notwithstanding any other provision of this ordinance, any end unit whose side wall faces a public street shall have a minimum side yard of 20 feet.

(d):

There shall be no more than ten townhouse dwelling units continuously connected.

(ie)

The facades of dwelling units in a townhouse development shall be varied in materials and design so that no more than three abutting units will have the same essentially the same architectural treatment of facades and roof lines.

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ii. (f)

Both sides of the rear yard of each dwelling unit shall be screened with a privacy type fence or wall of six feet minimum height and extending not less than ten feet from the rear building wall.

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iii. (g)

Each lot shall have frontage on a dedicated public street or on a thirty-foot minimum width public access easement which shall be improved with a twenty-two-foot minimum width road unobstructed by parking with concrete curb and gutter on both sides and either a four-foot concrete sidewalk on at least one side or a ten-foot minimum width concrete sidewalk when adequate parking has been provided in convenient off-street bays.

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iv. (h)

Lots fronting on a public access easement and not a dedicated public street shall only be required to have a minimum front yard depth of 20 feet.

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v. (i)

For the purpose of the side yard regulations a townhouse accessory building may be constructed without any side yard and may be immediately adjacent or attached to the privacy fence or wall in the rear yard of the townhouse except that any accessory building constructed in the rear yard of an end unit must meet the same side yard requirements as the townhouse itself.

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§ 2.8 Prohibition of visual obstructions at street intersections.

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On corner lots in any district except the B-2 central business district, no fence, shrubbery, trees, other plantings or structures shall be permitted higher than three feet above the curb or street, whichever is higher, within a triangle formed by two twenty-foot legs measured from the point of intersection of the street right-of-way lines.

§ 2.9 Fences and walls.

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{Amended by Ord. of 11-24-1997(1)}

(a)

(at)

2/14/2023

A fence or wall not more than eight feet in height may be located in any required side or rear yard in any district other than a required side or rear yard adjacent to a street.

(b2)

No fence or wall which creates a solid screen may exceed three feet in height in any required front yard or side or rear yard adjacent to a street.

(c3)

Fences having a uniform open area of 50% or more may be erected to a maximum height of four feet in any required front, side or rear yard.

(d4)

Heights of fences or walls shall be measured from the average ground level adjacent to the fence or wall.

(2b)

Open wire fences not exceeding eight feet in height may be erected in any required yard when wholly or partially enclosing any public school, park, recreational or playground site or a public utility. Height shall be measured from the average level of the ground adjacent to the fence or wall.

(3e)

Fences of greater height and open wire fences at other locations may be allowed upon a finding by the zoning enforcement officer that they are reasonably required to protect safety or property.

§ 2.10 Sexually oriented businesses.

[Amended by Ord. of 6-12-2000(1)]

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(1a)

Intent. It is the intent of the city council to adopt regulations restricting the location and public visibility of sexually oriented businesses in order to protect and preserve the quality of life, of its citizens, its neighborhoods and its commercial districts based upon the following findings:

(a4)

Areas where children could be expected to walk, patronize or play, such as parks and playgrounds, should be free of such uses as being detrimental to their growth, character and safety.

(b2)

Such uses should not be located in close proximity to residential areas, because of the possibility of such uses leading to increased levels of criminal activity in such places, imperilment of the safety of the residents and reduction in property values.

(c3)

Such uses should not be located in close proximity to churches and other religious institutions, because they may have an adverse effect upon the attendance and ministry of same.

(d4)

Such uses should not be located in close proximity to schools or day care centers, because they may distract children from their educational endeavors, and the presence of patrons of such establishments may imperil the safety and welfare of children attending school or being cared for in a day care center.

(e5)

The location of more than one sexually oriented business in any particular area of the city would have a deleterious effect upon the neighborhood, other businesses in the area and the property values of the properties located in that area.

(f)

Definitions. For the purpose of this section the following words, terms and phrases shall have the following meanings:

(1)

ADULT BOOKSTORE OR VIDEO STORE—An establishment that devotes more than 15% of its total floor area, utilized for the display of books, periodicals or video cassettes, to the display, rental or sale of the following: (1) books, magazines, other printed matter, photographs, motion pictures, video cassettes, slides or other forms of visual or audio representations characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" or (2) instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

(2)

ADULT CABARET—An establishment which features semi-nude dancers, go-go dancers, exotic dancers, female or male strippers or impersonators, lap dancers or similar entertainers, whether performing on a stage or in a large area for a number of patrons or performing in a cubicle, booth or room for a single patron or small group of patrons.

(3)

ADULT MOTION PICTURE ARCADE—An establishment to which the public is invited or permitted wherein electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to patrons and where the images so displayed are characterized by an emphasis on depicting "specified sexual activities" or "specified anatomical areas."

(4)

ADULT MOTION PICTURE THEATRE—An indoor or outdoor establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other forms of visual representations are shown in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

(5)

SEXUALLY ORIENTED BUSINESS—Any adult bookstore, video store, adult cabaret, adult motion picture arcade, adult motion picture theatre or other similar establishment in which the description or depiction of "specified sexual activities" or "specified anatomical areas" for its patrons is a primary purpose.

(6)

SPECIFIED ANATOMICAL AREAS—Less than completely and opaquely covered (i) human genitals, pubic area, (ii) buttock(s) and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(7)

SPECIFIED SEXUAL ACTIVITIES—(1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human sexual intercourse, masturbation or sodomy and (3) fondling or other erotic touching of human genitals, pubic region, buttock(s) or female breast.

(3e)

Location and public visibility of sexually oriented businesses.

(a4)

No sexually oriented business may be located within 2,000 feet of another sexually oriented business in any zoning district:

(b2)

No sexually oriented business may be located within 2,000 feet of a district zoned residential, a church or other religious institution, a school, a licensed day care center or a public park or playground.

(c3)

No sexually oriented business may post, place, display or otherwise exhibit any photographic, pictorial or otherwise graphic or written advertisement depicting specified anatomical areas or specified sexual activities anywhere on the premises visible from the exterior of the same.

(d4)

Any activities occurring on the premises of a sexually oriented business shall be completely screened from the public view of persons walking or driving past the exterior of the premises.

(4d)

Measurement of distances. All distances specified in this section shall be measured from the nearest property line of one use to the nearest property line of another use or to the nearest residential zone boundary as the case may be.

(5e)

Districts in which permitted. Sexually oriented businesses shall only be located in B-3 general business districts as set forth in article XII herein.

(6f)

Severability. This section and every provision hereof shall be deemed severable, and the invalidity of any subsection, clause, paragraph, sentence or provision of the section shall not affect the validity of any other portion of this section.

§ 2.11 Temporary uses.

[Amended by Ord. No. 2005-18, 7-11-2005]

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(1a)

The purpose of this section is to provide general regulations for uses which have a seasonal or temporary duration.

(2b)

A temporary use zoning certificate will be issued by the zoning administrator, provided that the applicant meets all applicable requirements of this section and any other requirements determined by the zoning administrator to insure that the temporary use will not have a detrimental impact on the city.

(3e)

A temporary use zoning certificate shall be denied if the zoning administrator determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof to such applicant. In addition, such a certificate may be denied if the zoning administrator determines that the applicant has failed at some previous time to comply with the standards, conditions or terms of any previously issued zoning certificate.

(4d)

The temporary use zoning certificate for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this ordinance and to protect the public health, safety, and welfare.

(5e)

A temporary use zoning certificate may be revoked if any of the provisions of this section or any of the conditions imposed on such certificate are violated.

(6f)

Subject to the specific regulations and time limits that follow and other applicable regulations of the district in which the use is permitted, the following temporary uses are permitted with a temporary use zoning certificate:

(a1)

Sale of Christmas trees and greenery, pumpkins and other seasonal items is permitted when operated or sponsored by charitable or civic organizations or governmental agencies in business zoning districts; provided, however that any such use shall require the specific prior approval of the zoning administrator on the basis of the adequacy the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties. Such use shall be

limited to a period not to exceed 45 days. Display of Christmas trees and greenery, pumpkins and other seasonal items need not comply with the yard requirements of this ordinance, except that no merchandise shall be displayed so as to obstruct the sight distance triangle as described in § 2.8 of this ordinance.

(b2)

Festivals, bazaars, outdoor sale events, carnivals and circuses are permitted items when operated or sponsored by charitable or civic organizations or governmental agencies in business zoning districts; provided, however, that any such use shall require the zoning administrator's determination with regard to the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on adjacent properties. Such use shall be limited to a period not to exceed ten days. Such use need not comply with the yard requirements of this ordinance except that no structures or equipment shall be located within the sight distance triangle as described in § 2.8 of this ordinance. In addition, such use need not comply with the maximum height requirements of this ordinance. The concessionaire responsible for the operation of any such festival, bazaar, outdoor sale event, carnival or circus shall submit to the zoning administrator, at least ten calendar days in advance of the event date, a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead-end aisles.

(c3)

Tents used for commercial purposes large enough to accommodate persons in standing positions in business and industrial districts. No such tent shall be allowed to remain for a period of more than two days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten days. Unless waived in writing by the zoning administrator, every such tent shall comply with the front, side and rear yard requirements of the district in which it is located and shall not be located within the sight distance triangle as described in § 2.8 of this ordinance.

(d4)

Shipping containers, sea containers, freight containers, portable storage units and like containers in the active transport or storage of goods for sale or return, commercial or industrial equipment, fixtures or materials are permitted in business and industrial zoning districts for a period not exceeding 60 days. All such containers and units for which a zoning certificate has been issued pursuant to § 26.2 of this ordinance prior to the effective date of this ordinance shall not be required to comply with this ordinance.

(7g)

Trailers serving as contractors' offices, on-site storage yards for construction materials and containers for construction debris in conjunction with construction of improvements to real property during the construction period, are permitted in all zoning districts, but limited to 180 days in residential districts unless an extension is obtained from the zoning administrator for good cause shown; provided, however that containers for construction debris may only be placed on city streets and rights of way with the permission of the zoning administrator. A temporary use zoning certificate is not required for such trailers. Whenever feasible, such facilities shall not be located in any required front, side or rear yard on the site. When, due to site constraints, location outside of the required front, side or rear yards is infeasible, the location of such facilities shall be approved by the zoning administrator to minimize potential impact on adjacent properties. No equipment or material may be located within the sight distance triangle as described in § 2.8 of this ordinance. Temporary construction facilities shall be removed when a certificate of occupancy is issued or a final inspection is made upon completion of construction, whichever is first.

(8h)

No more than one portable storage unit, no higher than 8 1/2 feet tall, no more than 16 feet long and no more than eight feet wide, containing household goods or other personal items is permitted on residential property in any zoning district for a period not to exceed 30 days. A temporary use zoning certificate is not required for a portable storage unit, except after 30 days, the portable unit shall be removed unless granted an extension by the Zoning Administrator, subject to his or her discretion. Whenever feasible, such facilities shall not be located in any required front, side or rear yard of the property; within the site distance triangle as described in § 2.8 of this ordinance or on a public street, parking lot or other public property.

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(9i)

Tents used for residential purposes or for memorial services located in cemeteries or similar places large enough to accommodate persons in standing positions are permitted in all zoning districts without a temporary use certificate. Unless waived in writing by the zoning administrator, every such tent shall comply with the front, side and rear yard requirements of the district in which it is located and shall not be located within the sight distance triangle as described in § 2.8 of this ordinance.

(10)

Failure to obtain a temporary use zoning certificate as required hereinabove or any other violation of this section shall constitute a Class 3 misdemeanor.

§ 2.12 Group home public hearing.

[Added 5-22-2006]

Any party desiring to establish a group home or other residential care facility for children in need of services or for delinquent or alleged delinquent youth shall first provide public notice and participate in a public hearing in accordance with § 15.2-2204 of the Code of Virginia. Such public hearing shall be held before a zoning permit may be issued. (Repealed by Ord. No. 2018-09, 6-25-2018)

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§ 2.13 Special regulations for multi-family dwellings.

1.

Districts permitted: Multifamily dwellings are permitted as indicated in the zoning district regulations. The following standards for such uses are intended to supplement, and in some cases, supersede those outlined in the zoning district regulations.

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Density controls for multifamily apartment development.

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a.

Lot area and dimensions.

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i.

Minimum frontage: One hundred (100) feet in continuous frontage.

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ii.

Minimum lot depth: One hundred (100) feet.

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iii.

Minimum setbacks:

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Front: Thirty (30) feet.

Side: Fifteen (15) feet.

Rear: Twenty (20) feet.

3.

Buffers and special setback requirements.

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a.

An additional setback of one (1) foot for each one (1) foot of height in excess of thirty-five (35) feet shall be required from all public streets and any property line adjacent to single-family residential districts or property used for single family dwellings. No parking or refuse containers should be located within the required setback area between single family and multifamily.

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b.

The minimum distance between multifamily structures shall be no less than the height of the taller of the two (2) adjacent structures.

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Maximum density: Fourteen (14) dwelling units per acre.

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5.

Open space:

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a.

a.

A minimum of seven hundred and fifty (750) square feet per unit shall be maintained as open space. This required open space shall not be devoted to service driveways, off-street parking, or loading spaces.

b.

Each such recreational space shall be at least fifty (50) feet in the least dimension.

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6.

[Multifamily apartments:] Multifamily uses shall be provided with public water and public sewerage systems constructed in accordance with city standards and specifications for such systems and be approved by all appropriate agencies.

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[Private streets:]Private streets shall meet the design, material and construction standards established by the Zoning Administrator in coordination with the City of Franklin Public Works. A maintenance plan shall be prepared and submitted as part of the site development plan approval process.

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8.

Landscaping:For the purpose of landscaping, multifamily dwellings shall be treated as a regulated in Article XXV.

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9.

Management of common and open spaces in multifamily developments:

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a.

All common and open spaces shall be preserved for their intended purpose as expressed on the approved site plan.

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b.

A management structure consisting of a nonprofit association, corporation, trust, or foundation shall be established to insure the maintenance of open space and other facilities.

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c.

The management structure shall be established prior to final site plan or construction plan approval.

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d.

The management structure shall manage all common and open spaces, recreational and cultural facilities, and private streets, and shall provide for the maintenance, administration and operation of said land and improvements, and secure adequate liability insurance on the land.

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e.

The management structure and organization shall comply with the Condominium Act, Code of Virginia (1950), as amended, if developed as a condominium.

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10.

Architectural treatment:The following architectural treatments shall be incorporated into all multifamily developments:

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a.

Developments shall possess architectural variety but enhance an overall cohesive residential character. This character shall be achieved through the creative use of design elements such as balconies and or/terraces, articulation of doors and windows, varied

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sculptural or textural relief of facades, and architectural ornaments, varied rooflines or other appurtenances such as lighting fixtures and/or plantings, and where applicable varied placement of front entryways.

b.

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Pedestrian pathways shall be used to link all buildings, greenspaces, and recreational areas within the development. Buildings shall be linked to sidewalks and to each other as appropriate. These walkways shall be landscaped and lighted.

c.

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Open space areas shall be considered an organizing element of the site plan. Courtyards or greens shall be utilized within the development. In such instances, residential buildings shall front on these open spaces.

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City of Franklin, VA
Monday, November 15, 2021

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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, ~~detached~~.
- (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 disposal plants.~~
- ~~(g)(e)~~ Cluster zoning in accordance with the provisions of article ~~XV~~ VII of this zoning ordinance.
- ~~(f)~~ Family day home ~~guests~~ 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 ~~0/0/2023~~ ~~10-11-2021~~ ~~22~~]

Certain uses ~~are allowed by conditional use permit shall be conditionally permitted~~ in the R-O district, ~~as follows, when authorized as a special exception by the board of appeals:~~

- ~~(1)~~ (1) ~~Two-family dwelling.~~
- ~~(1)(2)~~ (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)~~ (2) ~~Club, country clubs,~~
- ~~(3)~~ (3) ~~Golf courses and similar recreational uses of a noncommercial nature.~~
- ~~(5)~~ (5) ~~Hospital,~~
- ~~(6)~~ (6) ~~Nursing home,~~
- ~~(7)~~ (7) ~~Funeral home, and~~
- ~~(4)(8)~~ (8) ~~cemeteries.~~
- ~~(5)(9)~~ (9) ~~Child day centers.~~
- ~~(6)(10)~~ (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)~~ (11) ~~Bed and breakfast inn.~~
- ~~(12)~~ (12) ~~Churches,~~
- ~~(13)~~ (13) ~~Educational facility, primary/secondary.~~
- ~~(14)~~ (14) ~~Educational facility, college/university, public and private schools,~~
- ~~(15)~~ (15) ~~Cultural Service, public libraries and museums, and~~
- ~~(16)~~ (16) ~~Community centers, not operated for commercial purposes.~~
- ~~(8)(17)~~ (17) ~~Kennel, commercial~~
- ~~(9)(18)~~ (18) ~~Dog kennel, private other than boarding or other commercial kennel, on a tract of five or more acres.~~
- ~~(10)(19)~~ (19) ~~Adult day care centers.~~
- ~~(11)(20)~~ (20) ~~Adult day treatment facility,~~
- ~~(12)(21)~~ (21) ~~Assisted living facility.~~

~~(13)(22)~~ Family day home, serving 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 garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) ~~Guest home~~ Guest houses.
- (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 5-22-2006]
- ~~(1)~~ Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).

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~~(10)(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. ~~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.~~

(6)

~~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 § 2-9 of this ordinance
 - (9) Foster homes
- [Added 5/22/2005(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

§ 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 19-2(6) 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 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 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 IV. R-1 ~~One-Family~~Limited Residential District Use Regulations

§ 45.1. 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.

§ 45.2. 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.

§ 45.3. ~~Permitted~~ Conditional uses.

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

Certain uses are allowed by conditional use permit shall be conditionally permitted in the R-1 district, as follows 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, country clubs.

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

~~(5)~~ Hospital,s.

~~(6)~~ nNursing home,s.

~~(7)~~ fFuneral home,s and

~~(3)(8)~~ eCemeter,yies.

~~(4)(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 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)~~ Ceommunity centers not operated for commercial purposes.

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

~~(9)(18)~~ Adult day treatment facility,ies.

~~(10)(19)~~ Assisted living facility,ies.

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

~~(21)~~ Workshop.

~~(11)~~

§ 45.4. 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 home~~ Guest houses.

(4) Workshops

~~(5) Employee living quarters~~ within a one-family dwelling for persons employed therein.

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~~(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.

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~~(6)~~

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(7) Temporary family health care structure. [Added by Ord. No. 2004-14, 12-17-2004]

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(8) Accessory dwelling unit. [Added by Ord. No. 2004-14, 12-17-2004]

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(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.

§ 45.5. Minimum lot area.

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

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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.

§ 45.6. 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.

§ 45.7. 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.

§ 45.8. 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 450 feet.

(4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 5.6 of this article.

§ 45.9. Height regulations.

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

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

Are as set forth in § 19.2.6(7) and (8).

§ 45.11. Sign regulations.

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

§ 45.12. Parking regulations.

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

§ 45.13. Floodplain regulations.

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

§ 45.14. 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. 6-12-2009(5); Ord. of 4-8-2002(3); Ord. No. 2005-9-5-9-2005]~~

- ~~(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 5-22-2006⁽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 and size of accessory structures are found in § 19-2(1) of this ordinance

§-6-5—Minimum lot area.

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(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 50 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 50 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 e.~~

~~(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 § 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 § 19.2(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

§ 58.1. Purpose of the district.

The purpose of residential district, R-2, is to provide for high 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.

§ 58.2. 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.

(i) Community recreation.

§ 58.3. Permitted Conditional uses.

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

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

(1) Multi-family dwellings.

~~(1)(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.

~~(14)(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)~~

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

(15) 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 centers, 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.

Field Code Changed

§ 58.4. 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 home~~ Guest houses.

(4) Workshop.

(5) Living quarters within a one-family dwelling for persons employed therein.

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(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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(8) Temporary family health care structure. [Amended by Ord. No. 2012-07, 6-15-2012]

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(9) Accessory dwelling unit. [Amended by Ord. No. 2016-05, 6-25-2016]

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(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.

§ 58.5. 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.

§ 58.6. 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.

§ 58.7. 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~~

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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.

§ 58.8. 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 residences and two-family dwellings/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 2540 feet from the principal permitted structure, if it is a detached single-family 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.

§ 58.9. Height regulations.

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

§ ~~58.10. Special provisions for corner lots~~ Yard variations.

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

§ 58.11. Sign regulations.

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

§ 58.12. Parking regulations.

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

§ 58.13. Floodplain regulations.

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

§ 58.14. 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, 5-24-2004}

~~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. 2004-8-5-24-2004; 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
[Adopted 5-22-2006¹];
- [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(m) 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. 2005-16, 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 16 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.~~

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~~§ 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.~~

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

§ ~~69~~.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.

§ 69.2. 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
- (d) Multi-family dwelling as set forth in section 2.13 of this ordinance
- (e) Public parks and playground
 - (c) Public playgrounds
- (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
- (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
- (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

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§ 69.3. Permitted Conditional uses.

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

Certain uses are allowed by conditional use permit shall be conditionally permitted in the R-3 district, as follows 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. Formatted: Indent Left: 0.3", No bullets or numbering
- ~~(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.
- ~~(6)~~ ~~(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.
- Churches. Formatted: Indent Left: 0.3", No bullets or numbering
- (5) Educational facility, primary/secondary
- ~~(6)~~ Educational facility, college/university public and private schools.
- ~~(6)~~ public libraries and museums and community centers not operated for commercial purposes. Formatted: Indent Left: 0.3", No bullets or numbering
- (7) Adult day care centers.
- ~~(8)~~ ~~(7)~~ Adult day treatment facilities.
- (9) Assisted living facilities. Formatted: Space After: 17.05 pt
- ~~(10)~~ ~~(8)~~ Family day home caring for nine or more children Mixed-use development. Formatted: Indent Left: 0", First line: 0"

§ 69.4. 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. of 11-24-1997(6)]

(10) Accessory dwelling unit. [Added by Ord. of 11-24-1997(6)]

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

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§ 69.5. 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.

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.

- Commented [BHW1]: Added minimum acreage to establish mixed-residential district.
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§ 69.6. 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.

§ 69.7. 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.

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

§ 69.8. 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 fifteen 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 206 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.

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§ 69.9. Height regulations.

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

§ [69.10](#). ~~Special provisions for corner lots~~ Yard variations.

Are as set forth in § 19.2 [\(6\)](#), [\(7\)](#) and [\(8\)](#).

§ [69.11](#). Sign regulations.

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

§ [69.12](#). Parking regulations.

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

§ [69.13](#). Floodplain regulations.

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

§ [69.14](#). 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 VII XVB. Residential Mixed Use Planned Unit Development District

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

§ 716B 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.

§ 716B 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.

(75)

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.

(63)

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

(74)

General and professional offices Office/Institution.

(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

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~~permitted in Article X of this ordinance (Neighborhood Business District) paragraph 10.2 subparagraph 10.2. Representative businesses include food stores, drug stores, 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~~

~~(9)~~

~~Hospitals~~

~~(10) in 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 Care Center~~

§ 715B.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

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~~(6)~~

~~Parking and loading areas.~~

~~(6.7)~~

~~Home occupations as defined in Article 28.~~

~~(7.8)~~

~~Signs as permitted in Article 22.~~

~~(8.9)~~

~~Guest home Guest houses~~

~~(9.10)~~

~~Accessory dwelling units~~

~~(10)~~

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

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§ 715B.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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§ 716B 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.

~~(i)~~
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.

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

~~(k)~~
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)~~
There 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~~ ~~and~~ of the approved master plan.

§ 715B.8. Management of Common Spaces and Facilities.

~~If 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.

§ 715B.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.

§ 715B.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 ~~conceptual~~ 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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§ 7-15B.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.

§ 7-15B.12. Reserved 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.~~

§ 7-15B.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~~Site 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 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. 2005-3-2-14-2005]

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, 2-14-2005]

- (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, 2-14-2005]

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 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 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 § 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 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 PERRG, 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 PERRG 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.

ARTICLE VIII ~~X~~ B-1 Neighborhood Business District Use Regulations

§ ~~810~~.1 Purpose of the district.

[Amended 11-26-2012 by Res. No. 2012-10 and 0/0/2023]

Pursuant to the general purposes of this chapter, the intent of the B-1 neighborhood commercial district is to provide for neighborhood commercial development primarily serving the needs of the residents within the district and the surrounding neighborhood and related uses including those public and semi-public uses and accessory uses as may be necessary to serve those businesses and residents. It is also the intent of this chapter to preserve and enhance the established character of older mixed use commercial and residential neighborhoods in the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling by right and through the conditional use permit process, mixed use developments, commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

§ 8.2 Permitted principal uses.

(1a)

Single-family dwelling, detached ~~One family detached dwelling units.~~

(2b)

Two-family dwelling ~~Two family dwelling units.~~

(3e)

Church, ~~Churches, public and private schools, public libraries and museums.~~

(4)

Educational facility, primary/secondary.

[2/10/2023](#)

(5)

Educational facility, college/university

(6)

Cultural service

(7)(d)

Public park or playground Public parks, playgrounds and

(8)

Community centers ~~not operated for commercial purposes.~~

(9e)

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

(10f)

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

(11g)

Clinic ~~Rooming houses not primarily for transients.~~

(12h)

Retail sales Any neighborhood retail business or service establishment located entirely within a building, which supplies commodities or services primarily for residents of the surrounding neighborhood. Representative businesses include food stores, drug stores, barbershops, clothes cleaning or laundry depots, self-service laundries, shoe repair shops, tailors, restaurants, clothing stores, hardware stores, health and fitness clubs, dance studio, business or professional offices service stations and convenience stores.

(13)

Retail service

(14)

Office/Institution

(15i)

Clubs, lodges and

(16)

Governmental service Community centers social or recreational buildings not conducted primarily for gain.

[2/10/2023](#)

(17j)

Child day centers.

(18k)

Family day homes.

(19l)

Adult day care centers

(20m)

Adult day treatment facilities.

(21n)

Assisted living facilities.

(22t)

Commercial accessory apartment

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(23u)

Construction office temporary

(24v)

Event center

(25w)

Funeral home

(26x)

Greenhouse, commercial

(27y)

Motor vehicle, parts/supply retail

(28z)

Public sports/event center

(29)

Restaurant

(30)

Group home.

(31)

Public safety service.

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§ 810.3 Permitted Conditional uses.

Certain uses are allowed by conditional use permit shall be conditionally permitted in the B-1 district as follows when authorized as a special exception by the board of appeals

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(1)

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

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(2)

Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use. Additional provisions governing antennas are included when installed and maintained in accordance with in article XXIII.

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(3)

Mixed-Use Planned Unit Development District Mixed-use development (As regulated defined in under Article VIII-VBIX of Appendix D the Zoning ordinance of the City Code).

(As Amended 11-28-2012 by Res. No. 2012-10)

(4)

Brewery, distillery, cidery

(5)

Car wash

(6)

Commercial indoor amusement

(7)

Commercial indoor entertainment

(8)

Commercial outdoor entertainment/sports and recreation

(9)

Communication tower

(10)

Construction sales and service

2/10/2023

(11)

Construction yard

(12)

Construction office and storage facility

(13)

Crisis center

(14)

Custom manufacturing

(15)

Halfway house

(16)

Hotel

(17)

Lawn and garden services

(18)

Live/work unit

(19)

Medical facility

(20)

Motor vehicle repair service, minor

(21)

Rooming house

(22)

Workshop

2/10/2023

(23)

Blacksmith.

(24)

Hospital.

§ 810.4 Permitted accessory uses.

(Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16 § 13-2005)

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Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot. They include:

(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.~~

(46)

Home occupations.

(57)

Signs, as permitted by article XXII of this ordinance.

(68)

Fences and walls as permitted in § 2.9 of this ordinance.

2/10/2023

(9)

Foster homes.

[Added 5-22-2006^u]

(1)

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

(940)

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

§ 840.5 Minimum lot area.

(1a)

Business uses — No minimum lot area is established.

(2b)

Residential uses — The minimum lot area is 7,500 square feet.

(3e)

Mixed-Use Development — There is no minimum lot size.

[Added 11-26-2012 by Res No 2012-10]

§ 840.6 Setback regulations.

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

(1a)

Business uses and mixed-use developments — There is no minimum setback.

[Amended 11-26-2012 by Res No. 2012-10]

(2b)

Residential uses — 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.

§ 840.7 Minimum lot frontage.

(1a)

Business uses and mixed-use development — There is no minimum lot frontage.

[Amended 11-26-2012 by Res. No. 2012-10]

[2/10/2023](#)

(2b)

Residential uses — The minimum lot frontage 60 feet for one- and two-family dwelling units.

§ 810.8 Minimum lot width.

(1a)

Business uses and mixed-use development — There is no minimum lot width.

[Amended 11-26-2012 by Res. No. 2012-10]

(2b)

Residential uses — The minimum lot width shall be 60 feet for one- and two-family dwelling units.

§ 810.9 Yard regulations.

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 yard — Business uses and mixed-use developments. There is no minimum side yard.

[Amended 11-28-2012 by Res. No. 2012-10]

(2)

Side yard — One- and two-family dwelling units. 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 — Business uses and mixed-use developments. The minimum depth of the rear yard shall be at least 30 feet from the principal permitted structure.

[Amended 11-28-2012 by Res. No. 2012-10]

(4)

Rear yard — One and two family dwelling units. The minimum depth of the rear yard shall be at least 40 feet from the principal permitted structure.

(5)

Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 810.6 of this article.

§ 840.10 Height regulations.

(1a)

Business uses. The maximum height of all structures shall not exceed 30 feet and shall not exceed two stories.

(2b)

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

§ 840.11 Special provisions for corner lots Yard variations.

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

§ 840.12 Sign regulations.

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

§ 840.13 Parking regulations.

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

§ 840.14 Floodplain regulations.

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

§ 840.15 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.

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[ARTICLE IX B-2 Central Business District Use Regulations](#)

§ 914.1 Purpose of the district.

The purpose of commercial district, B-2, is to provide for commercial development and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serves the entire city and the surrounding region. ~~The B-2 district encompasses the central business district.~~

§ 914.2 Permitted principal uses.

[Amended by Ord. of 4-8-2012(3)]

(1a)

~~Single-family dwelling, detached~~One-family detached dwelling units.

(2b)

~~Two-family dwelling~~Two-family dwelling units.

(3e)

Church.

(4)

Educational facility, primary/secondary

(5)

Educational facility, college/university

(6)

Cultural service.

~~Churches, public and private schools, public libraries and museums.~~

(7d)

Public park or playground.

(8)

Community center.

~~Public parks, playgrounds and community centers, not operated for commercial purposes.~~

(9e)

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

(10f)

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

(11g)

Blacksmith ~~Rooming houses, not primarily for transients.~~

(12h)

Retail sales.

(13)

Retail service.

(14)

Office/Institution.

(15)

Hotel

(16)

Bus terminal

(17)

Parking lot

2/10/2023

Any retail business or service establishment located entirely within a building. Representative businesses include food stores, drug stores, barber shops, clothes cleaning or laundry depots, self-service laundries, shoe repair shops, tailors, restaurants, clothing stores, hardware stores, business or professional offices, service stations, health and fitness clubs, dance studios, pawn shops, convenience stores, retail sales services, recreation theatres, bus terminals, hotels, motels or motor hotels, banks, furniture stores, and parking lots.

(18i)

Club, lodge, and

(19)

Clinic, community center, social or recreational buildings not conducted primarily for gain.

(20i)

Child day centers.

(21k)

Family day homes.

(22)

Adult day care centers.

(23m)

Adult day treatment facilities.

(24n)

Assisted living facilities.

(25)

Brewery, distillery, cidery.

(26)

Car wash.

(27)

Commercial accessory apartment.

(28)

Commercial indoor amusement.

(29)

Commercial indoor entertainment.

2/10/2023

(30)

Construction office temporary

(31)

Crisis center

(32)

Custom manufacturing

(33)

Event center

(34)

Funeral home

(35)

Garden center

(36)

Greenhouse, commercial

(37)

Lawn and garden services

(38)

Mixed-use planned development district (as regulated under Article VII of Appendix D, Zoning Ordinance of the City Code).

(39)

Motor vehicle, parts/supply retail

(40-49)

Motor vehicle, rental

(410)

Motor vehicle repair service, major

2/10/2023

(431)

Motor vehicle repair service, minor

(433)

Public sports event center

(443)

Restaurant

(454)

Veterinary hospital/clinic

(46)

Equipment sales and service

(47)

Family day home

(48)

Governmental service

(49)

Group home

(50)

Hospital

(51)

Public safety service

§ 911.3 ~~Permitted~~ Conditional uses.

Certain uses are allowed by conditional use permit shall be conditionally permitted in the B-2 district, as follows; when authorized as a special exception by the board of appeals.

(1)

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

(2)

Commercial outdoor entertainment/sports and recreation

(3)

Communication tower

(4)

Construction sales and service

(5)

Construction yard

(6)

Contractor office and storage facility

(7)

Live/work unit

(8)

Medical facility

(9)

Rehabilitation service

(10)

Rooming house

(11)

Tattoo parlor

(12)

Workshop

(13)

Any principal use permitted in the B-3 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-2 district.

§ 911.4 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. They include:

2/10/2023

(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]~~

(10)

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

(11)

~~Antenna and/or Satellite~~ ~~Satellite television antennas or ground-mounted conventional television or radio antennas.~~ when installed and maintained in accordance with article XXIII.

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

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§ 911.5 Minimum lot area.

(1)

Business uses — No minimum lot area is established.

[2/10/2023](#)

(2b)

Residential uses — The minimum lot area is 7,500 square feet.

§ 944.6 Setback regulations.

[Amended by Ord. of 11-24-1997(3), Ord. of 2-25-2002(3)]

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(1a)

Business uses — There is no minimum setback.

(2b)

Residential uses — All structures shall be set back at least ten 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.

§ 944.7 Minimum lot frontage.

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(1a)

Business uses — There is no minimum lot frontage.

(2b)

Residential uses — The minimum lot frontage is 60 feet for one- and two-family dwelling units.

§ 944.8 Minimum lot width.

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(1a)

Business uses — There is no minimum lot width.

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(2b)

Residential uses — The minimum lot width shall be 60 feet for one- and two-family dwelling units.

§ 944.9 Yard regulations.

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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.

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(1)

Side yard — Business uses. There is no minimum side yard.

(2)

Side yard — One- and two-family dwelling units. 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 — Business uses. There is no minimum rear yard, except in those cases where a conditionally permitted B-3 use abuts an R District. In that case there shall be a rear yard of at least 30 feet.

(4)

Rear yard — One- and two-family dwelling units. The minimum depth of the rear yard shall be 40 feet.

(5)

Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 911.6 of this article.

§ 911.10 Height regulations.

(1a)

Business uses. The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

(2b)

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

§ 911.11 Special provisions for corner lots Yard variations.

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

§ 911.12 Sign regulations.

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

§ 911.13 Parking regulations.

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

§ 911.14 Floodplain regulations.

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

§ 911.15 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.

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ARTICLE X B-3 General Business District Use Regulations

§ 102.1 Purpose of the district.

The purpose of commercial district, B-3, is to provide for intense commercial development and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serve a large portion of the community. It includes specialized businesses that are not appropriate for location in neighborhood business districts or the central business district.

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§ 102.2 Permitted principal uses.

[Amended by Ord. of 4-8-2002(3)]

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(1a)

~~Dwellings for watchmen or caretakers.~~ Retail sales.

(2b)

~~Retail service. All types of commercial and miscellaneous service uses not characterized by extensive warehousing, frequent heavy trucking, open storage of material or the nuisance problems of dust, odor, and noise associated with manufacturing.~~

(3e)

Church.

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(4)

Educational facility, primary/secondary.

(5)

Educational facility, college/university, es., public and private schools.

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(6)

Cultural service, public libraries and museums.

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(7d)

Public park or playground. Public parks, playgrounds and

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(8)

~~Cliniccommunity center, community centers, not operated for commercial purposes.~~

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(9e)

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

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(10f)

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

(11g)

Blacksmith Rooming house, not primarily for transients.

(12h)

Office institution

(13)

Bus terminal—Any retail business or service establishment. Representative businesses include food stores, drug stores, barber shops, clothes cleaning or laundry depots, self-service laundries, shoe repair shops, tailors, restaurants, clothing stores, hardware stores, health and fitness clubs, dance studios, pawn shops, business or professional offices, service stations, convenience stores, retail sales services, recreation, theatres, bus terminals.

(14)

Hotel—motel or motor hotel, banks, furniture stores.

(15)

Parking lots.

(16)

Funeral home—mortuaries.

(17)

Motor vehicle dealership, automotive sales or

(18)

Motor vehicle repair, major establishments.

(19s)

Motor vehicle repair, minor.

(20e)

drive-in eating places; Garden center, outdoor sales yard.

2/10/2023

(21u)

Construction sales and service.

(22v)

Industry, type 1

(23w)

Retail service, carpentry, plumbing, electrical shops, sheet metal or upholstery shops, bottling works, food storage lockers, laundry or dry cleaning plants, wholesale bakeries.

(24x)

Commercial indoor amusement, bowling alleys, feed stores, printing, publishing or engraving shops and

(25y#)

W Warehousing and distributions.

(26zi)

Clubs, lodges and social or

(27)

Community centers, recreational buildings not conducted primarily for gain.

(28i)

Commercial indoor entertainment, Amusement place in an enclosed building, auditorium or theater except open air drive-in theaters.

(29k)

Child day centers.

(30l)

Adult day care centers.

(31m)

Adult day treatment facilities.

(32)

Assisted living facility

(33)

Brewery, distillery, cidery

2/10/2023

(34)

Car wash

(35)

Construction office temporary

(36)

Construction office and storage facility

(37)

Crisis center

(38)

Greenhouse commercial

(39)

Lawn and garden services

(40)

Mixed-use planned development district (as regulated under Article VII of Appendix D, Zoning Ordinance of the City Code)

(410)

Motor vehicle, parts supply retail

(421)

Motor vehicle, rental

(432)

Park and ride facility

(443)

Restaurant

(454)

Faxidermy

(465)

Truck stop

2/10/2023

(476)

Veterinary hospital/clinic

(487)

Wholesale trade

(49)

Construction yard

(50)

Custom manufacturing

(51)

Equipment sales and service

(52)

Event center

(53)

Governmental service

(54)

Hospital

(55)

Mini-storage facility

(56)

Public safety service

(57)

Public sports/event center

§ 102.3 ~~Permitted~~ Conditional uses.

[Amended by Ord. No. 6-12-2000(9); Ord. of 2-25-2002(6)]

Certain uses ~~are allowed by conditional use permit shall be conditionally permitted~~ in the B-3 district, ~~as follows, when authorized as a special exception by the board of appeals.~~

(1)

Commercial accessory apartment

(2)

Commercial outdoor entertainment/sports and recreation

(3)

Communication tower

2/10/2023

(4)

Live work unit.

(5)

Public utility, community.

(6)

Rehabilitation service.

(7)

Rooming house.

(8)

Tattoo parlor.

(9)

Workshop.

(10)

Any principal use permitted in the M-1 district and not permitted as a permitted principal use in the B-3 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-3 district. Such uses include:

By:

The manufacture, storage, handling, of products that are not dangerous or offensive because of odor, dust, fire, explosion or other reasons, and which employ processes or equipment that do not produce objectionable noise, vibration, glare, smoke, gas, wastes or the like. Permitted uses being generally wholesale and retail trade, service industries, and light industries that manufacture, process, store, and distribute goods and materials and are in general dependent on raw materials refined elsewhere.

(11)

Medical facility laboratories.

(12)

Railroad yard, freight station, railroad yards, utility yards, shops and other installations.

(13)

Public maintenance and service facility blacksmith or welding shops.

2/10/2023

(142)

Mobile home courts in accordance with the provisions of article XVI.

(153)

Sexually oriented businesses in accordance with the provisions of § 2.10 of this ordinance.

(164)

~~Kennel, commercial~~ ~~Dog kennels including boarding or other commercial kennels.~~

§ 102.4 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. They include:

(1)

Private garages or carports.

(2)

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

(3)

Signs, as permitted by article XXII of this ordinance.

(4)

Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.

(5)

~~Antenna and/or Satellite~~ ~~Satellite television antennas or ground-mounted conventional television or radio antennas.~~ when installed and maintained in accordance with article XXIII.

§ 102.5 Minimum lot area.

No minimum lot area is established.

§ 102.6 Setback regulations.

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

[2/10/2023](#)

(1a)

There is no minimum setback for business uses except that in a block which has business and residential district frontage 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.

(2b)

Industrial uses -- 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.

§ 102.7 Minimum lot frontage.

There is no minimum lot frontage.

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§ 102.8 Minimum lot width.

There is no minimum lot width.

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§ 102.9 Yard regulations.

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.

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(1)

Side yard — Business uses. There is no minimum side yard.

(2)

Side yard — Manufacturing uses. The minimum side yard shall be equal to the building height, but never less than 15 feet. Where the use abuts an R district, the minimum side yard shall be 25 feet.

(3)

Rear yard — Business uses. There is no minimum rear yard, except where the district abuts an R district, then the minimum rear yard shall be 30 feet.

(4)

Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 102.6 of this article.

§ 102.10 Height regulations.

The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

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§ 102.11 Special provisions for corner lots Yard variations.

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

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§ 102.12 Sign regulations.

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

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§ 102.13 Parking regulations.

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

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§ 102.14 Floodplain regulations.

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

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§ 102.15 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.

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City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE XIII M-1 Light Industrial District Use Regulations

§ 113.1 Purpose of the district.

The purpose of manufacturing district M-1 is to provide for light industrial activities and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with light industrial activities, including the manufacture, storage or handling of products that are not dangerous or offensive because of odor, dust, fire, explosion or other reasons, and which employ processes or equipment that do not produce objectionable noise, vibration, glare, smoke, gas, wastes or the like. The district also provides for retail and service businesses.

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§ 113.2 Permitted uses.

[Amended by Ord. of 2-25-2002(7)]

(1a)

~~Wholesale and retail sales trade.~~

(2b)

~~Retail service industries.~~

(3e)

~~Industry Type 1 light industries that manufacture, process, store, and distribute goods and materials and are in general dependent on raw materials refined elsewhere.~~

(4d)

~~Medical facility laboratories~~

(5)

~~freight stations, railroad yards, utility yards, shops and other installations;~~

(6)

~~Blacksmith or welding shops.~~

(7e)

~~Kenel, commercial Dog kennels including boarding or other commercial kennels.~~

(8f)

~~Wholesale trade~~

(9e)

~~Mini-Storage facility Units.~~

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2/13/2023

[Added 2-25-2008]

(a)

All storage for mini-storage warehouses shall be within a completely enclosed building.

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(b)

Except for purposes of loading and unloading, there shall be no parking or storage of vehicles including but not limited to trucks, trailers, moving vans, boats, and recreational vehicles.

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(c)

The minimum distance between warehouse buildings shall be twenty-five feet (25'). Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access in accordance with the site plan ordinance contained in Article XXIV Chapter 24.

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(d)

The following activities shall be prohibited:

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ia.

Storage of hazardous and flammable materials. Any liquid-fuel powered object or device stored in any storage unit shall have all liquid fuel drained and fuel tanks shall be left unsealed during storage.

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ib.

Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.

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iiie.

The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

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ivd.

The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment by tenants.

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ve.

An individual tenant shall not establish a transfer or storage business from within a rented mini-storage unit.

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(vi)

The maximum length of any single storage building shall not exceed two hundred (200') feet.

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[\(vii6\)](#)

Mini-storage warehouses shall have all sides visible to a public right-of-way faced in brick, architectural block, residential siding, or some other material approved by the Planning Commission as being compatible with surrounding properties. Doors providing access to individual units shall face inward and any direct views of such doors shall be obscured by landscaping supplemented if necessary by earth-forms.

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[\(vii7\)](#)

A site plan shall be submitted for review and approval. If the project is to be phased, phasing shall be delineated on the plan. A manager's office shall be included within the first phase of the project. All required off street parking outlined in § 18.2(4)(b) of the Zoning Ordinance, landscaping outlined in Article XXV of the Zoning Ordinance, and construction design shall be included within the Master Plan.

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[\(ix8\)](#)

Lighting shall be direct cut off and shall not project into any adjacent properties.

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[\(ix9\)](#)

All storage units shall be buffered along all public streets with a combination of trees and shrubs, fences or walls architecturally compatible with surrounding properties and the development.

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[\(xi10\)](#)

Except for in the case of emergencies access to storage units shall be restricted to 6:00 a.m. to 11:00 p.m.

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[\(10\)](#)

[Construction office temporary](#)

[\(11\)](#)

[Construction sales and service](#)

[\(12\)](#)

[Construction yard](#)

[\(13\)](#)

[Contractor office and storage facility](#)

[\(14\)](#)

[Custom manufacturing](#)

[\(15\)](#)

[Equipment sales and service](#)

[2/13/2023](#)

(16)

Garden center

(17)

Greenhouse, commercial

(18)

Motor vehicle dealership

(19)

Motor vehicle repair service, major

(20)

Public maintenance and service facility

(21)

Public utility, community

(22)

Public utility, neighborhood

(23)

Shipping container

(24)

Truck stop

(25)

Truck terminal

(26)

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

(27)

Warehousing and distribution.

§ 113.3 Conditional uses.

Certain uses are allowed by conditional use permit in the M-1 district, as follows:

(1)

Brewery, distillery, cidery

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(2)

[Communication tower](#)

(3)

[Flea market](#)

(4)

[Industry, type 2](#)

(5)

[Industry, type 3](#)

(6)

[Towing service storage yard](#)

(7)

[Transfer station](#)

§ 113.43 Permitted accessory uses.

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(1a)

Accessory uses customarily incidental to a permitted principal use including the dwelling of a watchman or caretaker.

(2b)

Signs as permitted by article XXII of this ordinance.

(3e)

Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.

(4d)

~~Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas,~~ when installed and maintained in accordance with article XXIII.

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

§ 113.54 Minimum lot area.

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No minimum lot area is established.

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§ 113.65 Setback regulations.

All structures shall be set back at least 25 feet from the right-of-way of any primary highway or other street.

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§ 113.76 Minimum lot frontage.

No minimum lot frontage is established.

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§ 113.87 Minimum lot width.

No minimum lot width is established.

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§ 113.98 Yard regulations.

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.

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(1)

Side yard. Each side yard shall be equal to the building height, but no less than 15 feet. If the parcel abuts a residential (R) district, each side yard shall be equal to the building height, but no less than 25 feet.

(2)

Rear yard. No minimum depth for the rear yard is established, unless the parcel abuts a residential (R) district. If the parcel abuts a residential (R) district, the minimum depth of the rear yard shall be at least 30 feet.

(3)

Front yard. Except as provided for in article XIX front yard regulations are set forth in § 113.5 of this article.

§ 113.109 Height regulations.

The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

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§ 113.110 Special provisions for corner lots Yard variations.

Are as set forth in § 19 2(7).

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§ 113.121 Reserved.

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§ 113.132 Sign regulations.

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

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§ 113.143 Parking regulations.

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

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§ 113.154 Floodplain regulations.

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

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§ 113.165 Aircraft approach regulations.

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

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ARTICLE XII ~~V~~ M-2 Heavy Industrial District Use Regulations

§ 124.1 Purpose of the district.

The purpose of manufacturing district M-2 is to provide for heavy industrial activities and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with heavy industrial activities. The district also provides for light industrial activities and retail business, associated with industrial activities.

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§ 124.2 Permitted uses.

[Amended by Ord. of 2-25-2002(8)]

(1a)

Wholesale trade.

(2b)

Retail ~~sale~~trade, when conducted as an incidental or accessory activity to a permitted industrial use. Such retail activities must occur on the same site as the permitted industrial use. They must occupy no more than ten percent of the gross floor area.

(3c)

~~Industry, Type 1~~Light industries that manufacture, process, store and distribute goods and materials and are in general dependent on raw materials refined elsewhere.

(4d)

Medical facility ~~Laboratories~~.

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[\(5e\)](#)

[Railroad yard, freight stations, railroad yards, utility yards, shops and other installations,](#)

[\(6f\)](#)

[Blacksmith or welding shops.](#)

[\(7g\)](#)

[Industry, Type 2 Industrial operations for the manufacture, compounding, processing, packaging or treatment of chemicals, petroleum, coal and allied products, clay, stone and glass products, food and beverages, metal and metal products, textiles, fibers, and bedding, wood and paper products, rubber and paint products, and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted and not in conflict with any law or ordinance of the City of Franklin or the State of Virginia.](#)

[\(8h\)](#)

[Kennel, commercial Dog kennels including boarding or other commercial kennels.](#)

[\(9\)](#)

[Construction office, temporary](#)

[\(10\)](#)

[Construction sales and service](#)

[\(11\)](#)

[Construction yard](#)

[\(12\)](#)

[Contractor office and storage facility](#)

[\(13\)](#)

[Custom manufacturing](#)

[\(14\)](#)

[Existing railroad lines, not including switching or storage yards, or other station facilities.](#)

[Industry, type 1](#)

[\(15\)](#)

[Truck terminal](#)

[\(16\)](#)

[Motor vehicle repair service, major](#)

[2/13/2023](#)

(17)

Public service and maintenance and service facility

(18)

Public utility, community

(19)

Public utility, neighborhood

(20)

Shipping container

(21)

Truck stop

(22)

Warehousing and distribution.

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§ 124.3 Conditional uses.

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Certain uses are allowed by conditional use permit in the M-2 district, as follows:

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(1)

Brewery, distillery, cidery

(2)

Communication tower

(3)

Industry, type 3

(4)

Landfill, sanitary

(5)

Towing service storage yard

(6)

Transfer station

§ 124.34 Permitted accessory uses.

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(1a)

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Accessory uses customarily incidental to a permitted principal use including the dwelling of a watchman or caretaker.

(2b)

Signs as permitted by article XXII of this ordinance.

(3c)

Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11) of this ordinance.

(4d)

~~Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas,~~ when installed and maintained in accordance with article XXIII.

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

§ 124.54 Minimum lot area.

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No minimum lot area is established.

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§ 124.65 Setback regulations.

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All structures shall be set back at least 25 feet from the right-of-way of any primary highway or other street.

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§ 124.76 Minimum lot frontage.

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No minimum lot frontage is established.

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§ 124.87 Minimum lot width.

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No minimum lot width is established.

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§ 124.98 Yard regulations.

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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 yard. Each side yard shall be equal to the building height, but no less than 25 feet, for one yard. If the parcel abuts a residential (R) district, each side yard shall be no less than 100 feet.

(2)

Rear yard. No minimum depth for the rear yard is established, unless the parcel abuts a residential (R) district. If the parcel abuts a residential (R) district, the minimum depth of the rear yard shall be at least 30 feet.

(3)

Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 124.5 of this article.

§ 124.109 Height regulations.

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The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

§ 124.110 Special provisions for corner lotsYard variations.

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Are as set forth in § 19 2(6), (7) and (8).

§ 124.121 Sign regulations.

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

§ 124.132 Parking regulations.

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

§ 124.143 Floodplain regulations.

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

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§ 124.154 Aircraft approach regulations.

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

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City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE XIII RC Resource Conservation District Use Regulations

§ 13.1 Purpose of the district.

The purpose of conservation district, RC, is to provide for preservation of environmentally sensitive areas, resource extraction activities, and public and commercial recreational activities.

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§ 13.2 Permitted principal uses.

(1a)

Agricultural activity,

(2b)

Silvicultural activity, forest preserve,

(3e)

Construction office temporary, outdoor recreational facilities including

(4d)

Public sports/event center, golf course

(5e)

Public, picnic facilities, park or playground,

(6f)

, riding stable, commercial,

(7g)

Public utility, community, lake, swimming pool and tennis court,

(8)

Public utility, neighborhood,

(9)

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

§ 13.3 Permitted Conditional uses.

2/14/2023

Certain uses ~~are allowed by conditional use permit, as follows; shall be conditionally permitted in the RC- district, when authorized as a special exception by the board of appeals;~~

~~(1)~~

~~Resource Extraction of minerals, sand or gravel subject to the applicant, in compliance with the requirement of mines and mining of Code of Virginia, § 45.1-161.1 et seq.~~

~~(2)~~

~~All hotel, hotel,~~

~~(3)~~

~~Commercial outdoor entertainment sports and recreation, guest ranch, hunting and fishing resort~~

~~(4)~~

~~Marina, yacht club, boat house, bait shop and incidental uses such as retail sales and services.~~

~~(5)~~

~~Commercial outdoor swimming pool and tennis facility.~~

~~(6)~~

~~Communication tower.~~

~~(7)~~

~~Golf course.~~

§ 13.4 Permitted accessory uses.

(1a)

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot.

(2b)

Signs as permitted by article XXII of this ordinance.

(3c)

Fences and walls as permitted in § 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in § 19.2(11).

(4d)

~~Antenna and or Satellite television antennas or ground-mounted conventional television or radio antennas, when installed and maintained in accordance with article XXIII.~~

2/14/2023

§ 13.5_Minimum lot area.

The minimum lot area shall be one acre.

§ 13.6_Setback regulations.

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

All structures shall be set back at least 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 setback at least 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 50 feet wide.

§ 13.7_Minimum lot frontage.

The minimum lot frontage shall be 150 feet.

§ 13.8_Minimum lot width.

The minimum lot width shall be 150 feet.

§ 13.9_Yard regulations.

(1a)

The minimum side yard shall be 20 feet for each yard.

(2b)

The rear yard depth shall be at least 50 feet.

§ 13.10_Height regulations.

The maximum height of structures shall not exceed 80 feet and shall not exceed six stories.

~~§ 13.11~~Special provisions for corner lots. Yard variations.

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

§ ~~13.12~~ Sign regulations.

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

§ ~~13.13~~ Parking regulations.

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

2/14/2023

§ 135.14 **Floodplain regulations.**

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

§ 135.15 **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 XIX Supplementary Regulations: Heights, Lot Sizes, Yards, etc.

§ 19.2 Additional requirements, exceptions and limitations.

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§ 19.1 Table of requirements.

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Table 1 summarizes the requirements for lot sizes, yards and structure height applicable in specific districts.

§ 19.2 Additional requirements, exceptions and limitations.

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[Amended by Ord. of 11-24-1997(9); Ord. of 11-24-1997(10)]

In addition to requirements for lot sizes, yards and the height of structures outlined in the articles concerning each district for specific uses and types of uses, there are established specific requirements for modifications to these requirements.

(1)

Height limitations do not apply to:

a.

Barns, silos or other farm structures.

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b.

Elevators, derricks, towers and other necessary industrial equipment, provided these are at least 50 feet from a property line.

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c.

Church spires, belfries, cupolas, domes, monuments, water towers, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials.

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d.

Parapet walls, extending not more than four feet above the limiting height of the building.

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(2)

Any lot lawfully of record, ~~which, in other than the R-O district, is owned separately from any adjoining property,~~ may be used for a single-family dwelling, even though such lot does not meet the ~~then~~ current lot area or lot frontage (width) requirements of the district, provided all other regulations of this ordinance are satisfied. Such single family dwelling shall not be deemed to be nonconforming.

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Commented [BHW1]: Deleted "if owned separately".

[Amended 8-28-2006 [and 0 0 2023](#)]

(3)

Front yards on through lots. . . . On any lot that runs through a block from street to street, a front yard as otherwise required in the zone shall be provided along each street lot line. This requirement shall not apply to lots that back up to alleys. [Amended 01/01/2023](#)

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Commented [BHW2]: Clarified that this requirement does not apply to alleys

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(3)

Any lot of official record at the time of enactment of this ordinance in the R-2 district, which is owned separately from any adjoining property and which is at least 50 feet wide, may be used for two-family dwellings, provided that the minimum area per family and side yard requirements set forth in this ordinance for two-family dwellings in the R-2 district are met.

(4)

Front yard requirements in developed areas. . . . Where existing buildings or structures occupy lots comprising at least fifty percent (50%) of the lots within a block, and the average front yard depth of the existing buildings or structures is less than that required by this ordinance, the average so established may be taken in lieu of that which is normally required, provided that in no case shall a front yard depth so determined be less than fifteen (15) feet, or less than the setback line denoted on a recorded subdivision plat, whichever is greater. For the purpose of this calculation, lots on the same side of a street on either side of the lot in question for a distance of six hundred (600) feet or to the nearest street intersection, whichever is less, shall be considered. In any R district that is built up, the front yard for a new building shall not be less than the average of the front yards on either side thereof if there are buildings on both sides and either one or both encroaches over the front setback line but if there is a building on one side only, then the front yard for a new building shall not be less than the front yard for the existing building if that building encroaches over the front setback line provided that in either case no front yard in any R-district shall be less than 15 feet in depth. [Amended 01/01/2023](#)

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(5)

Setback measurement from right-of-way.

a.

If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line, except where such line may be modified or supplemented by any officially adopted street widening or location plan of the City of Franklin or the State of Virginia, an attested copy of which has been or may be filed with the City, in which case, the latter shall control. On streets not covered by the foregoing rule, said yards shall be measured from the existing right-of-way line, except that for the purpose of this ordinance, no street shall be considered as having an established right-of-way less than 50 feet wide. [Amended 01/01/2023](#)

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b.

In any district, on any lot which fronts on a road having a right-of-way less than fifty (50) feet wide or of undetermined width, the required minimum front yard setback line shall be measured from a point twenty-five (25) feet from the center of such street right-of-way.

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~~Yard measurement. Front yards, on all lots and side yards on corner lots shall be measured from the established right-of-way line for each street as determined by the official major street plan of the City of Franklin, except where such line may be modified or supplemented by any officially adopted street widening or location plan of the City of Franklin or the State of Virginia, an attested copy of which has been or may be filed with the city engineer, in which case, the latter shall control. On streets not covered by the foregoing rule, said yards shall be measured from the existing right-of-way line, except that for the purpose of this ordinance, no street shall be considered as having an established right-of-way less than 50 feet wide.~~ Amended 0.0.2023

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(6)

Projections into yards. Architectural features may project into required yards as follows:

a.

Cornices, canopies, eaves, chimneys or other architectural features may extend not more than 36 inches into a front, rear or street side yard.

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b.

Terraces, decks, steps uncovered porches and landings, not more than three feet above the finished grade, may extend not more than six feet into a front, rear or street side yard.

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c.

Fire escapes may extend not more than four feet, six inches (4.5 feet) into a front, rear, or street side yard.

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d.

Bay windows and balconies occupying not more than one-third of the wall length may extend not more than five feet into a front, rear, or street side yard.

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e.

Any of the architectural features, enumerated in §§ 19.2(6)a. — d., subject to the same conditions, may project into a side yard along an interior side lot line, up to one-fifth of the required side yard width, but no more than three feet in any case.

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(7)

Side yard variations. Variations to side yard requirements are required or allowed as follows:

a.

On a narrow lot or record at the time of enactment of this zoning ordinance, ~~owned separately from any adjoining property,~~ the side yards may be reduced in proportion to the width of the lot, provided that no required side yard may be reduced to less than five feet ~~except for interior townhouse side yards.~~ ^{Amended}

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b.

~~Corner lot.~~ On a corner lot in any zone, both yards fronting the street shall equal the required minimum frontage, width and front yard setback for that zone. Of the two (2) sides of the corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on the streets. The Zoning Administrator has the ability to waive this requirement in the ~~case of developed neighborhoods~~ where structures have historically been allowed to encroach in the corner side setback consistent with the existing development pattern. On a corner lot which adjoins in the rear, either directly or across an alley, the side yard of another yard in a residential district, the least width of a side yard along the side street line of such corner lot shall be one-half of the required front yard for the lot in the rear, provided that this exception shall not operate to reduce the buildable width of a lot of record at the time of the enactment of this ordinance to less than 20 feet. ^{Amended 0 0 2023}

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c.

~~Side yard exceptions for attached dwellings.~~ In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.

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Any structure in the required rear yard of a corner lot which adjoins in the rear, either directly or across an alley, the side yard of another lot in a residential district shall meet the full front yard setback for the lot in the rear, provided that this exception shall not operate to reduce the buildable width of a lot of record at the time of the enactment of this ordinance to less than 20 feet. ^{Amended 0 0 2023}

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d.

Measure of setback distances or required yards. Setback distances or required yards shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part

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of the building itself and not a mere appendage to it (such as a flagpole, etc.). Amended
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If a structure fronts or rears upon a sideyard, such sideyard shall be increased in width to at least 20 feet, and there shall be no reduction in the rear yard.

(8)

On a lot less than 100 feet deep, of official record at the time of enactment of this ordinance ~~and owned separately from adjoining property to the rear,~~ the rear yard may be reduced to 40 percent of the lot depth, but to no less than 15 feet in any case. Amended
0/0/2023

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(9)

Prohibited uses.....The following uses are specifically excluded from all residential districts: Amended
0/0/2023

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a. Unless otherwise expressly permitted, the use of a recreational vehicle as a temporary or permanent residence.

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b. The use of a motor vehicle permanently parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

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c. It shall be unlawful for any person, firm or corporation to keep on any property any watercraft which is inoperable, except within a fully enclosed building or structure or otherwise shielded or screen from view. Shielded or screened from view means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

~~Along any district boundary line, a lot in the less restricted district which sides upon such boundary shall have a side yard equal to the side yard required in the more restricted district.~~

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d. Parking of a commercial vehicle overnight shall be prohibited, unless otherwise expressly permitted by this ordinance.

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e. No construction machinery or similar equipment shall be parked overnight unless the machinery is incidental to improving the premises.

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(10)

Where a court is provided for the purpose of furnishing light and air to rooms in which persons are to live, sleep or work, except storage rooms, such court shall be an outer court, open on at least one side and shall have at least the following dimensions:

2/15/2023

a.
 Dwelling and other buildings in R districts, the least width shall be the sum of the heights of building wings opposite one another or a minimum of 50 feet.

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b.
 Non-dwelling structures in B or M districts, two-thirds of the sum of the heights of building wings opposite one another or a minimum of 40 feet.

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c.
 In all cases, the maximum depth shall be one and one-half times the width.

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(11)

Accessory uses

a.
 A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use. Amended 11/1/2023

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b.
 An accessory use does not have to be connected with a principle use. However, their association must take place with sufficient frequency that there is common acceptance of their relatedness. Amended 11/1/2023

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c.
 In any residential district requirements for accessory structures shall be as follows:

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ia.
 Accessory structures located in any part of a rear yard may not exceed 30 percent of the areas of the required rear yard.

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ib; ii
 Accessory structures may not exceed 18 feet in height.

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iiic.
 Accessory structures located in a rear yard shall be set back at least three feet from any rear lot line or from any side lot line ~~except for interior side lot lines of townhouses~~ and at least six feet from any alley except if such structure is more than 12 feet in height, it shall be set back at least ten feet from any rear lot line, from any alley or from any side lot line ~~except for interior side lot lines of townhouses~~. Amended 11/1/2023

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ivd.
 ~~Accessory structure requirements in developed areas.....~~On a corner lot any accessory structure in the rear yard shall be set back as far away from the adjacent street as the principal structure except that such structure in the required rear yard of such corner lot shall be no closer to the corner side street than the principle dwelling located on the adjacent lot to

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Commented [BHW6]: Clarified the comment to recognize the corner side setback of the principle dwelling on the adjacent corner lot.

observe the full front yard setback required for the lot in the rear of the corner lot. Amended 0.0.2023

vi.

Accessory structures located in a front or side yard shall be set back as far from the front and side lines as the principal structure must be.

vii.

Accessory Dwelling Units (ADU's) as allowed by the zoning district shall meet the following criteria: added by Ord. No. 2018-05, 6-25-2018

1. ADU's shall be located in the rear yard only.
2. ADU's are limited to a minimum of 300 and a maximum of 900 square feet of living space and shall be smaller in area than the main structure.
3. No more than one (1) ADU shall be allowed per lot.
4. ADU's must meet the minimum side yard setback as the main structure.

viii.

The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory uses to residential principal uses: Amended 0.0.2023

1. Hobbies or recreational activities of a noncommercial nature.
2. The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling.
3. Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) days (whether consecutive or not) during any ninety day period.

ix.

The square footage of an accessory building shall not exceed the square footage of the primary structure. Amended 0.0.2023

x.

Special regulations for a guest house: Amended 0.0.2023

1. Location.A guest house shall be permitted as indicated in the zoning district regulations as an accessory structure and shall meet the required setbacks for the primary structure.
 - a. The owner of the lot or parcel must occupy the primary dwelling.
 - b. A guest house shall not be permitted as an accessory structure prior to the construction and occupancy of the primary dwelling.

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2.
Occupancy.

a.
No such quarters shall be occupied by the same guest or guests for more than three (3) consecutive or non-consecutive months in any twelve-month period.

b.
No such quarters shall be rented, leased, or otherwise made available for compensation of any kind.

b1.
Maximum floor area. The maximum floor area of a guest house shall not exceed thirty percent (30%) of the floor area of the primary dwelling, excluding garages, breezeways, patios, decks, etc.

4.
Maximum number of bedrooms. No more than two (2) bedrooms are permitted in a guest house.

5.
Maximum number of guest houses. There shall be no more than one (1) guest house permitted per residential lot or parcel.

6.
Exterior appearance. The design of a guest house shall maintain and enhance the character and exterior appearance of the primary dwelling.

7.
A guest house shall not contain kitchen facilities.

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Commented [BHW7]: Deleted requirement for 150% of minimum lot area for a guest house consistent with ADU.

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[1]

Editor's Note: The District Regulations Table, which immediately followed this section, is included as an attachment to this chapter.

City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE XXVII Board of Zoning Appeals

§ 27.1 Creation of board.

[Amended by Ord. of 7-10-1995(4)]

The circuit court of Southampton County is hereby requested to appoint a board of zoning appeals for the City of Franklin consisting of seven residents of the city in accordance with Code of Virginia, § 15.2-2308. Such board shall organize itself, adopt rules of procedure, hold meetings, keep records, and exercise its general powers and duties, all as prescribed in Code of Virginia, § 15.2-2308 et seq. The board may call upon any city officer or department for information or assistance in the performance of its duties, and such officer or department shall render such assistance as may reasonably be required.

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§ 27.2 Powers of the board.

[Amended by Ord. No. 2004-18, 6-28-2004]

In accordance with Code of Virginia, § 15.2-2309 et seq., the powers of the board shall be as follows:

(1)

Administrative review. The board shall have the power to hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or zoning administrator in the administration and enforcement of this ordinance.

(2)

Variations. The board shall have the power to authorize upon appeal or original application in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

a.

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the

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utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variance shall be in harmony with the intended spirit and purpose of the ordinance.

b.

No grant of variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

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c.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

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~~(3)~~

~~Conditional use permits. The board shall have the power to hear and decide applications for conditional use permits as may be authorized in this ordinance and in conformity with the standards set forth in § 27.3.~~

~~(34)~~

~~Interpretation of zoning district map. The board shall have the power to hear and decide applications for interpretation of the zoning district map as further set forth in § 27.4.~~

~~§ 27.3 Conditional use permits.~~

~~{Amended by Ord. of 2-25-2002(2)}~~

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~~(a)~~

~~The board shall have the power to hear and decide applications for conditional use permits as may be authorized in this ordinance.~~

~~(b)~~

~~In considering an application for a conditional use permit, the board shall determine the appropriateness of the application based upon the following standards:~~

~~(1)~~

~~The use is compatible with the character and appearance of the surrounding neighborhood by virtue of its height, bulk, location on site and the design and~~

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location of parking, signage, landscaping and other outside activities or structures.

(2)

The use does not create a demand on public water or sanitary sewer services that exceeds the design capacity of those systems at the proposed site or that would in any way decrease the quality of service to the surrounding neighborhood.

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(3)

The use does not generate traffic or parking on public streets that exceeds the design capacity of said streets and does not create a dangerous traffic problem by virtue of driveway location, site clearance, driveway slope or other factors.

(4)

The use does not increase the flood potential in the surrounding neighborhood.

(5)

The use is in conformance with the setback, yard, frontage, lot area, parking, signage, screening and any other applicable requirements of the zoning ordinance as they pertain to the district in which the use is to be located or to the specific use.

(6)

The use does not adversely affect the health or safety of persons residing or working in the neighborhood.

(7)

The use is not detrimental to the public welfare or injurious to other property and improvements in the neighborhood.

(8)

The use is not in conflict with the comprehensive plan and complies with all applicable federal, state and local laws.

(c)

The board may approve or disapprove the permit based upon its determination as to whether or not the use is in keeping with the standards set forth hereinabove in subsection (b) or can be made compliant therewith by the imposition of conditions on the permit. In the event that the board determines that conditions are required for compliance with the above standards, it may condition the granting of the permit on adherence to conditions with respect to the location, construction, maintenance or operation of the use.

(d)

The board may limit the duration of a permit and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(e)

Construction or operation of the conditional use shall commence within one year of the issuance of the permit, except that the zoning administrator may extend this period for up to one more year upon the administrator's determination in his or her sole discretion that additional time is reasonably needed to complete the construction or commence operations. If after the permit is issued and the use for which the permit is issued is discontinued for a period of more than one year, the permit shall become void.

(f)

The board shall also have the power to revoke a conditional use permit if it determines that there has not been compliance with the terms or conditions of the permit. No conditional use permit shall be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

§ 27.4 Interpretation of map.

[Amended by Ord. No. 2011-18, 6-28-2011]

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(1a)

The board shall have the power to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(2b)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant shall post the sign or signs provided to him or her by the zoning administrator providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 27.5 Applications for special exceptions and variances.

[Amended by Ord. No. 2004-18. 6-28-2004]

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(1a)

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board.

(2b)

No such special exceptions or variances shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. In addition, an applicant shall post the sign or signs provided to him or her by the zoning administrator providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

(3e)

The zoning administrator shall also transmit a copy of the application the local planning commission which may send a recommendation to the board or appear as a party at the hearing.

(4d)

The same or substantially the same application shall not be considered by the board within a year of date of the original application.

§ 27.6 Appeal to board.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance. Such appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay

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would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

§ 27.7 Procedures on appeal.

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The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or zoning administrator to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

§ 27.8 Fee for application or appeal.

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[Amended by Ord. No. 2014-1, 5-24-2014 and by Ord. No. 2016-02, 2-8-2016 and 0 0 2023]

(1a)

Any application for interpretation of the zoning map, special exception or variance or shall be accompanied by the prescribed fee of \$500.00 to cover the cost of advertising of public notices and expenses incidental to processing and reviewing such application.

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(2b)

Any appeal to the board from any order, requirement, decision, or determination of the zoning or other administrative officer in the administration of this ordinance shall be accompanied by the prescribed fee of \$300.00 to cover the cost of advertising of public notice and expenses incidental to processing and reviewing such appeal.

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§ 27.9 Appeal from decision of board.

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Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the city may present to the Southampton Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board as set forth in Code of Virginia, § 15.2-2314.

City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE XXVIII Changes and Amendments

§ 28.1 Authority of city council.

In accordance with the provisions of Code of Virginia, §§ 15.2-2285 — 15.2-2286, and § 15.2-2303, the city council may from time to time amend, supplement, or change by ordinance the number, shape, or area of districts established on the zoning district map or the regulations set forth in this ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall have first been submitted to the city planning commission for its recommendation and such commission shall have been allowed a reasonable time, not less than 30 days, for investigation and report.

§ 28.2 Methods of initiation.

An amendment or change may be initiated by (1) resolution of the city council; (2) by motion of the planning commission; or (3) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, including applications for conditional and special use permits, addressed to the city council or planning commission, which shall forward such petition to the city council. Any such resolution by the city council or motion by the planning commission shall state that the proposed amendment is required by public necessity, convenience, general welfare or good zoning practice.

§ 28.3 Hearing before planning commission.

[Amended by Ord. No. 2004-19, 6-28-2004]

(1a)

Before submitting its recommendation, the planning commission shall hold a public hearing on the proposed amendment, ~~or~~ change or application for conditional or special use permit after giving notice as required by Code of Virginia § 15.2-2204, as amended.

(2b)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant for rezoning shall post the sign or signs provided to him or her by the secretary of the planning commission providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant

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fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 28.4 Hearing before city council.

[Amended by Ord. No. 2004-19, 6-28-2004]

(1a)

The city council, after receiving the report of the planning commission, shall hold a public hearing in accordance with the provisions of Code of Virginia § 15.2-2285, after giving public notice as required by Code of Virginia § 15.2-2204, as amended.

(2b)

In addition to the notice required by Code of Virginia § 15.2-2204 an applicant for rezoning shall post the sign or signs provided to him or her by the clerk of the city council providing notice of the application on the affected parcel or parcels of land in a location or locations clearly visible from adjacent public streets or places within three days from the filing of an application. In the event that the applicant fails to post the sign(s) as required herein, the hearing shall be postponed and the costs of providing additional notice shall be assessed against the applicant.

§ 28.5 Joint hearings.

Notwithstanding the provisions of §§ 28.3 and 28.4, the planning commission and the city council may hold a joint public hearing after public notice has been given as required by Code of Virginia, § 15.2-2204, as amended. If such joint hearing is held, then public notice need be given only by the city council. After such joint hearing the planning commission shall submit its recommendation on the proposed amendment or change to the city council.

§ 28.6 Fees.

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

Any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor, who makes an application to amend the district boundaries or zoning classification of property shall pay the prescribed fee of \$500.00 to cover the cost of advertising of notices and processing such application.

(a)

All real estate taxes and any outstanding fees or charges must be current at such time an application is submitted.

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(b)

Fees for engineering/consultant review.If in the discretion of the county review of any request by any outside engineering firm or other consultant expert in the field of the request is deemed necessary, the landowner/applicant shall be required to pay the fee for such review prior to consideration of the request by the city. The purpose of the review will be to ensure that the request complies with any applicable regulations.

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§ 28.7 Conditional zoning.

[Amended 1-8-2007]

(1a)

Conditional zoning authorized. Whenever it appears that the zoning methods and procedures provided for elsewhere in this ordinance may prove to be inadequate in regard to a particular zoning reclassification, and when a more flexible and adoptable zoning method is deemed necessary, amendments to this ordinance may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the city that are not generally applicable to land similarly zoned.

(2b)

Proffer of conditions. Proposed rezonings may include the voluntary proffering in writing by the property owner of reasonable conditions to attach to the rezoning of his property in addition to the regulations already provided for in the applicable zoning district, provided that:

(a1)

The rezoning itself must give rise to the need for the conditions.

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(b2)

Such conditions shall have a reasonable relation to the rezoning.

(c3)

Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for by the subdivision ordinance of this city (Appendix C).

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(d4)

Reasonable conditions may include the payment of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an

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amendment to the required comprehensive plan and incorporated into the capital improvements program.

(e5)

All such conditions shall be in conformity with the comprehensive plan of the city.

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(f6)

Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by the conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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(g7)

The planning commission and the city council may approve permitted conditional uses as a part of a conditional rezoning.

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[Added 11-26-2012 by Res. No. 2012-11]

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(3e)

Time of proffer. All written proffers shall be filed with the application for rezoning. City Council may accept amended proffers once a public hearing has begun if the amended proffers do not materially affect the overall proposal.

(4d)

Enforcement, guarantees and administration of conditions.

(a4)

The zoning administrator shall administer and enforce conditions attached to a rezoning including:

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ia.

The ordering in writing of the remedy of any noncompliance with such conditions:

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iib.

The referral of any noncompliance to the city attorney with a request for appropriate legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceedings; and

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Requiring a guarantee, satisfactory to the city council, in an amount sufficient for and conditional upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee in like amount so conditioned, which guarantee shall be reduced or released by the city council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

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(b2)

Failure to meet any and all conditions imposed as a condition of rezoning shall constitute cause to deny the issuance of any of the required use, occupancy or building permits, as may be appropriate.

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(c3)

Any zoning applicant who is aggrieved by a decision of the zoning administrator pursuant to the provisions of paragraph (a) of this subsection may petition the board of zoning appeals for a review of the decision of the zoning administrator.

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(5e)

Records. The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district.

(6f)

Substantial conformity. Upon approval of an application and proffered conditions, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations or other demonstrative materials and no development shall be approved by any city official in the absence of such substantial conformity. For the purpose of this subsection "substantial conformity" means that level of conformity which leaves a reasonable margin for adjustment due to final engineering data but which conforms with the general nature of the development, the specific uses and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

(7g)

Amendments and variations of conditions. There shall be no amendment or variation of conditions created pursuant to the provisions of subsection 28.7(b) until after public

hearings before the planning commission and city council advertised pursuant to the provisions of Code of Virginia, § 15.2-2204.

(8h)

Relation of section to other laws. The provisions contained in this section shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this Code or other city ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code or other city ordinance.

§ 28.8 Fees for conditional rezoning.

~~[Amended by Ord. of 12-11-1998; Ord. of 6-12-2000(10); Ord. of 2-25-2002(4); Ord. of 4-8-2002(4); Ord. No. 2004-6, 5-24-2004]~~

~~Any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor, who makes an application to conditionally amend the district boundaries or zoning classification of property shall pay a fee of \$600.00 to cover the cost of advertising of notices, processing such application and indexing and tracking the conditions.~~

§ 28.8 Conditional use permits.

~~[Amended by Ord. of 2-25-2002(2) and 0-0-2023]~~

(1)

~~The city council shall have the power to hear and decide applications for conditional use permits as may be authorized in this ordinance. No such application shall be considered by council unless the application shall have first been submitted to the city planning commission for its recommendation and such commission shall have been allowed a reasonable time, not less than 30 days, for investigation and report.~~

(2)

~~In considering an application for a conditional use permit, the planning commission and council shall determine the appropriateness of the application based upon the following standards:~~

(a)

~~The use is compatible with the character and appearance of the surrounding neighborhood by virtue of its height, bulk, location on site and the design and location of parking, signage, landscaping and other outside activities or structures.~~

(b)

The use does not create a demand on public water or sanitary sewer services that exceeds the design capacity of those systems at the proposed site or that would in any way decrease the quality of service to the surrounding neighborhood.

(c)

The use does not generate traffic or parking on public streets that exceeds the design capacity of said streets and does not create a dangerous traffic problem by virtue of driveway location, site clearance, driveway slope or other factors.

(d)

The use does not increase the flood potential in the surrounding neighborhood.

(e)

The use is in conformance with the setback, yard, frontage, lot area, parking, signage, screening and any other applicable requirements of the zoning ordinance as they pertain to the district in which the use is to be located or to the specific use.

(f)

The use does not adversely affect the health or safety of persons residing or working in the neighborhood.

(g)

The use is not detrimental to the public welfare or injurious to other property and improvements in the neighborhood.

(h)

The use is not in conflict with the comprehensive plan and complies with all applicable federal, state and local laws.

(3)

The council may approve or disapprove the permit based upon its determination as to whether or not the use is in keeping with the standards set forth hereinabove in subsection (2) or can be made compliant therewith by the imposition of conditions on the permit. In the event that the council determines that conditions are required for compliance with the above standards, it may condition the granting of the permit on adherence to conditions with respect to the location, construction, maintenance or operation of the use.

(4)

The council may limit the duration of a permit and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

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(5)

Construction or operation of the conditional use shall commence within one year of the issuance of the permit, except that the zoning administrator may extend this period for up to one more year upon the administrator's determination in his or her sole discretion that additional time is reasonably needed to complete the construction or commence operations. If after the permit is issued and the use for which the permit is issued is discontinued for a period of more than one year, the permit shall become void.

(6)

The council shall also have the power to revoke a conditional use permit if it determines that there has not been compliance with the terms or conditions of the permit. No conditional use permit shall be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

§ 28.10 Special use permits for uses not provided for.

[Amended by Ord. 0 0 2023]

(1)

If, in any district established under this ordinance, a use is not specifically permitted and an application is made to the zoning administrator for such use, the zoning administrator shall refer the application to the planning commission as a special use permit. The planning commission shall make its recommendation to the city council after holding a public hearing on the said application.

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The city council may, after receiving the recommendations from the planning commission and after holding a public hearing on said application, issue a special use permit for said use for a temporary period or permanently, as determined by the council, upon such conditions as the council may deem necessary to safeguard and protect the public health, morals, safety and general welfare of the neighborhood or area within the proposed use will be located.

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(2)

Initiation of special use permit.

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(a)

The property owner or other person with an enforceable legal interest in the property may file an application for a special use permit.

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(3)

Application for special use.An application for special use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth. Such application shall be forwarded from the zoning administrator to the planning commission for review and recommendation. The planning commission shall conduct a public hearing and render a recommendation on the application, which shall be forwarded to city council.

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(4)

Planning commission recommendation.The planning commission, after public notice and hearing, shall forward its recommendation to city council which in turn shall hold another hearing.

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(5)

The city council after public notice and hearing and upon recommendation by the planning commission may authorize the issuance of special use permits in harmony with the general purpose and intent, as hereinafter provided, and subject to appropriate conditions.

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(6)

Standards for review of a special use application.The planning commission and city council shall consider the following criteria before the granting of a special use permit:

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(a)

That the establishment, maintenance, and operation of the special use will not be detrimental to or endanger the public health, safety, and general welfare;

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(b)

That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity;

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(c)

That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or will be provided;

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(d)

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;

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(e)

That the proposed special use is not contrary to the goals and objectives of the Isle of Wight County Comprehensive Plan;

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(f)

That the special use shall, in all other respects, conform to the applicable regulations of the zoning district classification in which it is located and to the special requirements established for the specific use.

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(g)

That the use(s) at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

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(7)

Conditions and guarantees.The city council may impose conditions or limitations on any approval, including the posting of performance guarantees. Such conditions may include, but are not necessarily limited to:

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(a)

The number of persons living or working in the immediate area and the proposed hours of operation, as may be applicable;

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(b)

Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future;

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(c)

The orderly growth of the neighborhood and community and the fiscal impact on the city;

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(d)

The effect of odors, dust, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties;

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(e)

Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal, and the ability of the county or persons to supply such services;

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(f)

The degree to which the development is consistent with generally accepted engineering and planning principles and practices;

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(g)

The structures in the vicinity such as schools, houses of worship, theaters, hospitals, and similar places of public use;

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(h)

The purposes set forth in this ordinance, the county's comprehensive plan, and related studies for land use, roads, parks, schools, sewers, water, population, recreation, and the like;

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(i)

The environmental impact, the effect on sensitive natural features, and opportunities for recreation and open space;

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(j)

The preservation of cultural and historic resources or landmarks.

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(8)

Other laws applicable.The granting of a special use does not exempt the applicant from obtaining a zoning permit certificate or complying with all other requirements of this ordinance or any applicable county, state, or federal law.

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(9)

Denial of a special use permit.If the city council finds that in an application for a special use provided in this ordinance and requested in said application will not conform to the general character of the neighborhood to which the proposed use will

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apply, and that the public health, safety and general welfare of such neighborhood will not be secure by granting such special use, then the city council may deny such application, anything in this ordinance to the contrary notwithstanding.

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(10)

Effect of denial of a special use.

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(a)

No application for a special use which has been denied wholly or in part by city council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by council.

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(b)

The city council may, at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered, as determined by the zoning administrator.

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(11)

Scope of approval.

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(a)

Unless otherwise specified by the conditions of the permit, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the city council shall cause the permit to terminate and to become void.

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(b)

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the city and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the city to rezone the subject property or to exercise any other power provided by law.

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(c)

Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the city council, in approving the initial permit, has specifically

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established alternative procedures for consideration of future expansion or enlargement.

(d)

Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall terminate and become null and void. A use shall be deemed to have been "discontinued" when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

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(12)

Revocation of special use permits.

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(a)

The city council may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit.

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(b)

After review by the zoning administrator and consideration and recommendation by the planning commission, the city council shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

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i.

A change in conditions affecting the public health, safety and welfare since the adoption of the special use permit, or

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ii.

Repeated violations of this article, including any conditions attached to the special use permit, by the owner/operator of the use; or

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iii.

Fraudulent, false or misleading information or an error or mistake in fact supplied by the applicant (or his agent) for the special use permit.

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(13)

Violations. ...If it is determined that violations exist with regard to an approved special use permit, the following procedure shall be followed: After review and recommendation by the planning commission, the city council shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

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(a)

A change in conditions affecting the public health, safety and general welfare since adoption of the special use permit; or

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(b)

Repeated violations, including any conditions attached to the special use permit owner/operator of the use; or

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(c)

Fraudulent, false or misleading information or an error or mistake in fact supplied by the applicant (or his agent) for the special use permit.

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City of Franklin, VA / Appendix / Zoning Ordinance
ARTICLE XXIX 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 an existing structure.

AMEND OR AMENDMENT

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.

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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 multi-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 story 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.

BLACKSMITH

A business involving a person who makes and repairs things in iron by hand.

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

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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.

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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.

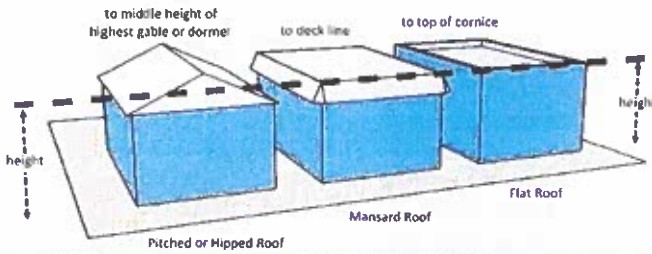
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BUILDING HEIGHT

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.

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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.

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BUILDING OFFICIAL

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

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

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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 carwashes.

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CEMETERY

All land in the City and owned by the City devoted exclusively to the interment of deceased persons, and all land hereafter acquired by the City in the City for such purposes. 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 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.

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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 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.

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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

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nonresidential development. This use excludes residential construction on separately-owned, individual lots, not part of an overall residential development.

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

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.

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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.

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DRIVEWAY

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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.

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

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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.

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EDUCATIONAL FACILITY, COLLEGE/UNIVERSITY

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

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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 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.

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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.

GRADE

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

GREENHOUSE, COMMERCIAL

See "Garden Center."

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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.

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.

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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:

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- 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. **The use also includes sheet metal and welding shops.**

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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 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.

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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

An soundproof enclosure or structure wherein seven or more adult dogs or cats four months old or older or a combination thereof 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

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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.

LIVE/WORK UNIT

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.

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LOT

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.

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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.

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LOT LINE

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

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to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

MARINA

A use for docking or mooring of more than four (4) boats (excluding paddle or rowboats) or providing services to boats, including servicing and repair, sale of fuel and supplies, and provisions of lodging, goods, beverages. A yacht or boat club shall be considered a marina.

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MEDICAL FACILITY

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

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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 As defined under Article XVI of this ordinance and added by Ord. No. 2018-06.

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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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(H)

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.

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e.

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

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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.

MODULAR HOME

See Dwelling, Single family.

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.

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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 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

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.

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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.
[Added 4-9-2007]

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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

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and fire protection services, emergency medical and ambulance services, and helicopter landing sites.

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. [Added 4-9-2007]

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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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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.

RAILROAD

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

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RAILROAD YARD

A complex series of railroad tracks for storing, sorting, or loading/unloading, railroad cars and/or locomotives. This definition includes incidental structures for storage, consolidation and de-consolidation of freight.

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REAL ESTATE OFFICE, TEMPORARY

A class A or B manufactured home, single-frame 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

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

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) 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.
- (6) Route 58 corridor high rise signs shall be located no closer than 200 feet from a residentially-zoned property.
- (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).
- (8) Directional signs for internal traffic circulation shall be allowed so as not obstruct sign vision at intersections within a public way.
- (9)

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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 area.

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SATELLITE TELEVISION ANTENNA

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

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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.

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SETBACK

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.

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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

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.

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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

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

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

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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TAXIDERM

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. 2015-04, 0-15-2015

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

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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.

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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WHOLESALE TRADE

A transitional stage involving the movement, storage and sale of bulk products to a retailer or consumer.

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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.

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.

ZONING DISTRICT USE TABLE

Use Type	R-O	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	RC	PUD
Accessory Dwelling Unit (ADU)	P	P	P	P							
Adult Day Care Center	C	C	C	P	P	P	P				
Adult Day Treatment Facility	C	C	C	C	P	P	P				
Agricultural Activity										P	
Antenna and/or Satellite	C	C	C	C	C	P	P	P	P	P	C
Assisted Living Facility	C	C	C	P	P	P					
Auction Establishment											
Bed and Breakfast Inn	C	C	C								
Blacksmith	C	C	C	C	C	P	P	P	P		C
Brewery, Distillery, Cidery											
Bus Terminal						P	P				
Car Wash											
Cemetery	C	C	C	C							
Child Day Center	C	C	C	P	P	P	P				P
Church	C	C	C	P	P	P	P				P
Clinic	C	C	C	C	P	P	P				
Club	C	C	C	P	P	P	P				
Cluster Zoning	P	P	P								
Commercial Accessory Apartment											
Commercial Indoor Amusement							P				
Commercial Indoor Entertainment							P				
Commercial Outdoor Entertainment/Sports and Recreation										C	
Commercial Outdoor Swimming Pool and Tennis Facility										C	
Communication Tower											
Community Center	C	C	C	P	P	P	P				P
Community Recreation	P	P	P	P							P
Construction Office Temporary											
Construction Sales and Service							P				
Construction Yard							P				
Contractor Office and Storage Facility											
Crisis Center											
Cultural Service	C	C	C	P	P	P	P				P

ZONING DISTRICT USE TABLE

Review of Residential Zoning District Regulations

Zoning District	R-O (low-density) <u>12 du/ac.</u>	R-OA (low-density)	R-1 (low/medium-density) <u>4 du/ac. - SF</u> <u>46 du/ac. - 2F</u> <u>24 du/ac. - TH</u>	R-1A (higher density)	R-1B (low-density)	R-2 (higher density) <u>9 du/ac. - SF</u> <u>9 du/ac. - 2F</u> <u>24 du/ac. - TH</u>	R-UR (higher density)	R-3 (higher-mixed residential density) <u>14 du/ac. - SF</u> <u>10 du/ac. - 2F</u> <u>24 du/ac. - TH</u>
Min. Area	40,000 <u>20,000</u>	<u>15,000</u>	<u>10,000 (SF)</u> <u>12,000 (2F)</u> <u>60,000 (TH)</u>	<u>10,000/12,000/3,000/5ac</u> <u>SF/2F/TH/MF</u>	<u>7,500</u>	<u>7,500/5,000 (SF)</u> <u>7,500 (2F)</u> <u>60,000 (TH)</u>	<u>4,500/10,000</u> <u>SF/TH</u>	<u>60,000/20-acre</u> <u>4,000 (SF)</u> <u>4,000 (2F)</u> <u>2000 (TH)</u> <u>5 ac. (MF)</u>
Min. Frontage and Width	<u>150'100'</u>	<u>100'</u>	<u>75'50' (SF)</u> <u>100' (2F)</u> <u>20' (TH)</u>	<u>75'100'/20'/300'</u> <u>SF/2F/TH/MF</u>	<u>60'</u>	<u>60'50' (SF)</u> <u>5075' (2F)</u> <u>20' (TH)</u>	<u>50'/20'</u> <u>SF/TH</u>	<u>100'20' (SF)</u> <u>2075' (2F)</u> <u>20' (TH)</u>
Setbacks:								
Front	<u>50'/40'</u>	<u>40'</u>	<u>30'</u>	<u>30'</u>	<u>25'</u>	<u>25'</u>	<u>50'/30'</u> <u>SF/TH</u>	<u>30'20'</u>
Side(s)	<u>10'/20' total</u>	<u>10'/20' total</u>	<u>10'/20' total</u>	<u>10'/20' total</u>	<u>10'/15' total</u>	<u>10'/15' total</u>	<u>10'/15' total</u>	<u>10'5'/10' total</u>
Rear	<u>50'40'</u>	<u>40'</u>	<u>40'30'</u>	<u>40'</u>	<u>40'</u>	<u>40'25'</u>	<u>30'/25'</u>	<u>25'20'</u>
Uses:								
One-Family Detached	<u>X (P)</u>	<u>X</u>	<u>X (P)</u>	<u>X</u>	<u>X</u>	<u>X (P)</u>	<u>X</u>	<u>(P)</u>
Cluster	<u>X (P)</u>	<u>X</u>	<u>X (P)</u>		<u>X</u>	<u>X (P)</u>		<u>(P)</u>
Single-Family Attached			<u>C</u>	<u>X</u>		<u>(P)</u>	<u>X</u>	<u>X (P)</u>
Two-Family	<u>C</u>		<u>(P)</u>			<u>(P)</u>		<u>(P)</u>
Multi-Family				<u>X (3,000 per unit)</u>		<u>C</u>		<u>(P)</u>

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X - Currently Permitted
 (P) - Permitted
 C - Conditional Use

Comprehensive Zoning Amendment

Zoning Map Changes

Pretlow Farm Estate

Current Zoning: R-OA

Min. Lot Size: 15,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 20 feet each
Rear 40 feet

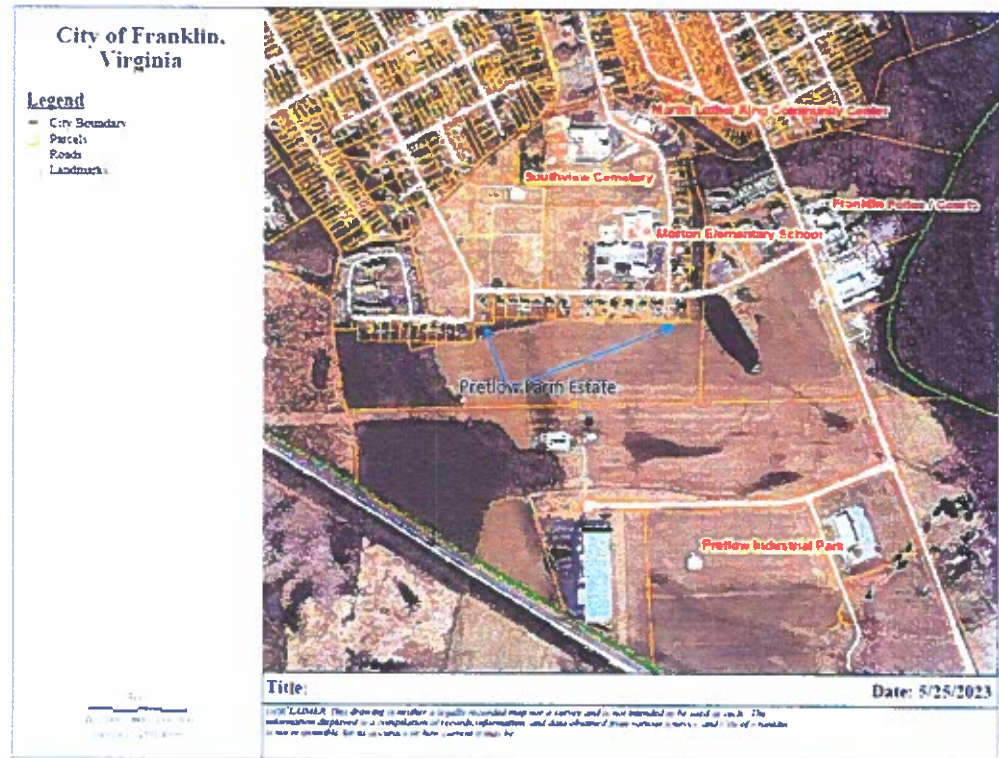
Proposed Zoning: R-O*

Min. Lot Size: 20,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 10 feet
Rear 40 feet

***Lots completely built-out. Will not affect re-build.**



Joyner Farms

Current Zoning: R-OA

Min. Lot Size: 15,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 20 feet each
Rear 40 feet

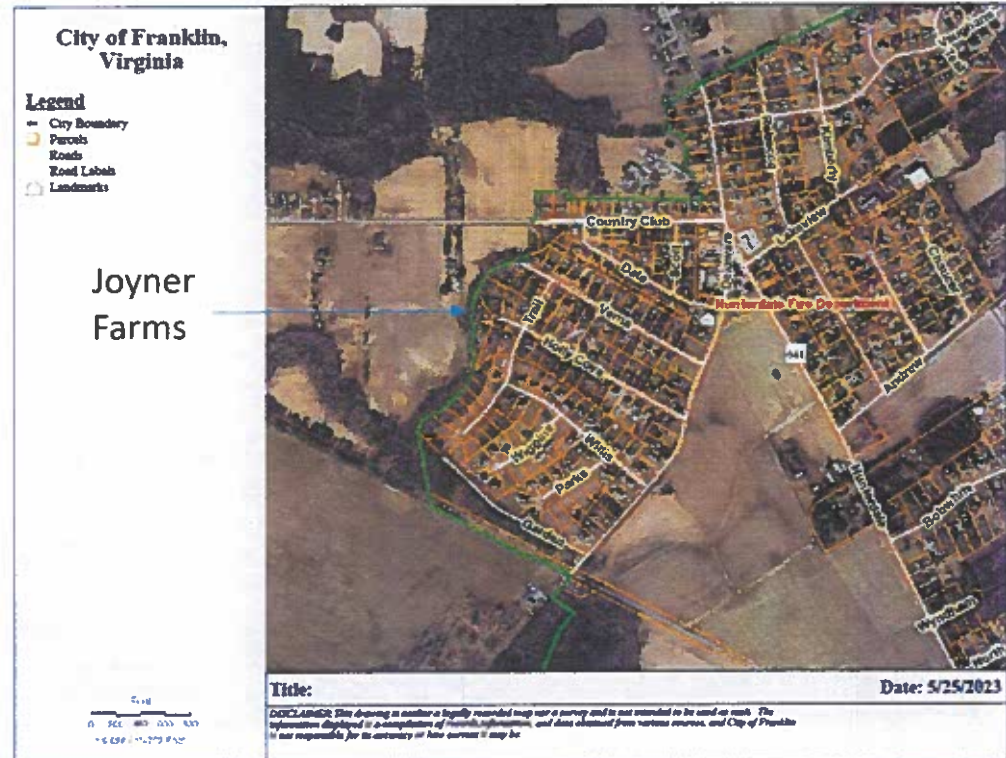
Proposed Zoning: R-O*

Min. Lot Size: 20,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 10 feet
Rear 40 feet

***Majority of lots built-out. Will not affect continued build-out or re-build.**



Lake Charles

Current Zoning: R-OA Conditional

Min. Lot Size: 20,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 20 feet each
Rear 40 feet

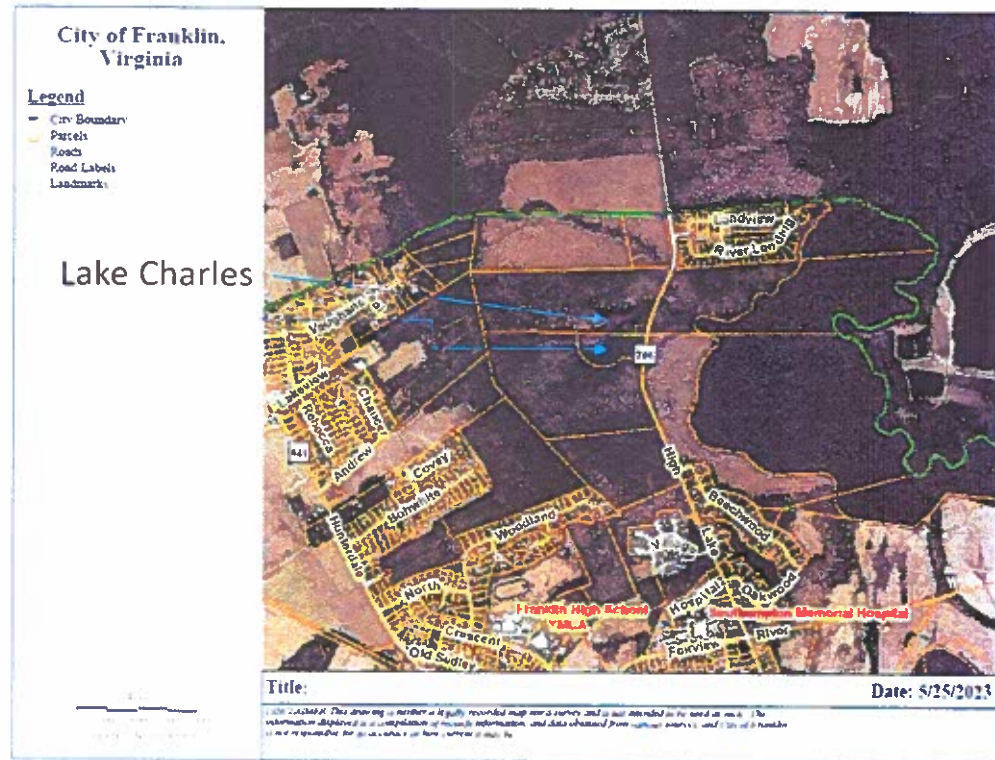
Proposed Zoning: R-O Conditional*

Min. Lot Size: 20,000 square feet

Min. Frontage: 100 feet

Setbacks: Front 40 feet
Sides 10 feet
Rear 40 feet

***Conditions of rezoning will govern development regardless of zoning change.**



Meadow View North Townhomes

Current Zoning: R-1A

Min. Lot Size: 3,000 square feet

Min. Frontage: 20 feet

Setbacks:	Front	30 feet
	Sides	20 feet each
	Rear	25 feet

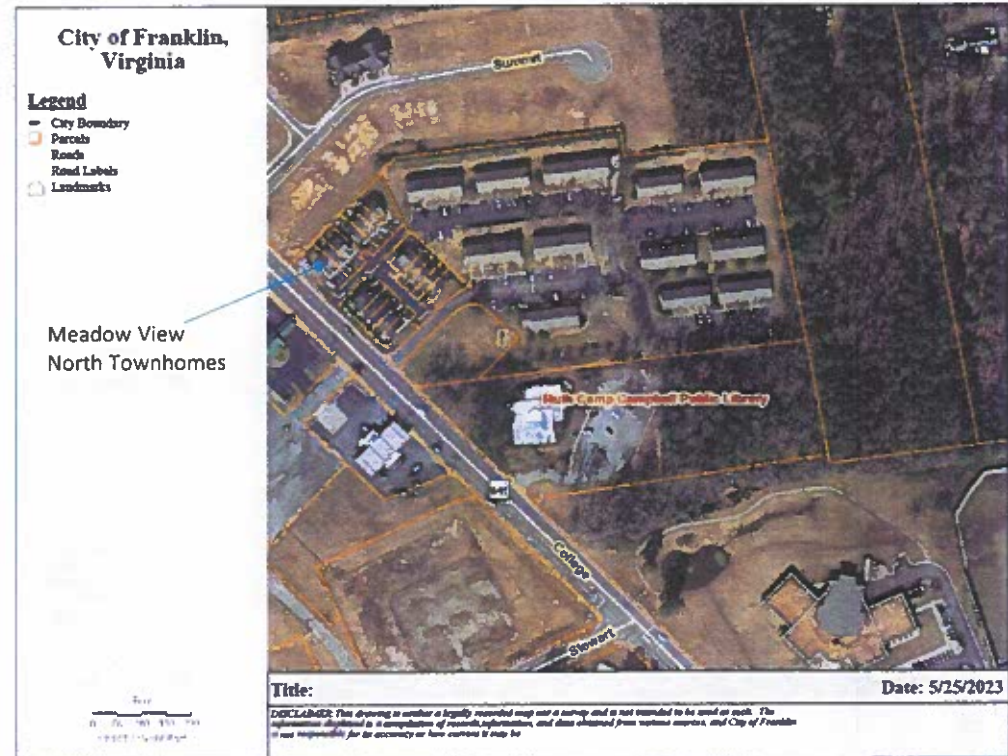
Proposed Zoning: R-3*

Min. Lot Size: 2,000 square feet

Min. Frontage: 20 feet

Setbacks:	Front	20 feet
	Sides	20 feet each
	Rear	20 feet

***Townhouse lots completely built-out. Will not affect re-build.**



Meadowbridge Apartments

Current Zoning: R-1A

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

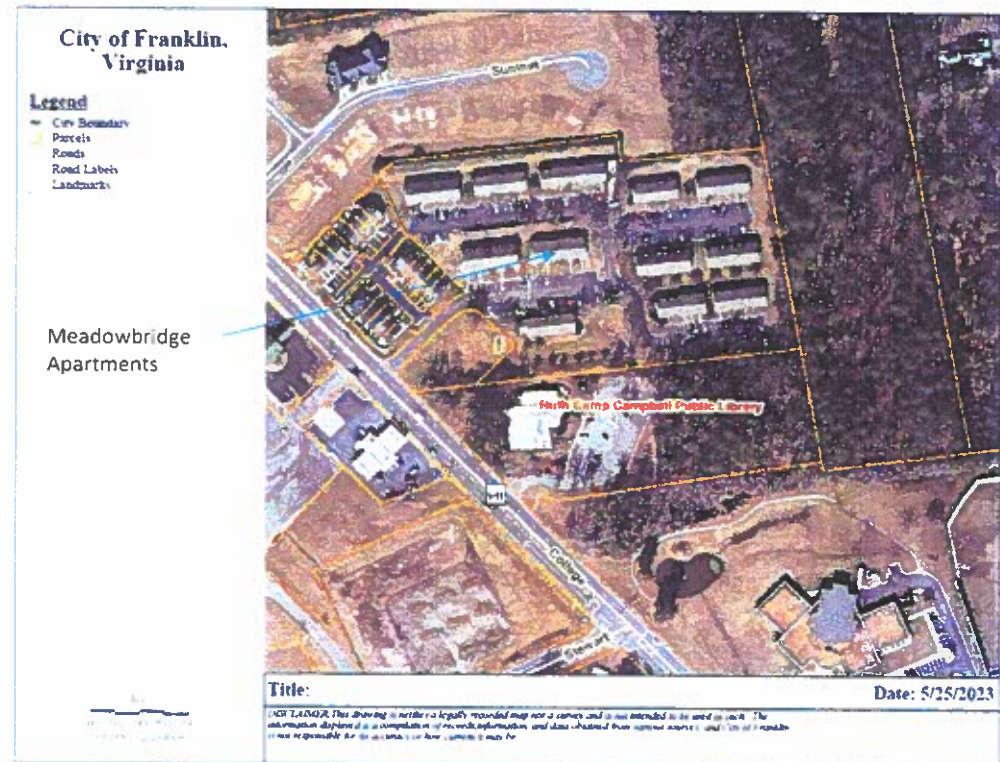
Proposed Zoning: R-3*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks: Front 30 feet
Sides 15 feet each
Rear 20 feet

***Apartments are completely built-out. Will not affect re-build.**



Dorchester Apartments

Current Zoning: R-1A

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

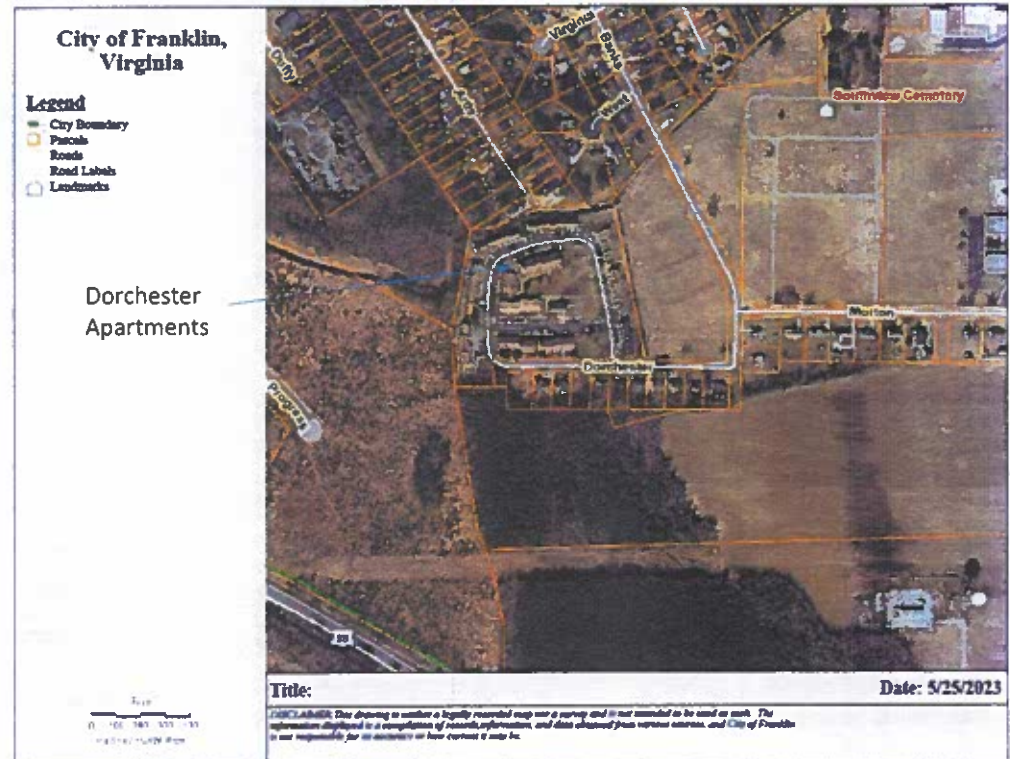
Proposed Zoning: R-3*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks: Front 30 feet
Sides 15 feet each
Rear 20 feet

***Apartments appear built-out. Will not affect re-build.**



Pretlow-Old Town Apartments

Current Zoning: R-1A

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

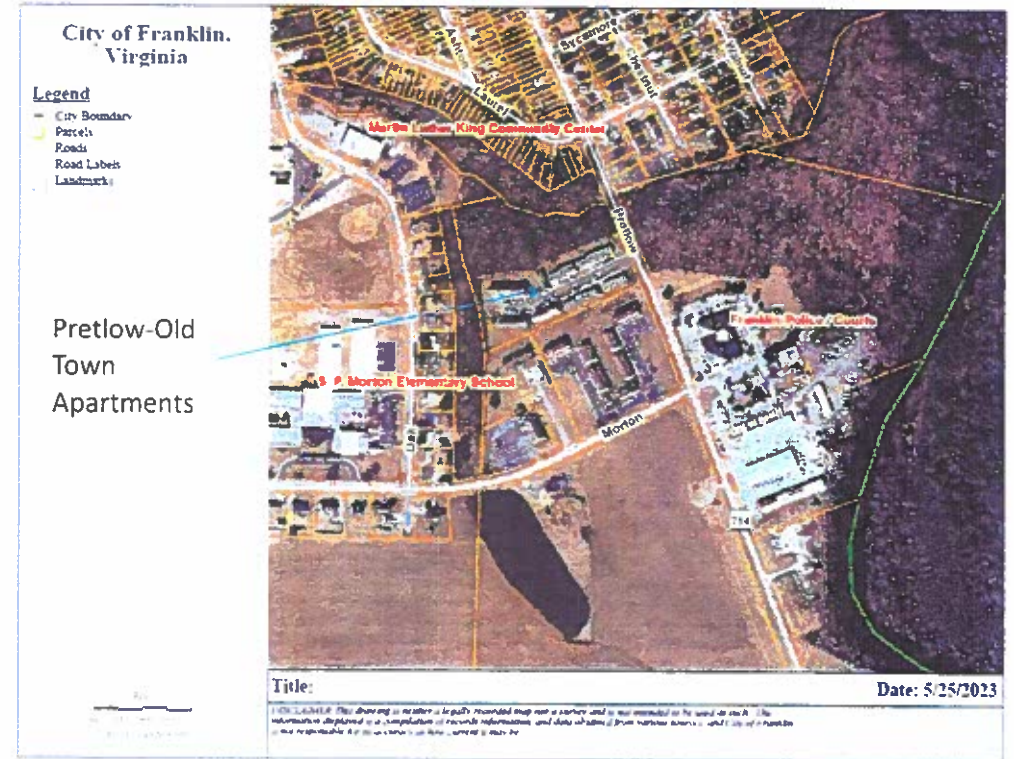
Proposed Zoning: R-3*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks: Front 30 feet
Sides 15 feet each
Rear 20 feet

***Apartments appear built-out. Will not affect re-build.**

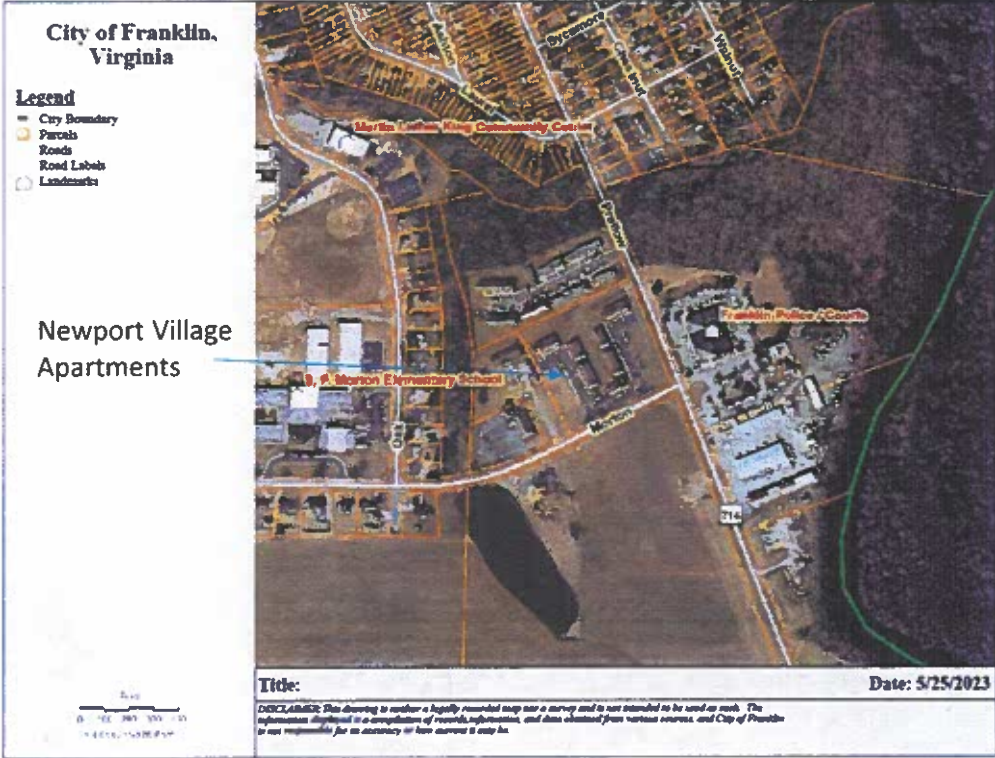


Newport Village Apartments

Current Zoning: R-1A
 Min. Parcel Size: 5 ac.
 Min. Frontage: 300 feet
 Setbacks: Front 30 feet
 Sides 20 feet each
 Rear 25 feet

Proposed Zoning: R-3*
 Min. Parcel Size: 5 ac.
 Min. Frontage: 100 feet
 Setbacks: Front 30 feet
 Sides 15 feet each
 Rear 20 feet

***Apartments appear built-out. Will not affect re-build.**



Adam Tyler Townhouses

Current Zoning: R-1A Conditional

Min. Lot Size: 3,000 square feet

Min. Frontage: 20 feet

Setbacks:	Front	30 feet
	Sides	20 feet each
	Rear	25 feet

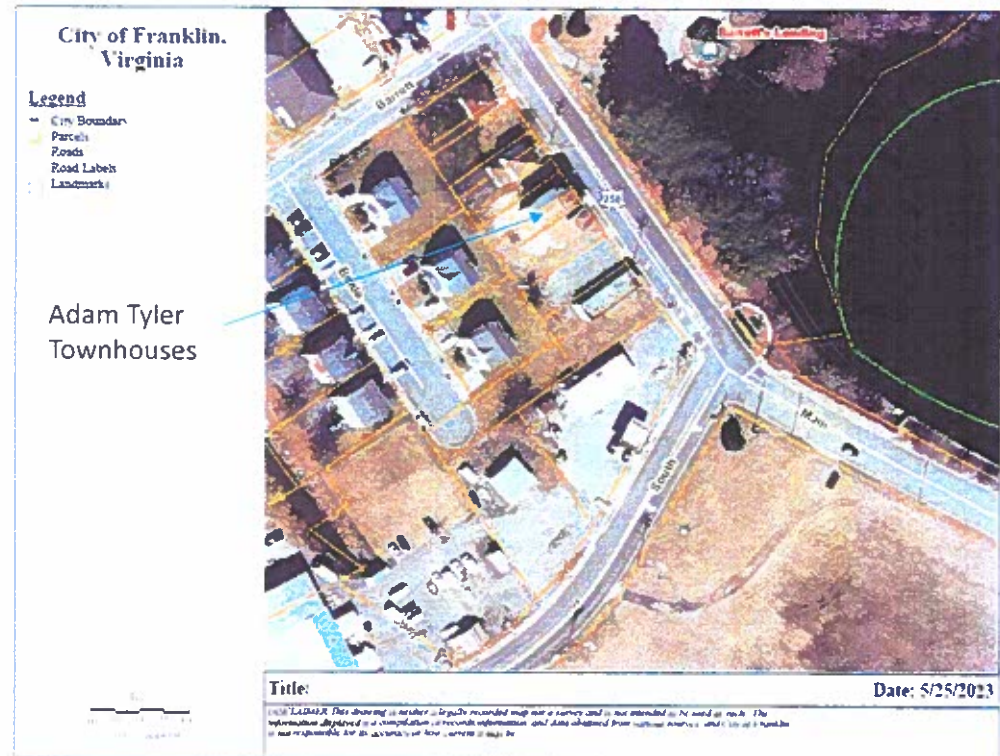
Proposed Zoning: R-2 Conditional*

Min. Lot Size: 2,000 square feet

Min. Frontage: 20 feet

Setbacks:	Front	20 feet
	Sides	20 feet each
	Rear	20 feet

***Will not affect re-build. Conditions of rezoning will govern development regardless of zoning change.**



Alo of Virginia Townhouses

Current Zoning: R-1A Conditional

Min. Lot Size: 3,000 square feet

Min. Frontage: 20 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

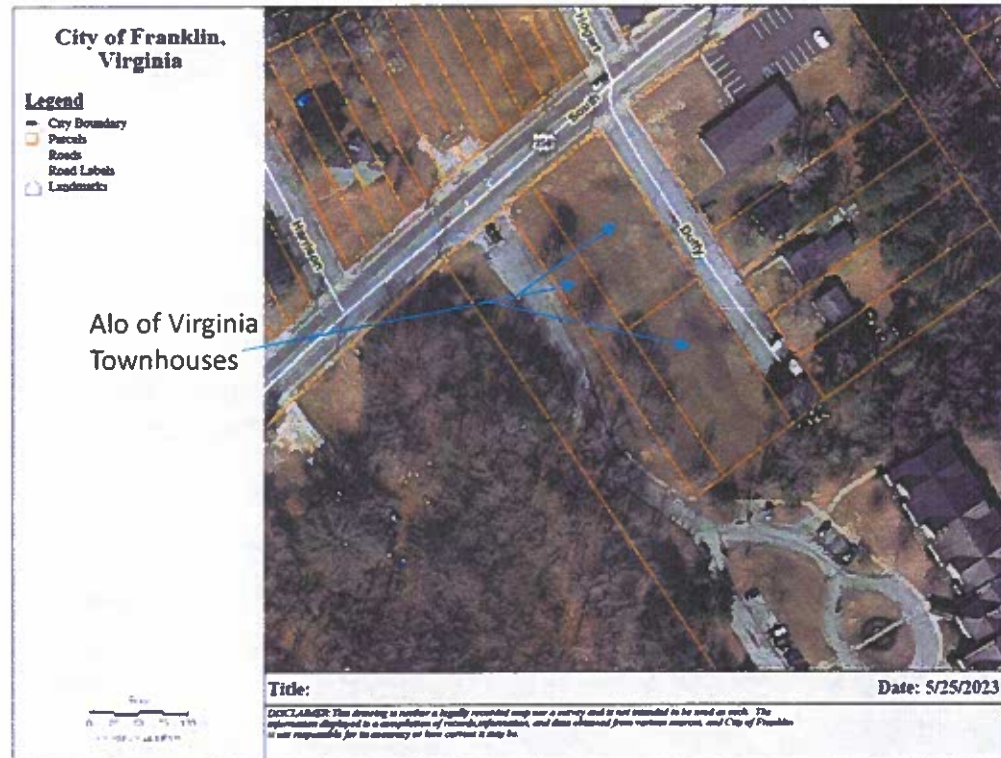
Proposed Zoning: R-2 Conditional*

Min. Lot Size: 2,000 square feet

Min. Frontage: 20 feet

Setbacks: Front 20 feet
Sides 20 feet each
Rear 20 feet

***Conditions of rezoning will govern development regardless of zoning change.**



COHO Investments Apartments

Current Zoning: R-1A Conditional

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks:	Front	30 feet
	Sides	20 feet each
	Rear	25 feet

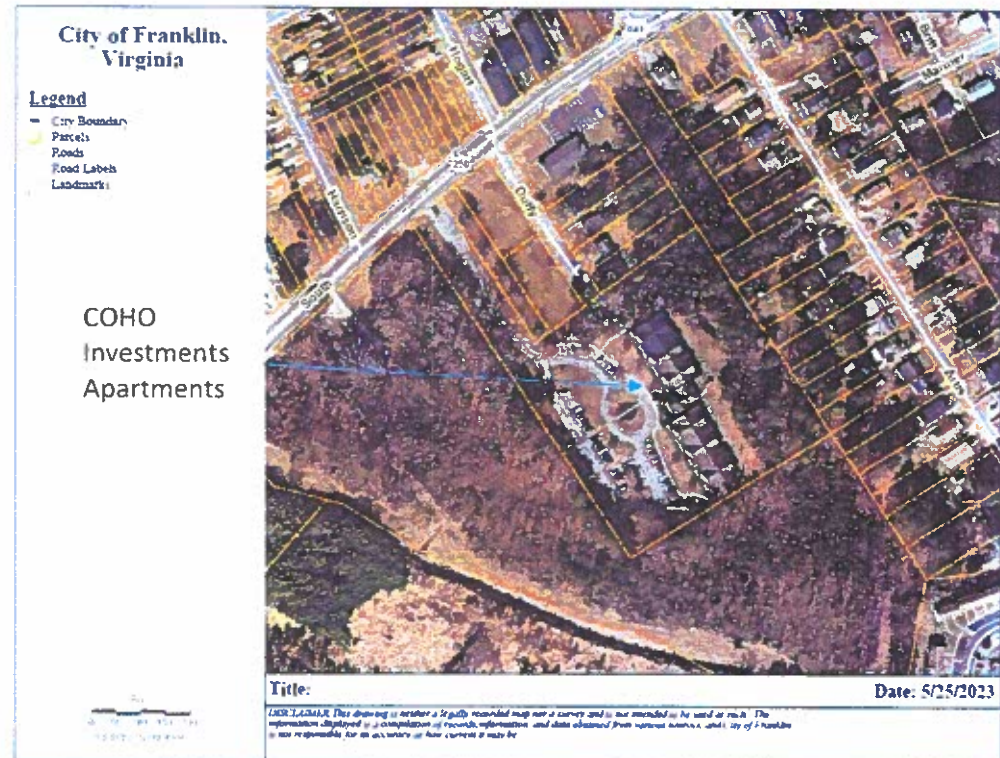
Proposed Zoning: R-2 Conditional*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks:	Front	30 feet
	Sides	15 feet each
	Rear	20 feet

***Will not affect re-build. Conditions of rezoning will govern development regardless of zoning change.**



Clinton Smith Townhouses

Current Zoning: R-1A Conditional

Min. Lot Size: 3,000 square feet

Min. Frontage: 20 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

Proposed Zoning: R-2 Conditional*

Min. Lot Size: 2,000 square feet

Min. Frontage: 20 feet

Setbacks: Front 20 feet
Sides 20 feet each
Rear 20 feet

***Will not affect re-build. Conditions of rezoning will govern development regardless of zoning change.**



Forest Pine Apartments – Adjacent Properties

Current Zoning: R-1A Conditional

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks: Front 30 feet
Sides 20 feet each
Rear 25 feet

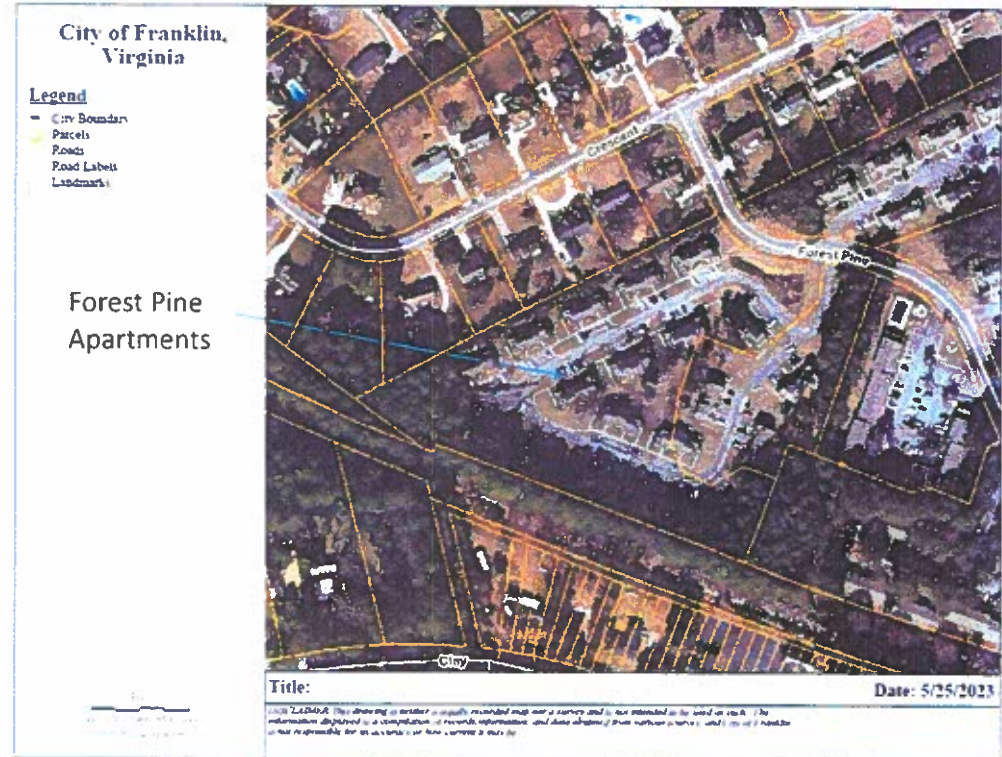
Proposed Zoning: R-2 Conditional*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks: Front 30 feet
Sides 15 feet each
Rear 20 feet

***Will not affect re-build. Conditions of rezoning will govern development regardless of zoning change.**



Forest Pine Apartments – F P Associates

Current Zoning: R-1A Conditional

Min. Parcel Size: 5 ac.

Min. Frontage: 300 feet

Setbacks:	Front	30 feet
	Sides	20 feet each
	Rear	25 feet

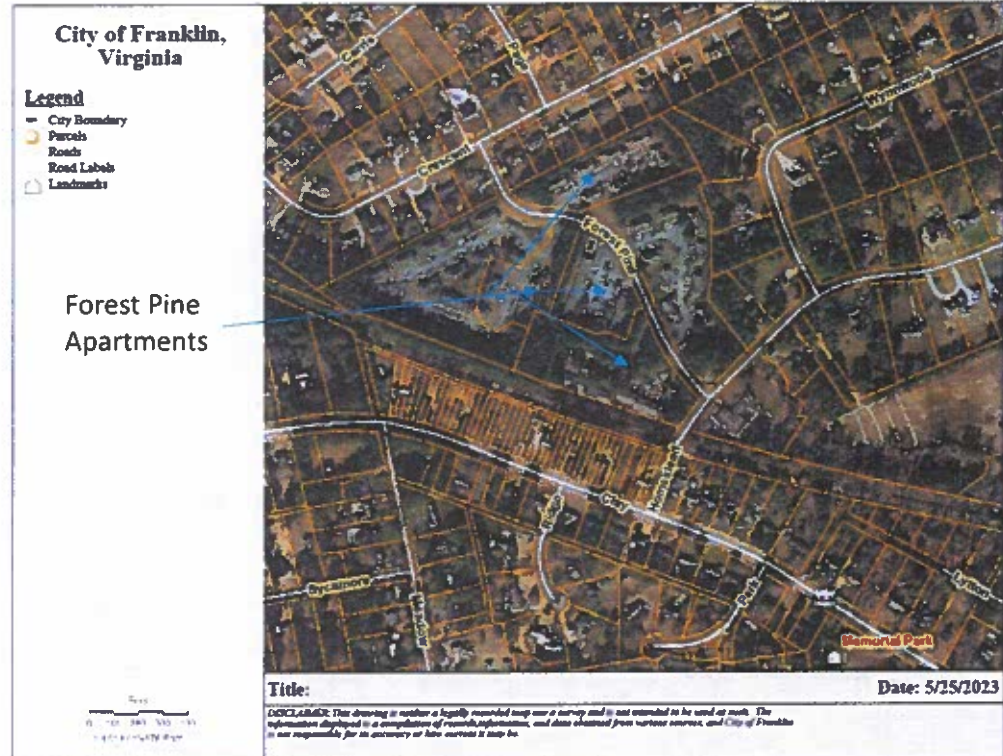
Proposed Zoning: R-2 Conditional*

Min. Parcel Size: 5 ac.

Min. Frontage: 100 feet

Setbacks:	Front	30 feet
	Sides	15 feet each
	Rear	20 feet

***Will not affect re-build. Conditions of rezoning will govern development regardless of zoning change.**



Langston Court

Current Zoning:

R-UR

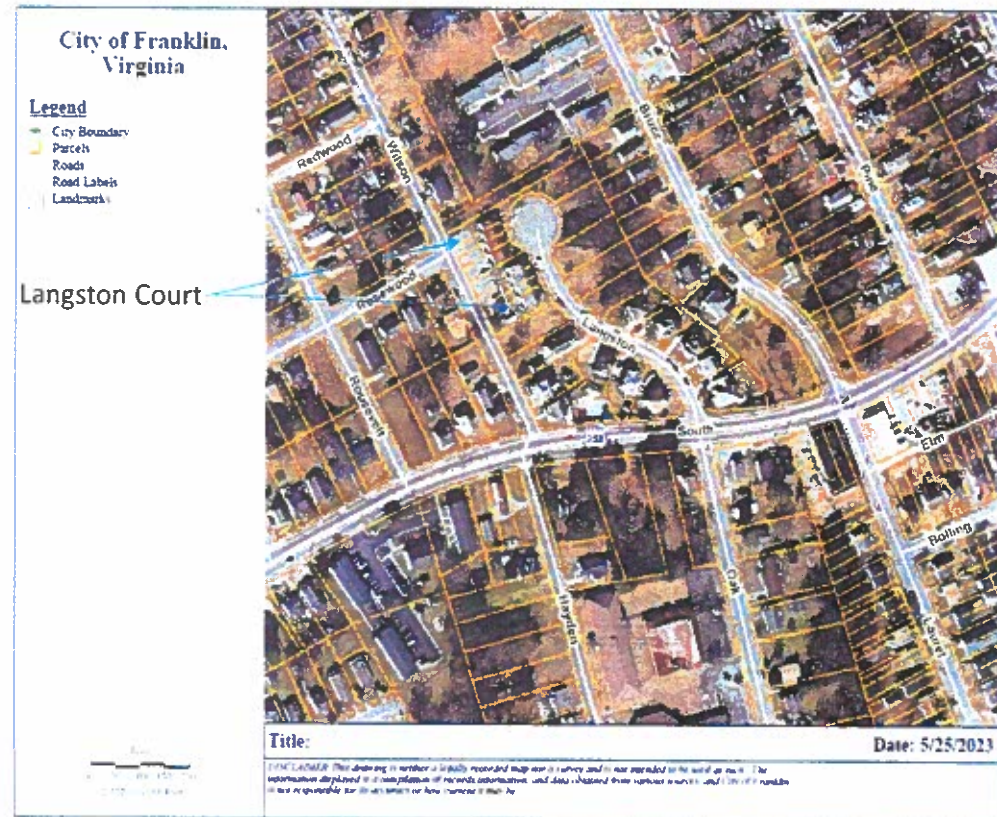
- Min. Lot Size: 4,500 square feet (Townhouse)
10,000 square feet (Single-Family)
- Min. Frontage: 20 feet (Townhouse)
50 feet (Single-Family)
- Setbacks: Front 30 feet (Townhouse) 50 feet (Single-Family)
Sides 20 feet (Townhouse)
10 feet one yard/total 15 feet (Single-Family)
Rear 25 feet (Townhouse) 30 feet (Single-Family)

Proposed Zoning:

R-2*

- Min. Lot Size: 2,000 square feet (Townhouse)
5,000 square feet (Single-Family)
- Min. Frontage: 20 feet (Townhouse)
50 feet (Single-Family)
- Setbacks: Front 20 feet (Townhouse) 25 feet (Single-Family)
Sides 20 feet each (Townhouse)
10 feet one yard/total 15 feet (Single-Family)
Rear 20 feet (Townhouse) 25 feet (Single-Family)

*Majority of lots built-out. Will not affect continued build-out or rebuild.





Department of Community Development
Planning - Building inspections – Zoning

Date: August 22, 2023
To: Members of the City Council
From: Carlee Smith, Director of Community Development
Re: Application to Vacate Portion of Alley between Norfleet St. and Fontaine St.

Request

The applicant has requested for the City of Franklin to vacate the alley between lot 6 on Norfleet Street and lots 12 and 13 on Fontaine Street. The applicant is requesting the alley to be vacated so that lot 6 can be used to develop a single family dwelling.

Currently, without the alley, lot 6 would not provide enough buildable area to build the desired single-family dwelling. With the increase of the lot size due to the alley vacation, the alley would serve as the 10' side yard set-back, and thus provide enough buildable area for the applicant to build the single-family dwelling of their choosing.

Additional Research

The 1916 plat encompassing Norfleet Street and Fontaine Street show that this alley, at one time, connected Norfleet Street to Beamon Street. The 2020 Deed includes a description of the property of Lot 12, now owned by the applicant, and does not appear to include any easements in regards to the alley.

Staff Comments

City Staff do not have any comments to provide.

Recommended Action

Planning Commissioners made a motion to approve the vacation of the portion of the alley between Norfleet and Fontaine Street as presented with direction to staff to confirm the original owner of the property, prior to the City's ownership, if any. The vote carried 5-1-1.

Attachment(s):

- Alley Vacate Application and maps
- Aerial site map of property
- 1916 Plat of Norfleet and Fontaine Streets
- 2020 Deed of Property



FRANKLIN SOUTHAMPTON COMMUNITY DEVELOPMENT

PLANNING AND ZONING
207 WEST SECOND AVENUE
Franklin, Virginia 23851
(757) 562-8580 Fax 757-562-0870

APPLICATION #
V15

DATE:
4-26-2023

Application to Vacate Alley or Street

Applies when City Council, Board of Supervisors or one or more persons owning property abutting a street or alley located in the City of Franklin or Southampton County wishes to vacate such street or alley.

ALL APPLICATIONS MUST BE ACCOMPANIED BY NO LESS THAN 8 COPIES OF THE PLAT SHOWING THE PROPOSED STREET OR ALLEY TO BE ABANDONMENT OR VACATION.

PROPOSED VACATION: Street; Alley [X]; OTHER (describe)

STREET NAME: Norfolk St from Norfolk St to Fontaine St

LOCATION AND DESCRIPTION ALLEY: 10' Alley (undeveloped)
Both properties already have the Alley closed up.

PURPOSE OF VACATION: To Develop

ADJACENT PROPERTIES :(attach list if necessary) Lots 6' + 12' + 13 and
Lots 5 + 11

EASEMENTS IDENTIFIED: ELECTRIC; WATER/SEWER; DRAINAGE;
OTHER (describe)

Applicant Johnnie Cowan Phone Number 757-965-5833

Address 3504 Bow Creek Blvd City Virginia Beach State VA Zip 23452

CHECK ALL THAT APPLIES: Governing Body; Abutting Owner; Licensed Surveyor

Any one or more persons owning property abutting a street or alley in the city may make application in the office of the Director of Community Development to vacate the street or alley by paying an administrative fee of \$75.00 for processing the application and by paying the costs of publishing public notices and notifying other property owners affected by such proposed vacation as required for any public hearing(s) on the application held by the Planning Commission or the Governing Body. The fees and costs specified above in this subsection shall not be applicable when such vacation occurs on application of the Governing Body of the locality.

This application must include an impact statement on services from the following municipal departments:

PUBLIC WORKS: No impact [X]. It will have the following impact: Initial: [Signature]

POWER & LIGHT: No impact [X]. It will have the following impact: Initial: [Signature]

FIRE & RESCUE: No impact [X]. It will have the following impact: Initial: [Signature]

APPLICANT'S NAME (PRINT): Johnnie Cowan

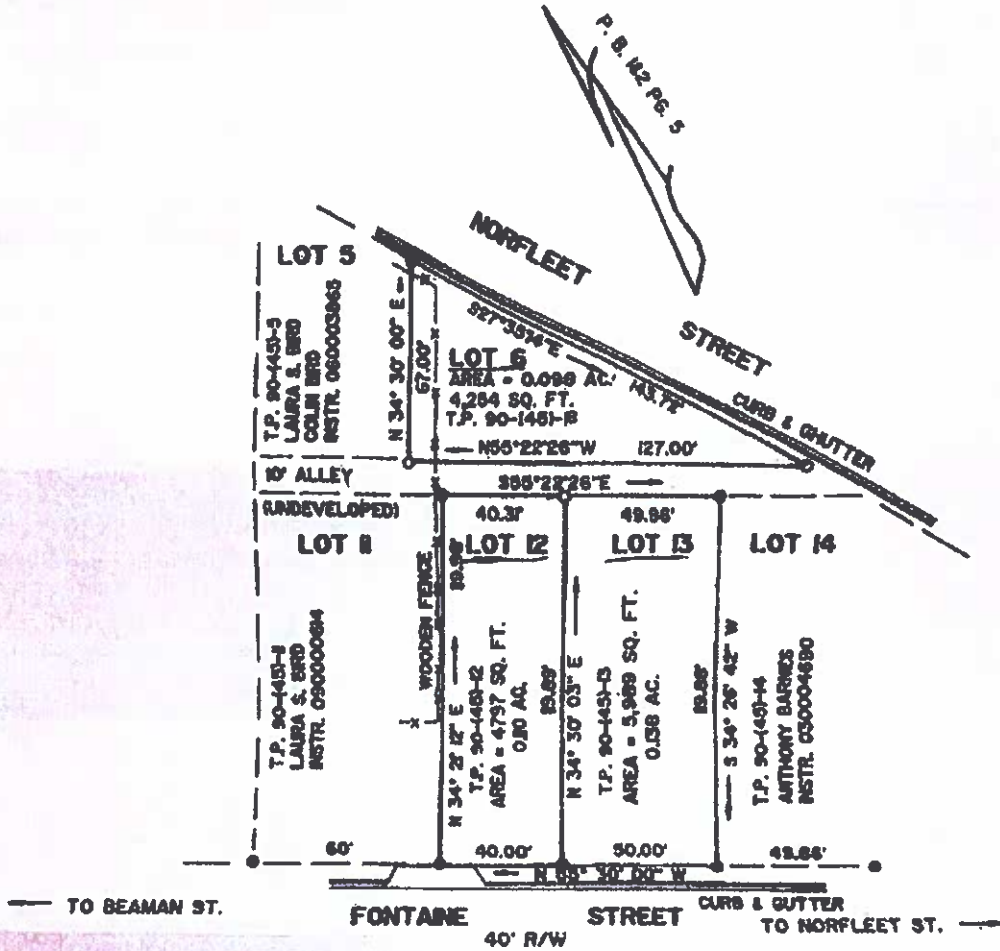
APPLICANT'S SIGNATURE: [Signature] DATE: 4-26-2023

FOR OFFICE USE ONLY

CHECKS ARE TO BE MADE PAYABLE TO: TREASURER CITY OF FRANKLIN

(Comments)

Submittal Received by: Community Development Staff Person Date:



REFERENCE - D.B. 305 PG. 458
P.B. 112 PG. 5

- - DENOTES IRON PIN FOUND
- ⊙ - DENOTES SPINDLE SET
- - DENOTES COMPUTED POINT

NOTE - LOT NUMBERS REFER TO
"MAP OF PROPERTY OF D. O. NORFLEET"
FRANKLIN, VIRGINIA - FEB., 1916

THIS SURVEY IS SUBJECT TO ANY EASEMENT
OF RECORD AND OTHER PERTINENT FACTS
WHICH A TITLE SEARCH MIGHT DISCLOSE.

I HEREBY CERTIFY THAT THE PROPERTY SHOWN
ON THIS PLAT IS LOCATED IN ZONE "X" AS SHOWN
ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-
PANEL NO. 510060 0002 D, DATED SEPT. 4, 2002.

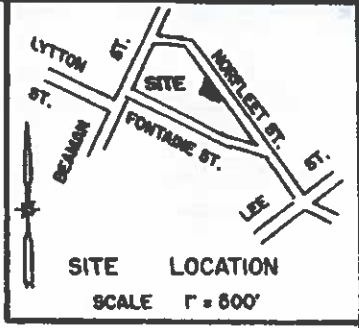
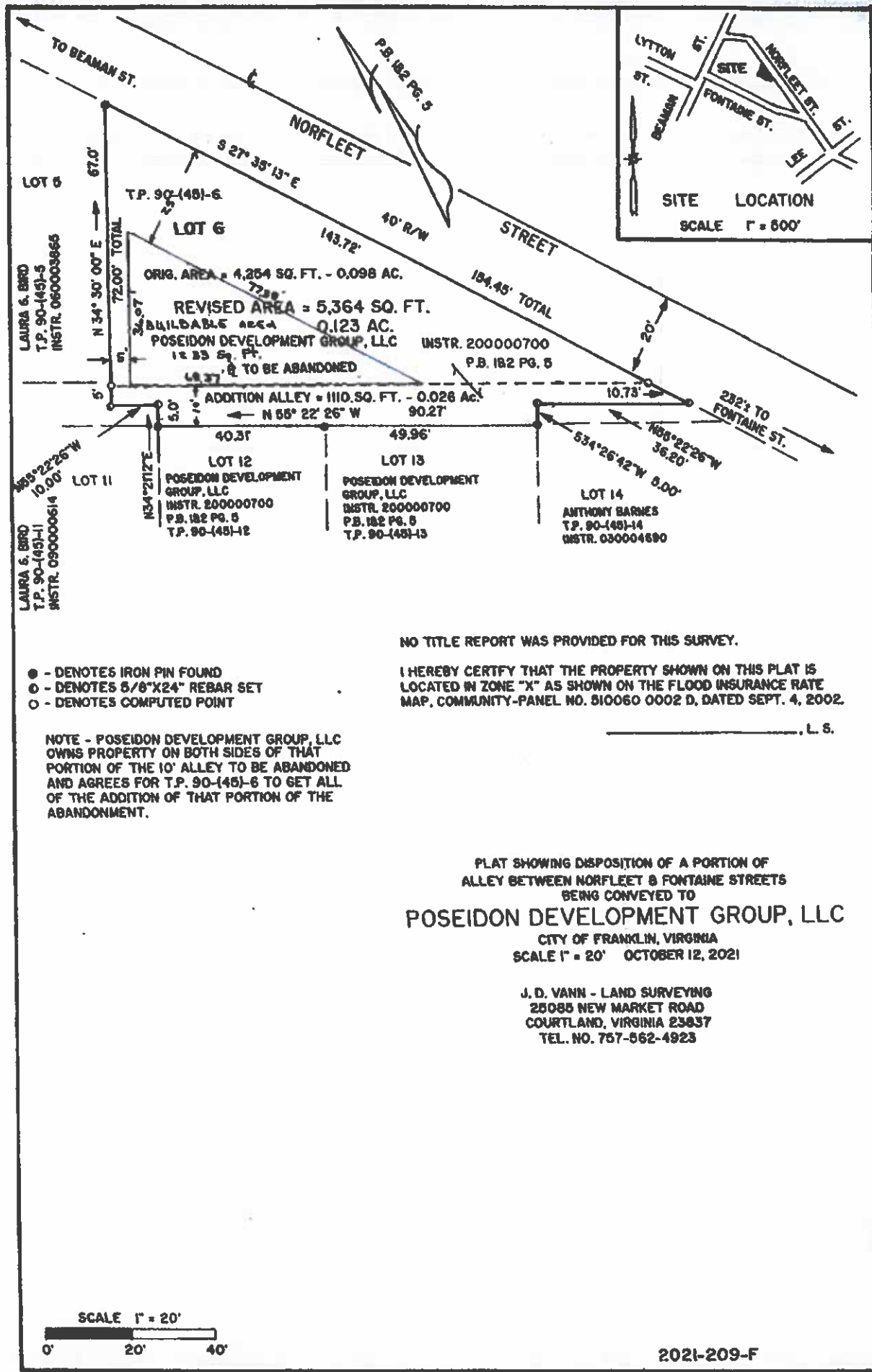
_____, L. S.

PLAT SHOWING PROPERTY SURVEYED FOR
POSEIDON DEVELOPMENT GROUP, LL

LOCATED AT 606 FONTAINE STREET
CITY OF FRANKLIN, VIRGINIA
SCALE 1" = 40' MARCH 10, 2020



J. D. VANN - LAND SURVEYING
25085 NEW MARKET ROAD
COURTLAND, VIRGINIA 23837
TEL. NO. 757-862-4923



NO TITLE REPORT WAS PROVIDED FOR THIS SURVEY.

- - DENOTES IRON PIN FOUND
- - DENOTES 5/8"X24" REBAR SET
- - DENOTES COMPUTED POINT

I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. 510060 0002 D, DATED SEPT. 4, 2002.

NOTE - POSEIDON DEVELOPMENT GROUP, LLC OWNS PROPERTY ON BOTH SIDES OF THAT PORTION OF THE 10' ALLEY TO BE ABANDONED AND AGREES FOR T.P. 90-(48)-6 TO GET ALL OF THE ADDITION OF THAT PORTION OF THE ABANDONMENT.

_____, L. S.

PLAT SHOWING DISPOSITION OF A PORTION OF ALLEY BETWEEN NORFLEET & FONTAINE STREETS BEING CONVEYED TO
POSEIDON DEVELOPMENT GROUP, LLC

CITY OF FRANKLIN, VIRGINIA
 SCALE 1" = 20' OCTOBER 12, 2021

J. D. VANN - LAND SURVEYING
 25085 NEW MARKET ROAD
 COURTLAND, VIRGINIA 23837
 TEL. NO. 757-562-4923



4/12/23

To The City of Franklin ~

My name is Lawa Suzanne Bird
and I own my home at 808 Fontaine St,
Franklin, VA. 23851.

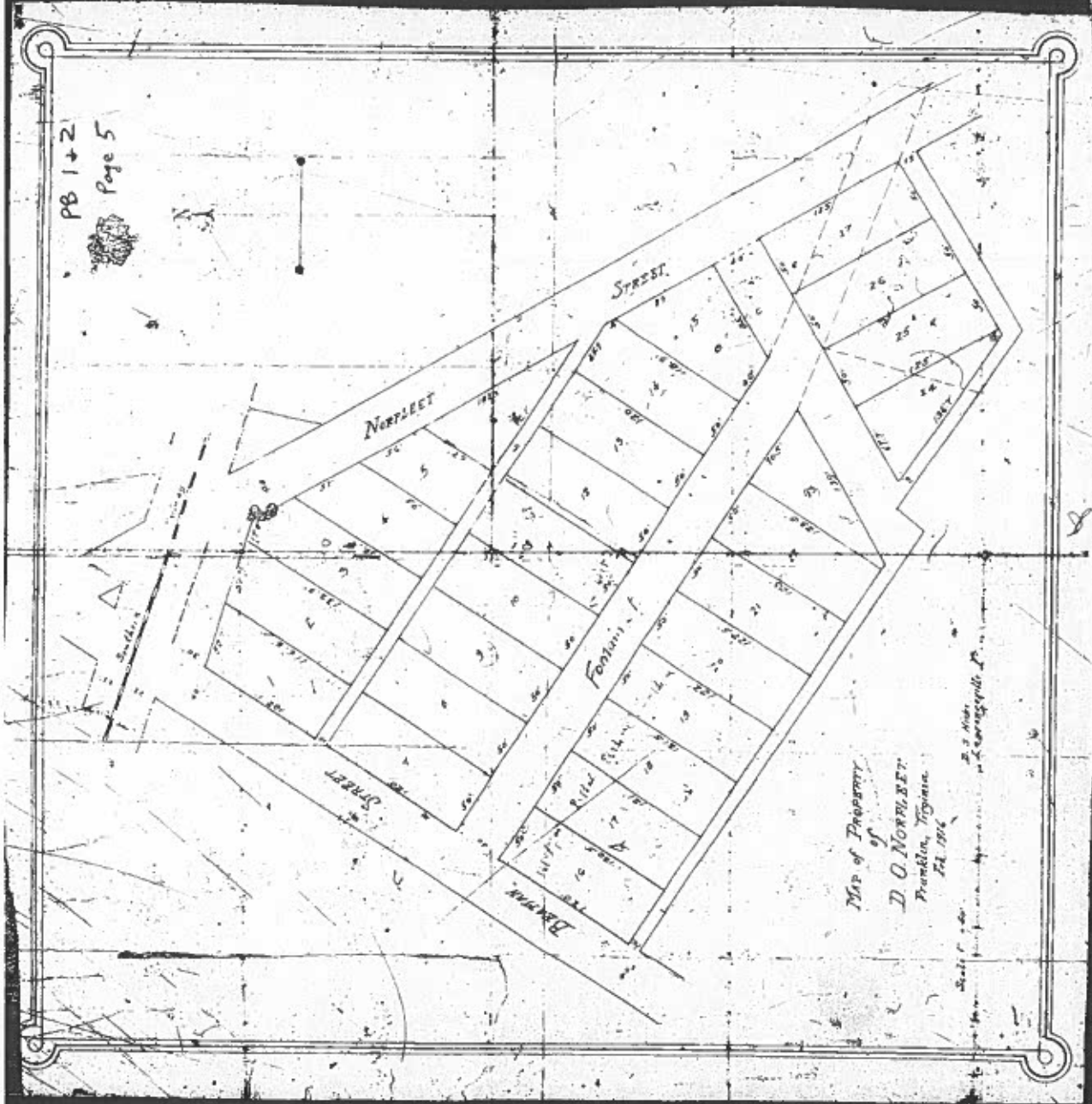
The gentleman who owns the house
(property) next door to me is building some
homes. His name is Johnny Cowan. He has
asked for me to write to you saying I am
aware of an "alley" way that is/was to be built
and that I agree to this as his neighbor.
I am not sure if I am responsible for maintenance
of it but I do understand he needs my
permission to proceed. Please allow him
to do this as he is beautifying this street
with a new build.

Thank you so much!

Sincerely,
Mrs. L. Suzanne Bird
757-304-1960

PB 1+2

Page 5



Map of Property
of
D. O. NORFLEET
Pembler, Virginia
1894

Scale 1" = 100'
D. O. Norfolk, P.
Surveyor

200000700

PG 001 - MAR 10 20

Prepared by & Return to:
William L. Holt, Esq.
VA Bar # 76857
Kaufman & Cano's, P.C.
506 N. Main Street
Franklin, VA 23851

Consideration: \$12,000.00
Assessment: \$31,000.00

TITLE INSURANCE UNDERWRITER: None

THIS DEED, made this 19th day of March, 2020, by and between DAVID R. RICKS, JR. and MARY L. RICKS, his wife, Grantors, and POSEIDON DEVELOPMENT GROUP LLC, a Virginia limited liability company, Grantee, whose mailing address is 330 W. Brambleton Ave. Norfolk, VA, 23510.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey with **GENERAL WARRANTY** and **ENGLISH COVENANTS OF TITLE** unto the said Grantee, in fee simple, the following described property, to-wit:

PARCEL ONE [TAX MAP # 090-(045)-12]:

"All that certain lot, piece or parcel of land bounded and described as follows: 'Beginning at a point in the northern boundary of Fontaine Street distance Two Hundred Sixty (260) feet along said boundary, in an easterly direction, from its intersection with the eastern boundary of Beamon Street; thence in a northerly direction perpendicular to Fontaine Street, about One Hundred Eighteen (118) or One Hundred Nineteen (119) feet to the southern boundary of an alley; thence in an easterly direction along said alley, approximately parallel with Fontaine Street Forty (40) feet; thence in a southerly direction perpendicular to Fontaine Street about One Hundred Eighteen (118) or One Hundred Nineteen (119) feet, the northern boundary of Fontaine Street; thence in a westerly direction along said northern boundary of Fontaine Street Forty (40) feet to the point of beginning; it being Lot No. Twelve (12) on the map of the property known as the D. O. Norfleet Property, and being a part of this same property assigned and conveyed to the parties of the seventh part, as Executors of the last will and testament of J. L. Camp, deceased, by deed of partition dated May 3, 1930, by and between the said Executors and Burton J. Ray, et ux, which deed is duly recorded in said Clerk's Office in Deed Book 71, at page 343."

PARCEL TWO [TAX MAP # 090-(045)-13]:

"All that certain lot, piece or parcel of land bounded and described as follows: Beginning in the northern line of Fontaine Street at a point distant three hundred (300) feet along

PG 002 MAR 19 20

said northern line, in an easterly direction, from its intersection with the eastern line of Beamon Street; thence in an easterly direction along said Fontaine Street fifty (50) feet; thence in a northerly direction, perpendicular to Fontaine Street, approximately one hundred twenty (120) feet to the southern line of an alley; thence in a westerly direction along said alley, approximately parallel with the northern line at Fontaine Street, fifty (50) feet; thence in a northerly direction, perpendicular to Fontaine Street, approximately one hundred twenty (120) feet to the point of beginning; it being lot No. Thirteen (13) on the said map of the property known as the D. O. Norfleet Property, and being a part of the same property assigned and conveyed to the parties of the seventh part, as Executors of the last will and testament of J. L. Camp, deceased, by deed of partition dated May 3, 1930, by and between the said Executors and Burton J. Ray, et ux, which said deed is duly recorded in said Clerk's Office in Deed Book 71, at page 343."

PARCEL THREE [TAX MAP # 090-(045)-6]:

"All that certain lot or parcel of land in the Town of Franklin, Southampton County (now the City of Franklin), Virginia, designated as Lot No. Six (6) on a plat entitled 'Map of property of D. O. Norfleet' made by D. S. Hicks dated February 1916 and recorded in the Clerk's Office for the Circuit Court of Southampton County, Virginia, in Plat Book 1 and 2, page 5, which said plat was recorded with a certain deed from D. O. Norfleet and wife and others to Burton J. Ray dated October 15, 1923, and recorded in said Clerk's Office in deed book 65, page 524, the said lot or parcel of land being more particularly described, with reference to said plat, as follows: Beginning at a point on the western boundary of Norfleet Street, which point is approximately one hundred ninety-one (191) feet along said western boundary of Norfleet Street in a southeasterly direction from the intersection of said western boundary of Norfleet Street with the southern boundary of the Southern Railway Right of Way, which Southern Railway Right of Way is fifty (50) feet wide, being twenty-five (25) feet on each side of the center line thereof; from said point of beginning thence in a southeasterly direction along the western boundary of Norfleet Street one hundred forty-two (142) feet, more or less, to the intersection of said western boundary of Norfleet Street with the northeastern boundary of an alley; thence along the northeastern boundary of said alley in a northwesterly direction one hundred twenty-seven (127) feet, more or less; thence in a northeasterly direction approximately perpendicular to Fontaine Street sixty-seven (67) feet, more or less, to the point of beginning; being bounded on the northeast by Norfleet Street, on the southwest by an alley, and on the northwest by lot No. (5) on said plat."

IT BEING the same property conveyed to David R. Ricks, Jr. by Deed of Darden W. Jones, et al, dated June 12, 1987 and recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia in Deed Book 305 at Page 458.

TOGETHER with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This conveyance is subject to all easements, restrictions, and limitations of record or apparent on the ground.

Witness the following signatures and seals:

David R. Ricks, Jr.
David R. Ricks, Jr.

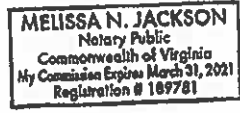
Mary L. Ricks
Mary L. Ricks

STATE OF VIRGINIA
CITY OF FRANKLIN, to-wit:

The foregoing instrument was acknowledged before me on March 19th, 2020, by David R. Ricks, Jr. and Mary L. Ricks, who are personally known to me or who have produced satisfactory evidence of identification.

Melissa Jackson
Notary Public

My Commission Expires: 3/31/2021
Identification Number: 189781



INSTRUMENT 200000700
RECORDED IN THE CLERK'S OFFICE OF
SOUTHAMPTON CIRCUIT COURT ON
MARCH 19, 2020 AT 03:19 PM
\$31.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$15.50 LOCAL: \$15.50
RICK FRANCIS, CLERK
RECORDED BY: RMT



An Ordinance vacating alley located between Norfleet Street and Fontaine Street.

THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA ORDAINS AS FOLLOWS:

WHEREAS, the alley intersecting Norfleet Street prior to Norfleet Street’s intersection with Fontaine Street, located within the jurisdictional limits of the City of Franklin, Virginia, (the “Alley”) is no longer used for an municipal purpose by the City and instead only represents an ongoing maintenance responsibility for the City; and

WHEREAS, Lot 6 abutting the Alley and Norfleet Steet is triangular in shape and due to its unusual dimensions has limited buildability under the City Code; and

WHEREAS, the owner of Lot 6, Poseidon Development Group LLC, (“Poseidon”) has made application to the City under § 15.2-2006 of the Code of Virginia, as amended, to vacate the portion of Alley along Lot 6 because it wishes to construct a home thereon; and

WHEREAS, Poseidon submitted with its application a plat entitled “Plat Showing Disposition of a Portion of Alley Between Norfleet & Fontaine Streets Being Conveyed to Poseidon Development Group, LLC,” prepared by J.D. Vann Land Surveying and dated October 12, 2021 (the “Plat”), which shows the Alley being added to Lot 6 up to the boundary of Lot 12 and Lot 13, both of which are also owned by Poseidon; and

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia, the City of Franklin, Virginia is authorized, and so desires, to vacate those portions of the Alley as describe herein.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Franklin, Virginia at its regular meeting on this 28th day of August, 2023 as follows:

1. An application has been made by Poseidon Development Group LLC to vacate the Alley, more particularly described as:

All that portion of the alley intersecting Norfleet Street prior to Norfleet Street’s intersection with Fontaine Street, located within the jurisdictional limits of the City of Franklin, Virginia, containing 0.026 acres, more or less, and depicted as “Additional Alley” on that certianplat entitled “Plat Showing Disposition of a Portion of Alley Between Norfleet & Fontaine Streets Being Conveyed to Poseidon Development Group, LLC,” prepared by J.D. Vann Land Surveying and dated October 12, 2021 (the “Plat”), which is attached hereto as Exhibit A and incorporated herein by reference.

2. The above-referenced Alley is hereby vacated as requested by Poseidon;

3. Poseidon shall prepare a certified and sealed copy of the Plat acceptable to be recorded as Exhibit A to this ordinance;

4. The Clerk of the City Council is hereby directed to forward a certified copy of this ordinance with the Plat to the Clerk of the Circuit Court of Southampton County, for recordation among the said County land records; and

5. This ordinance is effective upon adoption.

Clerk to City Council

EXHIBIT A

PLAT



Department of Community Development
Planning - Building inspections – Zoning

Date: August 22, 2023
To: Members of City Council
From: Carlee Smith, Director of Community Development
Re: Application to Vacate a Paper Street off Commerce Park Road

Request

The applicant has requested for the City of Franklin to vacate the paper street off of Commerce Park Road for the development of tax parcel #135-(169)-G. The applicant has expressed that the entire width of the paper street is needed to accommodate the width of turning radius for larger vehicles entering and exiting the property.

Tax parcel #135-(169)-G is zoned M-1, which allows for light industrial uses including the manufacture, storage, or handling of products that are not dangerous or offensive because of odor, dust, fire, explosion, or other reasons and which employee processes or equipment that do not produce objectionable noise, vibration, glare, smoke, gas, wastes or the like. Activities in the M-1 district are generally dependent on raw materials that are refined at another location.

Additional Research

This piece of property is unique in the sense it is situated in between two differently zoned parcels, with a B-3 property to the north, and an M-1 property to the south. The fair market value of this property could ultimately be determined by the zone in which it is obtained. Because this piece of property does not have a tax parcel number, nor a 911 address, Wampler-Eanes Appraisal Group LTD. was contacted to assist with determining fair market value price. As a result, based on the July 1, 2020 appraisal values, Wampler-Eanes determined that if the entire paper street were to be obtained by the B-3 property, the paper street's fair market value would range from \$70,000-\$80,000; if the paper street were to be obtained by the M-1 property, the fair market value would be \$40,000.

In October of 1976, the City of Franklin obtained 36.70 acres of land from the representatives of deceased Hugh Camp's portion of the property. Camp received 1/6th interest of the property from his father, James L. Camp through deed dated 1924. The remaining 5/6th interest of the property was conveyed to Hugh Camp by Sally C. Ray et al by deed recorded in 1944. The deed does not appear to describe any easements within the Camp property. The 1987 plat is the only plat that was recorded within the Southampton County Circuit Court's office that demonstrates the build-out of Commerce Park. The plat shows the parcels sold by the City are within their own parcel boundaries, and do not include any portion of the right-of-ways on Commerce Park. At the time of research, the Circuit Court was unable to produce any documentation that would describe the conveyance of the right-of-way. It is possible that there is not a record of the road because it has always been retained by the City, and never officially conveyed, however, there appears to be a missing document to support why this paper street is designated a right-of-way versus maintaining the property as unconveyed.

Comprehensive Plan

The City of Franklin 2015 Comprehensive Plan Current and Future Land Use Map designates this property as industrial use. The future land use map shows Commerce Park Road could be connected to Sachs Avenue with the utilization of this paper street.

Staff Comments

City Staff expressed the concern that vacating the street land-locks the property between this location and the end of Sachs Ave. There are no water/sewer utilities within the right-of-way.

Recommended Action

Planning Commissioners made a motion to vacate the 60' right-of-way of the paper street by splitting it between both neighboring interested property owners, where each owner would be able to purchase 30' of the right-of-way priced at the fair market value with no required timeline for the development of the tax parcel #135-(169)-G. This vote carried 6-0-1.

Attachment(s):

- Paper Street Vacate Application
- Existing and proposed site plan rendering
- Aerial site map of property
- Wampler-Eans Equity Analysis of Real Property for Vacant Land report
- 1976 Deed



FRANKLIN SOUTHAMPTON COMMUNITY DEVELOPMENT
PLANNING AND ZONING
 207 WEST SECOND AVENUE
 Franklin, Virginia 23851
 (757) 562-8580 Fax 757-562-0870

APPLICATION #
 V15 _____

DATE:
 5-8-23

Application to Vacate Alley or Street

Applies when City Council, Board of Supervisors or one or more persons owning property abutting a street or alley located in the City of Franklin or Southampton County wishes to vacate such street or alley.

ALL APPLICATIONS MUST BE ACCOMPANIED BY NO LESS THAN 8 COPIES OF THE PLAT SHOWING THE PROPOSED STREET OR ALLEY TO BE ABANDONMENT OR VACATION.

PROPOSED VACATION: Street ; Alley _____; OTHER (describe) UNIMPROVED 60' RIGHT OF WAY
 STREET NAME: COMMERCE PARK ROAD from COMMERCE PARK to COMMERCE PARK
 LOCATION AND DESCRIPTION ALLEY: 60' RIGHT OF WAY (UNIMPROVED)

PURPOSE OF VACATION: ALLOW FOR NEW BELLOWS ON PARCEL 135-(169) G

ADJACENT PROPERTIES :(attach list if necessary) _____

EASEMENTS IDENTIFIED: _____ ELECTRIC; _____ WATER/SEWER; _____ DRAINAGE;
 OTHER (describe) _____

Applicant R.W. TYLER & ASSOCIATES LTD Phone Number 757-724-2501
 Address P.O. Box 997 City FRANKLIN State VA Zip 23851

CHECK ALL THAT APPLIES: _____ Governing Body; _____ Abutting Owner; _____ Licensed Surveyor

Any one or more persons owning property abutting a street or alley in the city may make application in the office of the Director of Community Development to vacate the street or alley by paying an administrative fee of \$75.00 for processing the application and by paying the costs of publishing public notices and notifying other property owners affected by such proposed vacation as required for any public hearing(s) on the application held by the Planning Commission or the Governing Body. The fees and costs specified above in this subsection shall not be applicable when such vacation occurs on application of the Governing Body of the locality.

This application must include an impact statement on services from the following municipal departments:

PUBLIC WORKS: No impact . It will have the following impact: _____ initial: SWW
 POWER & LIGHT: No impact . It will have the following impact: _____ initial: ZW
 FIRE & RESCUE: No impact . It will have the following impact: _____ initial: OFF

APPLICANT'S NAME (PRINT): R.W. TYLER & ASSOCIATES LTD by: R.W. TYLER PRES.
 APPLICANT'S SIGNATURE: [Signature] DATE: 5-8-23

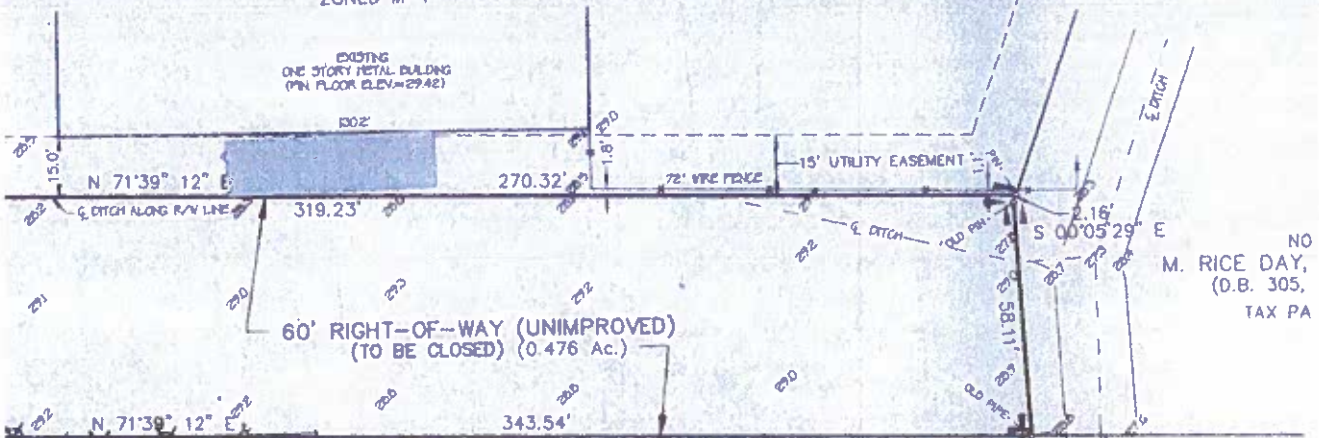
FOR OFFICE USE ONLY
 CHECKS ARE TO BE MADE PAYABLE TO: TREASURER CITY OF FRANKLIN

Comments) _____

Submittal Received by: _____ Date: _____
 Community Development Staff Person

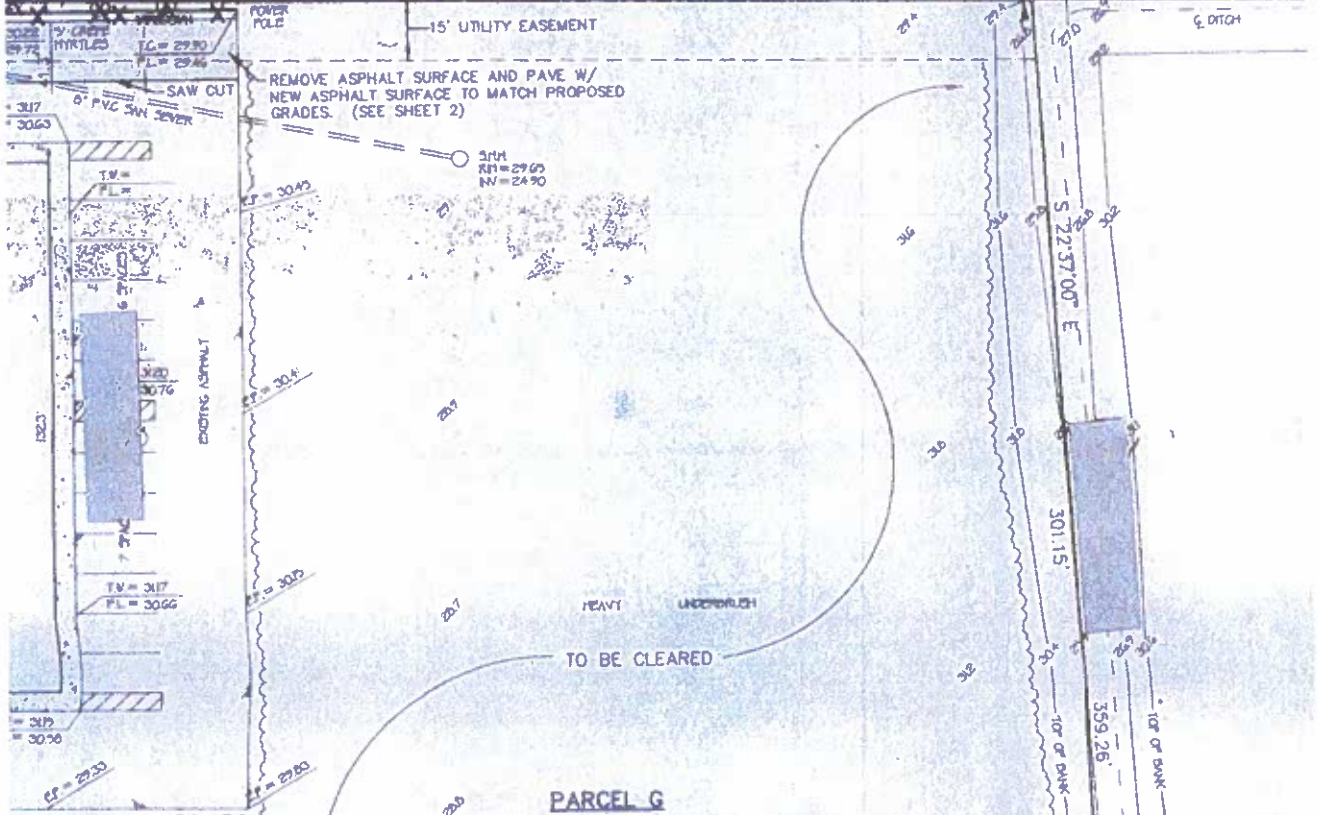
TAX PARCEL 136 - (177) - F
ZONED M-1

EXISTING
ONE STORY METAL BUILDING
(FIN FLOOR ELEV=2942)

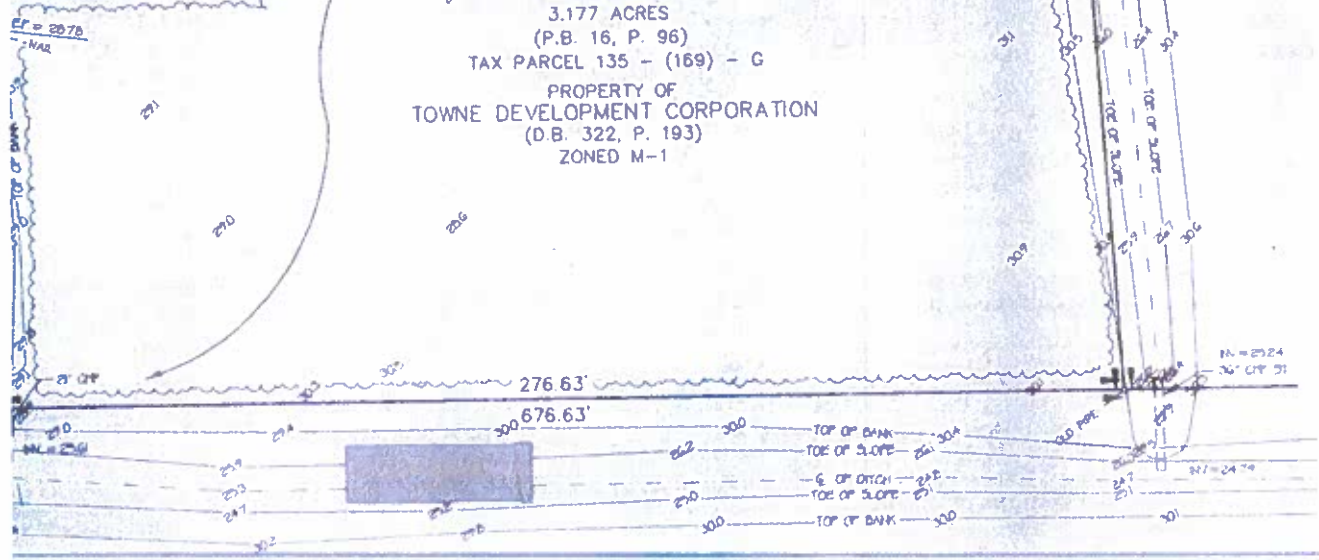


NO
M. RICE DAY,
(D.B. 305,
TAX PA

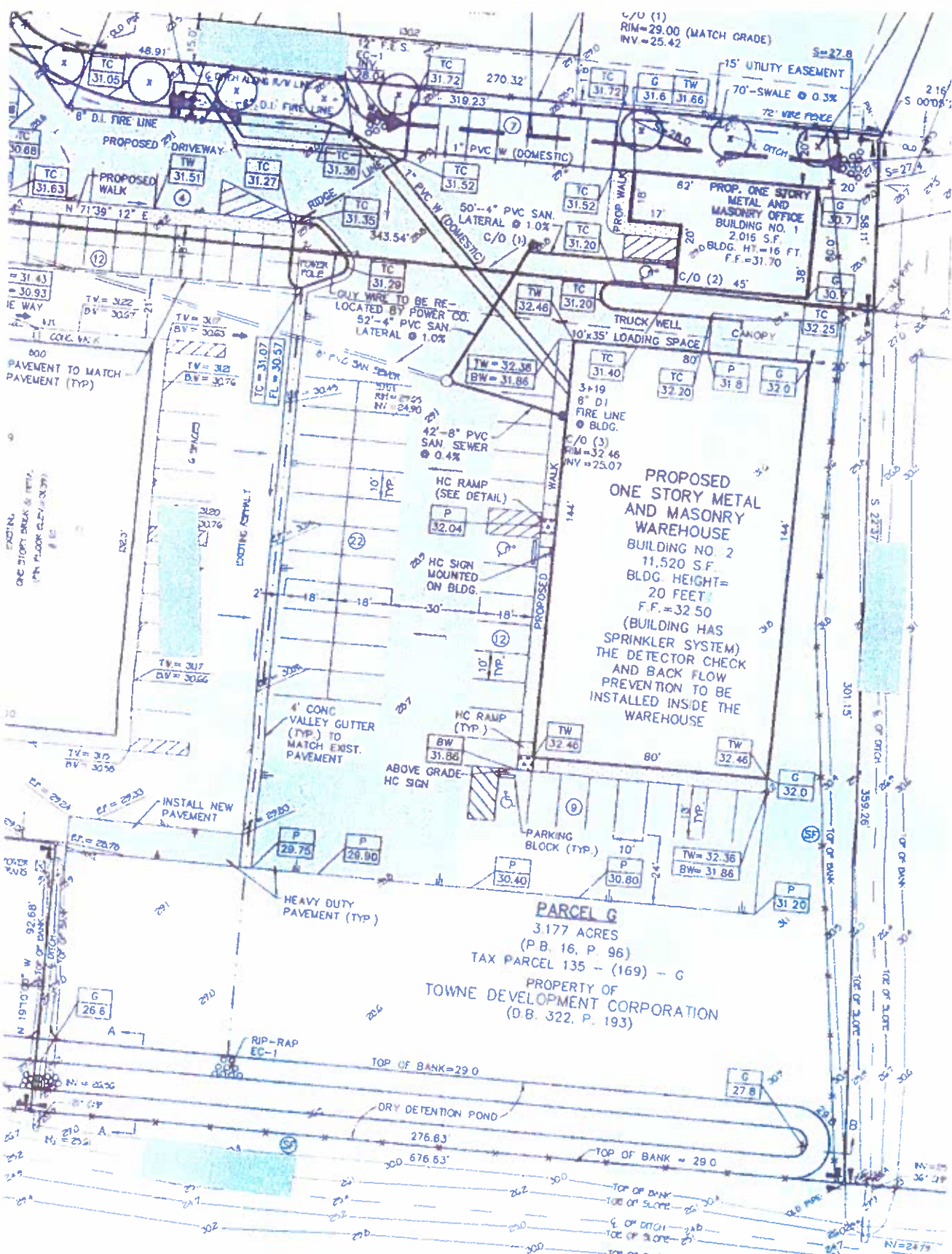
60' RIGHT-OF-WAY (UNIMPROVED)
(TO BE CLOSED) (0.476 Ac.)



PARCEL G
3.177 ACRES
(P.B. 16, P. 96)
TAX PARCEL 135 - (169) - G
PROPERTY OF
TOWNE DEVELOPMENT CORPORATION
(D.B. 322, P. 193)
ZONED M-1



IN=2924
70' OFF 21



PROPOSED ONE STORY METAL AND MASONRY WAREHOUSE BUILDING NO. 2
 11,520 S.F.
 BLDG HEIGHT = 20 FEET
 F.F. = 32.50
 (BUILDING HAS SPRINKLER SYSTEM) THE DETECTOR CHECK AND BACK FLOW PREVENTION TO BE INSTALLED INSIDE THE WAREHOUSE

PARCEL G
 3.177 ACRES
 (P.B. 16, P. 96)
 TAX PARCEL 135 - (169) - G
 PROPERTY OF
TOWNE DEVELOPMENT CORPORATION
 (D.B. 322, P. 193)

C. S. X. TRANSPORTATION
 FORMERLY SEABOARD SYSTEM RAILROAD

19 PROPOSED IMPERVIOUS AREA = 48,658 S.F.
 EXISTING IMPERVIOUS AREA = 36,410 S.F.
 PROPOSED GREEN AREA = 89,691 S.F.
 PARKING REQUIRE = 75 SPACES

City of Franklin, Virginia

Legend

- City Boundary
- ▭ Parcels
- Roads
- Road Labels
- ▭ Landmarks



Title: Paper Street on Commerce Park Road

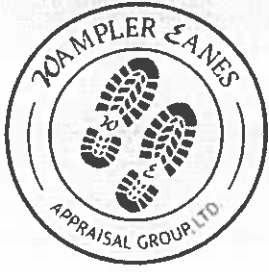
Date: 5/22/2023

Feet



1:2,257 / 1"=188 Feet

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Franklin is not responsible for its accuracy or how current it may be.



**EQUITY ANALYSIS OF REAL PROPERTY
FOR VACANT LAND**

SACHS AVENUE
FRANKLIN, VA 23851
CITY OF FRANKLIN

EFFECTIVE DATE:
JULY 1, 2022

REPORT DATE:
JULY 24, 2023

PREPARED FOR
CARLEE GURSKIY
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF FRANKLIN, VIRGINIA

PREPARED BY
WAMPLER-EANES APPRAISAL GROUP, LTD
P.O. BOX 685
DALEVILLE, VA 24083
(540) 992-2323



July 24, 2023

Carlee Gurskiy
Director of Community Development
207 W. 2nd Ave.
City of Franklin, VA 23851

RE: Equity Analysis
Vacant Land – .50 +/-
Location: Sachs Avenue
City of Franklin, Virginia

Dear Ms. Gurskiy:

In accordance with your request, I have inspected the above captioned property for the purpose of estimating the Market Value in the Fee Simple Interest and Equity Analysis. The effective date of this appraisal is July 1, 2022.

Submitted herewith is my report containing pertinent facts and data gathered from the City of Franklin. The method of appraising is detailed in the attached narrative report. As of July 1, 2022, it is my opinion that the Market Value with Fee Simple Interest in the subject property for Ad Valorem Tax Valuation:

B-3 ZONING: EIGHTY THOUSAND DOLLARS (\$70,000 - \$80,000)

M-1 ZONING: FORTY THOUSAND DOLLARS (\$40,000)

The undersigned appraiser states that his employment was not conditioned upon producing a specific value or a value within a given range. Further employment or the payment of any fee is not dependent upon producing specified values.

It has been a pleasure to serve you in this matter.

Respectfully submitted,

Steven I. Wampler

Wampler-Eanes Appraisal Group, Ltd.
Steven I. Wampler, Licensed Residential Appraiser
State of Virginia License # 4001003696





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SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Intended User of Appraisal:	City of Franklin
Property Type:	Vacant Land
Property Address:	Sachs Avenue Franklin, VA 23851
Legal Description:	No Recorded Deed Found
Parcel ID:	No Recorded Deed Found
Owner:	City of Franklin, VA
Site Size:	.50 +/- (60' x 363' +/-)
Improvements:	None
Zoning:	M-1 or B-3
Interest Appraised:	Fee Simple – Ad Valorem Taxation
Effective Date of Appraisal:	July 1, 2022
Date of Report:	July 24, 2023
Final Estimate of Value:	M-1 \$40,000 Range B-3 \$80,000 Range



INTRODUCTION

Assumptions and Limiting Conditions

The equity analysis is made subject to the following conditions and assumptions:

1. Any legal description or plats reported herein are assumed to be accurate. Any sketches, plats or drawings included in this report are included to assist the reader in visualizing the property. I have made no survey of the property and assume no responsibility in connection with such matters.
2. No responsibility is assumed for matters legal in nature. Title is assumed to be good and marketable and in fee simple unless discussed otherwise in this report. The property is appraised as free and clear of existing liens, assessments and encumbrances, except as noted in the attached report.
3. The appraiser does not assume responsibility for sub-surface soil conditions. No geological reports have been furnished to the appraiser.
4. Unless otherwise noted, it is assumed that there are no encroachments, zoning or restriction violations affecting the subject property.
5. The property is assumed to be under competent and aggressive management.
6. Information, estimates, and opinions used in this appraisal are obtained from sources considered reliable; however, no liability for them can be assumed by the appraiser.
7. The value estimates reported herein apply to the entire property and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests is set forth in the report.
8. This report may not be used for any purpose other than as stated in the report, by any other than the client without previous consent of the appraiser and his client and then only with proper qualifications.
9. The appraiser assumes the reader or user of this report has been provided with copies of all leases and amendments, if any, encumbering this property.
10. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news sales or other media, without the prior written consent and approval of the author. This pertains particularly to valuation conclusions, the identity of the appraiser or firm with which he is associated.



Assumptions and Limiting Conditions

11. The final value estimate has been concluded on the basis that the property is environmentally compliant. Further the acreage was based on information provided by public records and the City of Franklin. If the actual acreage or developable unit is different than the amounts used in this report, the appraiser reserves the right to modify this report.

12. The final value estimate has been concluded on the basis that the subject is not subject to flooding. For an official determination, a certified survey is recommended.



Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved. I have no bias with respect to the property that is the subject of this report.
- My engagement in this assignment or in any future assignment is not contingent upon developing or reporting predetermined results.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- My analyses, opinions, and conclusions were developed, and this review report was prepared in conformity with the Virginia Real Estate Appraiser Board.

Steven I. Wampler

Steven I. Wampler, Licensed Residential Appraiser, #4001003696





Appraiser Competency

- Steven I Wampler has forty-three (43) years of experience in the valuation of residential, commercial, retail, office, industrial, development, multi-family, recreational and special purpose properties. For additional information on the competency of the appraiser, please review the Qualifications of Appraiser in this report.

-The appraiser has extensive experience in appraising various types of land tracts similar to the subject property and is considered to be competent in performing an appraisal on the subject property. The appraiser is also considered to be competent in the area of which the subject property is located having conducted the reassessment in the City of Franklin five times over the past twelve (12) years.



COMPARABLE / EQUITABLE / ADJOINING PROPERTIES

ASSESSED VALUE OF PROPERTIES AS OF JULY 1, 2022

B- 3 ZONING

MAP #	ZONING	SIZE / ACRES	PRICE per SF	OWNER
135-169-B	B-3	1.583	\$6.60	Fair Oaks Properties
135-169-F	B-3	2.623	\$4.40	Beam LLC Properties
135-169-F1	B-3	2.623	\$4.40	Beam LLC Properties
		Average SF Price	\$5.133	

Average Assessed Value of B-3 Zoning = \$5.13 (R) per Square Foot
 (Due to the location, accessibility, and shape of subject property, the appraiser has adopted a -30% reduction to the square foot rate.)

M-1 and M-2 ZONING

MAP #	ZONING	SIZE /ACRES	PRICE per SF	OWNER
136-57-E1	M-2	.75	\$2.53	Dail, Albert G
135-169-G	M-1	3.177	\$2.53	R.W. Tyler & Associates
136-57-E	M-2	2.41	\$1.52	Dail, Albert G
135-169-H	M-1	1.64	\$2.53	Electrical Realty & Sales Co
136-57-F	M-1	4.067	\$2.92	Dail, Albert G
135-169-G1	M-1	.786	\$1.26	R.W. Tyler & Associates
		Average SF Price	\$2.215	

Average Assessed Value of M-1 and M-2 Zoning = \$2.22 (R) per Square Foot



RECONCILIATION AND FINAL ESTIMATE

Land Value Conclusion – Based on the comparable assessed values and giving consideration for location, size, zoning, available utilities, topography, and easements the appraiser has concluded that a value of \$2.00 +/- per square foot for M-1 zoning and \$3.20 +/- to \$3.70+/- per square foot for B-3 zoning. These square foot values are appropriate value for the subject tract.

Other comparable properties in the City of Franklin were examined and were considered and are kept in the appraiser's file. Other information on the subject property can be found in the attached addendum provided by the City of Franklin.

Conclusion:

As stated earlier, the Comparison Approach of assessed value was the only method applicable to arrive at an estimate of value.

As of July 1, 2022, it is my opinion that the Market Value with Fee Simple Interest in the subject property is as follows:

B-3 ZONING: EIGHTY THOUSAND DOLLARS (\$70,000 - \$80,000)

M-1 ZONING: FORTY THOUSAND DOLLARS (\$40,000)

This value supports the value established in the 2022 Ad Valorem reassessment in City of Franklin, VA.



ADDENDA

STEVEN I. WAMPLER, CRA

Certified Professional Assessor-Licensed Residential Real Estate Appraiser

Virginia License #4001003696

State Certified - North Carolina

P.O. BOX 91

DALEVILLE, VIRGINIA 24083

Education:

National Business College, 1980, Salem, Virginia

Associate Arts Degree in Business Administration

Dabney S. Lancaster Community College (Lack 18 credits for Associate Degree in Forestry), 1975-77, Covington, Virginia

Lord Botetourt High School, Daleville, Virginia

Professional Education (recent):

7-Hour Rapidly Changing Technology in the Assessment Industry, 2023 – VAAO, Salem, Virginia

ProVal Eastern Region Seminar, Continuing Education, 2022 – Charlottesville, Virginia

Cell Towers Valuation, 2022 – Charlottesville, Virginia

Historical Elements of Architecture, 2022 – Charlottesville, Virginia

(Historical designation and elements of building, architectural style, historical registry)

Land Use/Bee Keeping, 2022, Charlottesville, Virginia

Solar Farm Valuation, 2022 – Charlottesville, Virginia

Tax Appeal Topics, 2022 – Charlottesville, Virginia

45 Day Countdown With the 1031 Exchange, 2022 – Moseley-Flint Schools of Real Estate

Land Use, 2021 – VAAO, Charlottesville, Virginia

Legal Seminar, 2021 – VAAO, Charlottesville, Virginia

Mobile Technologies, 2021 – VAAO, Charlottesville, Virginia

Nursing Home Valuations, 2021 – VAAO, Charlottesville, Virginia

U.S. and Virginia Economic Outlook, 2021 – VAAO, Charlottesville, Virginia

7-Hour National USPAP Update Course, 2021 – VAAO, Charlottesville, Virginia

7-Hour Journey to Assessment Excellence, 2021 – VAAO, Charlottesville, Virginia

Exemptions, 2020 – VAAO, Charlottesville, Virginia

Helping Your Lawyer Defend Your Tax Assessment, 2020 – VAAO, Charlottesville, Virginia

Land Use, 2020 – VAAO, Charlottesville, Virginia

Assessment Appeals, 2019 – VAAO, Charlottesville, Virginia

Data Center Valuation, 2019 – VAAO, Charlottesville, Virginia
 Mining Sand & Gravel Valuation in Virginia, 2019 – VAAO, Charlottesville, Virginia
 Streamlining Change of Ownership, 2019 – VAAO, Charlottesville, Virginia
 VA ProVal Users Group Meeting, 2019 – VAAO, Charlottesville, Virginia
 7-Hour National USPAP Update Course, 2019 – VAAO, Charlottesville, Virginia
 Wetlands Mitigation Banks/Valuation and Analysis, 2018 – VAAO, Charlottesville, Virginia
 Mass Appraisal Analysis & Benchmarks, 2018 – VAAO, Charlottesville, Virginia
 VA ProVal Users Group Meeting, 2018 – VAAO, Charlottesville, Virginia
 Special Topics - Appraisal & Review of Assessment, 2017 – VAAO, Roanoke, Virginia
 7-Hour National USPAP Update Course, 2016 – VAAO, Williamsburg, Virginia
 Special Topics - Appraisal & Review of Assessment, 2015 – VAAO, Charlottesville, Virginia
 7-Hour National USPAP Update Course, 2015 – VAAO, Charlottesville, Virginia
 Mineral Assessments, 2014 – VAAO, Charlottesville, Virginia
 Adaptive Reuse, 2014 – VAAO, Charlottesville, Virginia
 Board of Assessor Training, 2013 – Virginia Department of Taxation, Amherst, Virginia
 ProVal International Users Group, 2013 – VAAO, Charlottesville, Virginia
 Marinas & Self-Storage Valuation Issues, 2012 – VAAO, Charlottesville, Virginia
 7-Hour National USPAP Update Course 2012 – VAAO, Charlottesville, Virginia
 VA ProVal Users Group Meeting, 2012 – VAAO, Charlottesville, Virginia
 16.0 Real Estate Medley, 2012 – Moseley Flint, Buckingham, Virginia

Professional Employment:

1999 – Present

President, Wampler-Eanes Appraisal Group, Ltd., Daleville, Virginia

1999 – 2023: Project Supervisor/Manager

County of Alleghany	County of Craig	County of Orange
County of Amherst	County of Dickenson	County of Patrick
County of Amelia	County of Essex	County of Prince Edward
County of Appomattox	County of Fauquier	County of Powhatan
County of Augusta	County of Goochland	County of Russell
County of Bath	County of Isle of Wight	County of Warren, NC
County of Buchanan	County of King & Queen	City of Covington
County of Buckingham	County of King William	City of Falls Church
County of Campbell	County of Lancaster	City of Franklin
County of Caroline	County of Mathews	City of Hopewell
County of Charles City	County of Middlesex	City of Lexington
County of Clarke	County of Northumberland	

1996 – 1998

President, Chief Appraiser, Wampler Appraisal Group, Ltd., Daleville, Virginia

1992 – 1996

Commissioner of the Revenue, Botetourt County, Fincastle, Virginia

1987 – 1991

Project Manager, Wingate Appraisal Service, Roanoke, Virginia

1981 – 1986

Appraiser/Assessor, Wingate Appraisal Service, Roanoke, Virginia

1980

Real Estate Agent, Firestone and Wampler Realty

Professional Associations:

Licensed Residential Real Estate Appraiser – Virginia

Certified Real Estate Appraiser – North Carolina

Real Estate Salesperson License (#0225041277) – Virginia

International Association of Assessing Officers





Roanoke Valley Association of REALTORS - VA Real Estate Board/Sales Person License

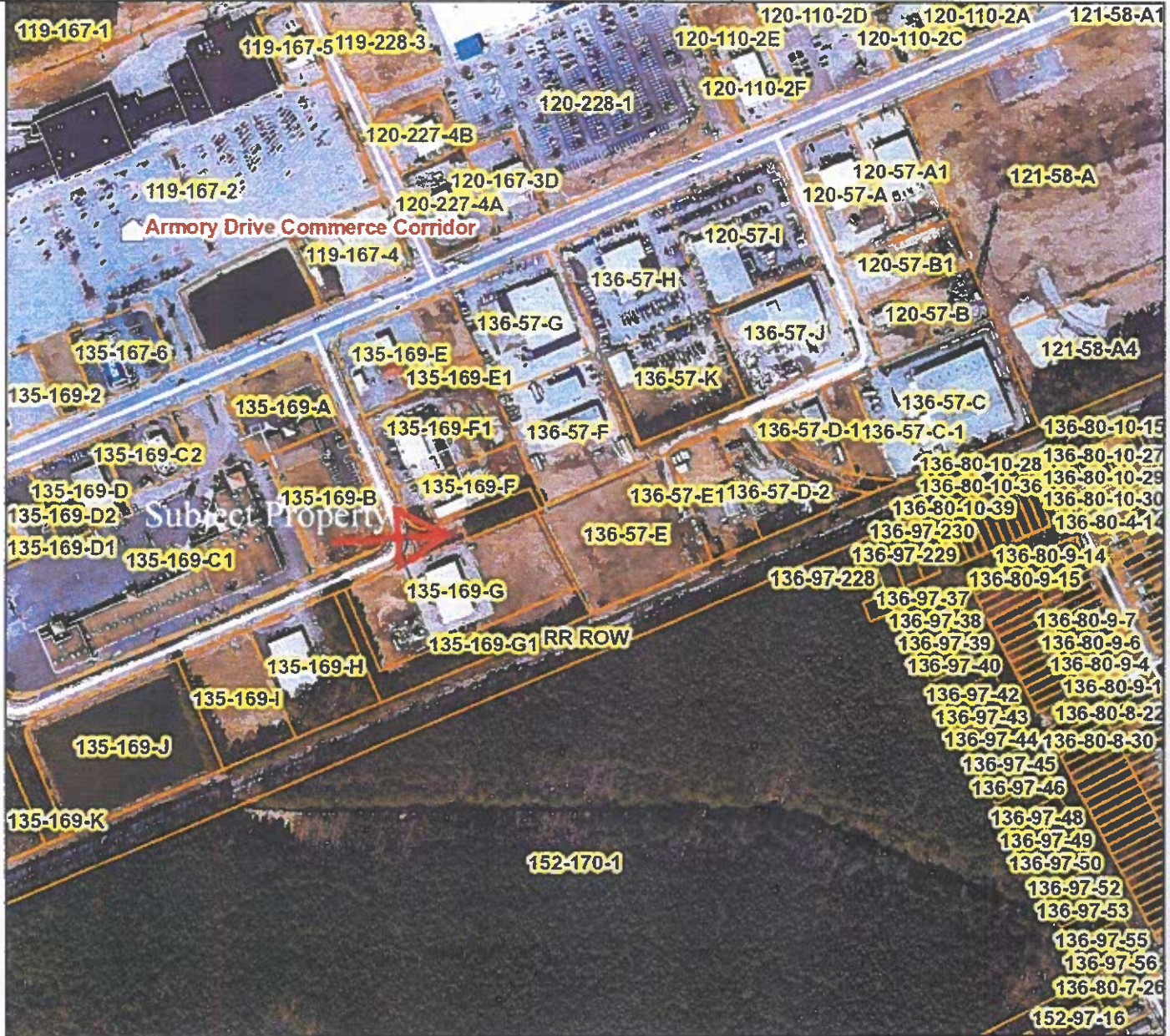
National Association of Review Appraisers and Mortgage Underwriters – Senior Member

Virginia Association of Assessing Officers

City of Franklin, Virginia

Legend

-  City Boundary
-  Parcels
-  Roads
-  Landmarks



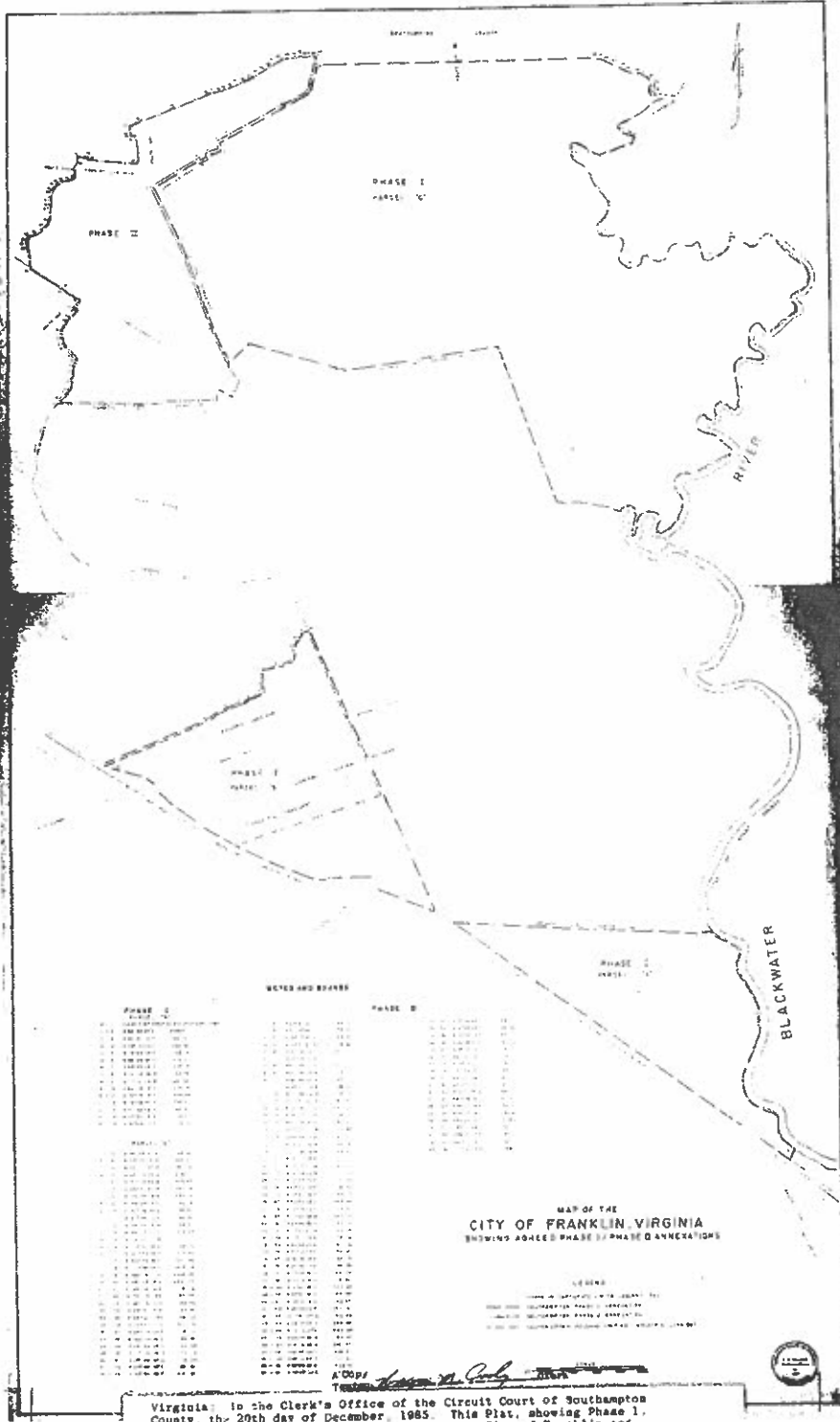
Location Map of Real
 Property(s)
 AND
 Subject Property
 Identification



Title:

Date: 7/22/2023

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Franklin is not responsible for its accuracy or how current it may be.



Virginia: In the Clerk's Office of the Circuit Court of Southampton County, the 20th day of December, 1985. This Plat, showing Phase 1, One and Phase 2, of the agreement between the City of Franklin and Southampton, with reference to the annexation case between Southampton County and the City of Franklin.

Original plat filed with papers
 Teste: *Harold M. Cook* Clerk

**ZONING SETBACKS
CITY OF FRANKLIN, VA**

B-3:

- **Business uses do not have a setback, side yard setbacks, or rear setbacks for this property – no minimum lot size or frontage requirement**
- **industrial uses have a 25' setback from the ROW of all public streets, side yard setbacks are equal to the height of the proposed building, but not less than 15 ft**

M1

- **structures must be setback 25 feet from ROW**
- **each side yard shall be equal to the building height, but no less than 15'**

M2

- **all structures must be setback 25' from ROW**
- **each side yard shall be equal to the building height, but no less than 25' for one yard**

ZONING ORDINANCES CITY OF FRANKLIN, VA

City of Franklin, VA Code

Appendix D: Zoning Ordinance

ARTICLE XII: B-3 General Business District Use Regulations

<https://ecode360.com/28954562>

Appendix D: Zoning Ordinance

ARTICLE XIII: M-1 Light Industrial District Use Regulations

<https://ecode360.com/28954608>

Appendix D: Zoning Ordinance

ARTICLE XIV: M-2 Heavy Industrial District Use Regulations

<https://ecode360.com/28954652>

Zoning Regulations - Commerce Park Road Appraisal

From: Carlee R. Smith (crsmith@franklinva.com)

To: realsiwkra@yahoo.com

Cc: djones1@franklinva.com

Date: Friday, July 21, 2023 at 11:55 AM EDT

Good morning Steve,

I first want to say THANK YOU so much for helping out with the appraisal for the paper street off of Commerce Park Road! I really appreciate all of your efforts that are going towards this!

Danielle mentioned you need the zoning requirements for the B-3, M-1 and M-2 zones for the full report. I've attached the three respective zones from the Zoning Ordinance:

City of Franklin, VA Code

Appendix D: Zoning Ordinance

ARTICLE XII: B-3 General Business District Use Regulations

<https://ecode360.com/28954562>

Appendix D: Zoning Ordinance

ARTICLE XIII: M-1 Light Industrial District Use Regulations

<https://ecode360.com/28954608>

Appendix D: Zoning Ordinance

ARTICLE XIV: M-2 Heavy Industrial District Use Regulations

<https://ecode360.com/28954652>

If there is any information you're specifically looking for, please let me know and I will be happy to point you in the right direction/narrow down.

Thanks so much!

Carlee

Carlee Gurskiy

Director of Community Development

Phone: 757-562-8681 email: crsmith@franklinva.com



RE: Half Acre Tract -Industrial - Off of Armory Drive- City of Franklin

From: Carlee R. Smith (crsmith@franklinva.com)

To: realsiwkra@yahoo.com

Cc: djones1@franklinva.com

Date: Friday, July 21, 2023 at 12:51 PM EDT

Hi Steve,

This is my first time hearing of a Letter of Engagement, can you please help me understand what that is?

The City annexed this property in 1986 from VDOT. I've attached a plat I received from the courthouse, and the City's [comprehensive plan](#) (map on page 94). This paper street is included in Phase 1 Parcel B.

This property does not currently have a 911 address. The Future land use map of the Comprehensive Plan actually proposed that this paper street be a potential road connection to Sachs Ave – map page 113.

Carlee

Carlee Gurskiy

Director of Community Development

Phone: 757-562-8681 email: crsmith@franklinva.com



From: Steven Wampler <realsiwkra@yahoo.com>

Sent: Friday, July 21, 2023 11:56 AM

To: Carlee R. Smith <crsmith@franklinva.com>

Subject: Half Acre Tract -Industrial - Off of Armory Drive- City of Franklin

Hello Carlee-

I will need a Letter of Engagement from the City of Franklin with information on who will receive the Appraisal Report. I also need to identify the subject property correctly by size, 911 address, actual owner. Please send me that information.

The Appraisal Report will have an effective date of July 1, 2022. The fee for the appraisal will be \$600.

Source

#76-1668

Mahon Tr., et al
To--B. & S.
City of Franklin

DECK 226. 1974 777

Mailed to City of Franklin
Franklin, Va.

THIS DEED, made this 25th day of October, 1976, by and between ARTHUR J. MAHON and MORGAN GUARANTY TRUST COMPANY OF NEW YORK, Executors under the Last Will and Testament of Hugh D. Camp, deceased, parties of the first part, VIRGINIA NATIONAL BANK, Ancillary Administrator c.t.a. of the estate of the said Hugh D. Camp, deceased, party of the second part, and the CITY OF FRANKLIN, VIRGINIA, and the COUNTY OF SOUTHAMPTON, VIRGINIA, parties of the third part:

W I T N E S S E T H: That

WHEREAS Hugh D. Camp died on April 17, 1974, a resident of New York, seized and possessed of the hereinafter described property, and his Last Will and Testament was duly admitted to probate by Decree of the Surrogate's Court of New York County, New York, on May 9, 1974; and

WHEREAS the parties of the first part, together with Ada C. Camp, were granted Letters Testamentary by said Court and duly qualified as Executors; and

WHEREAS an authenticated copy of said will and probate proceedings was duly admitted to probate on September 18, 1974, in the Office of the Clerk of the Circuit Court of Southampton County, Virginia; and

WHEREAS the said Ada C. Camp died on October 25, 1975 and the said parties of the first part are the sole remaining executors under said will; and

WHEREAS Virginia National Bank was appointed as Ancillary Administrator c.t.a. and has duly qualified as such in the Office of the Clerk of the Circuit Court of the County of Southampton; and

WHEREAS Paragraph TWELFTH of said will confers upon the Executors the power to sell property at public or private sale and for cash or on credit; and

WHEREAS the parties of the first part desire to exercise such power to convey the hereinafter described property and have the party of the second part join in said conveyance;

NOW, THEREFORE, in consideration of the premises and of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first and second parts do hereby grant, bargain, sell and convey, with special warranty, unto the City of Franklin and the County of Southampton, as tenants in common, the following described property, to-wit:

All that certain tract or parcel of land, containing 36.70 acres, more or less, lying, situate and being on the south side of Virginia Route 671 in Southampton County, Virginia, and being more particularly bounded and described as follows, to-wit:

Beginning at a point in the southern line of Virginia Route 671 where the same is intersected by the eastern line of the property hereby conveyed, which said line is also the westernmost line of the property now or formerly owned by Franklin Industrial Park, and from said point of beginning running thence South 18° 15' East 122 feet to a gum stump; thence South 19° 15' East 333 feet to an oak stump; thence South 2° 15' West 99 feet to a gum stump; thence South 21° East 360 feet to a stake in the north line of the Seaboard Coastline Railroad right of way; thence in a westerly direction South 71° 45' West along the northern line of said Seaboard Coastline Railroad right of way 1790 feet to a point marked by a stake in a ditch which constitutes the boundary line between the property hereby conveyed and the property now or formerly belonging to R. C. Council; thence along said ditch and dividing line North 19° 30' West 585 feet to a point marked by an iron pin at the intersection of two ditches; thence turning and running along one of the said ditches North 22° 45' East 364.5 feet to a stake; thence North 20° 45' East 57.5 feet to an iron pin in the southern right of way line of Virginia Route 671; thence along the southern line of Virginia Route 671 to the point of beginning aforesaid.

It being a portion of the property, an undivided one-sixth (1/6) interest in which was devised to the said Hugh D. Camp by the will of his father, James L. Camp, dated March 22, 1924, admitted to probate in the Clerk's Office of the Circuit Court of Southampton County, Virginia, on December 7, 1925 and recorded in Will Book 23, at page 45, and an undivided five-sixths (5/6) interest in which was conveyed to the said Hugh D. Camp by Sally C. Ray, et al, by their deed dated April 3, 1944 and recorded in the aforesaid Clerk's Office in Deed Book 87, at page 580.

IN TESTIMONY WHEREOF, the said Arthur J. Mahon, Executor under the Last Will and Testament of Hugh D. Camp, deceased, has hereunto affixed his signature and seal, and the said Morgan Guaranty Trust Company of New York, Executor under the Last Will and

Testament of Hugh D. Camp, deceased, and the said Virginia National Bank, Ancillary Administrator c.t.a. as aforesaid, have each caused these presents to be signed in their corporate name and their corporate seal to be hereunto affixed and attested by its duly authorized officers, all as of the day and year first hereinabove written.

Arthur J. Mahon (SEAL)
Arthur J. Mahon

MORGAN GUARANTY TRUST COMPANY OF NEW YORK

By: Wilson K. Braser
Wilson K. Braser, Vice President

Attest:

Joseph W. Scharfenberger
Joseph W. Scharfenberger, Assistant Secretary

Executors under the Last Will and Testament of Hugh D. Camp, deceased.

VIRGINIA NATIONAL BANK, Ancillary Administrator c.t.a.

By: [Signature]
Vice President and Trust Officer

Attest:

[Signature]
Trust Officer

STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me this 29 day of NOVEMBER, 1976, by Arthur J. Mahon, Executor under the Last Will and Testament of Hugh D. Camp, deceased.

Richard J. Carter, Jr.
Notary Public

My commission expires on 3/30/78

RICHARD J. CARTER, JR.
Notary Public
Qualifies in New York
County of New York
Commission Expires March 30, 1978

December 29, 1976

Southampton County Board of Supervisors
Courtland, Virginia 23837

Re: Title Report: Parcel Three of Hugh D. Camp
Estate Property

Gentlemen:

Pursuant to the order entered in the Circuit Court of Southampton County, Virginia on September 10, 1976, I have examined the pertinent indexed records of the Clerk's Office of said Court as they pertain to a certain parcel of land known as Parcel #3 of the Estate of Hugh D. Camp and described as follows:

All that certain tract or parcel of land, containing 36.70 acres, more or less, lying, situate and being on the south side of Virginia Route 671 in Southampton County, Virginia, and being more particularly bounded and described as follows, to-wit:

Beginning at a point in the southern line of Virginia Route 671 where the same is intersected by the eastern line of the property hereby conveyed, which said line is also the westernmost line of the property now or formerly owned by Franklin Industrial Park, and from said point of beginning running thence South 18° 15' East 122 feet to a gum stump; thence South 19° 15' East 333 feet to an oak stump; thence South 2° 15' West 99 feet to a gum stump; thence South 21° East 360 feet to a stake in the north line of the Seaboard Coastline Railroad right of way; thence in a westerly direction South 71° 45' West along the norther line of said Seaboard Coastline Railroad right of way 1790 feet to a point marked by a stake in a ditch which constitutes the boundary line between the property hereby conveyed and the property now or formerly belonging to R. C. Council; thence along said ditch and dividing line North 19° 30' West 585 feet to a point marked by an iron pin at the intersection of two ditches; thence turning and running along one of the said ditches North 22° 45' East 364.5 feet to a stake; thence North 20° 45' East 57.5 feet to an iron pin in the southern right of way line of Virginia Route 671; thence along the southern line of Virginia Route 671 to the point of beginning aforesaid.

It being a portion of the property, an undivided one-sixth (1/6) interest in which was devised to the said Hugh D. Camp by the will of his father, James L. Camp, dated March 22, 1924, admitted to probate in the Clerk's Office of the Circuit Court of Southampton County, Virginia, on December 7, 1925 and recorded in Will Book 23, at page 45, and an undivided five-sixths (5/6) interest in which was conveyed to the said Hugh D. Camp by Sally C. Ray, et al, by their deed dated April 3, 1944 and recorded in the aforesaid Clerk's Office in Deed Book 87, at page 580.

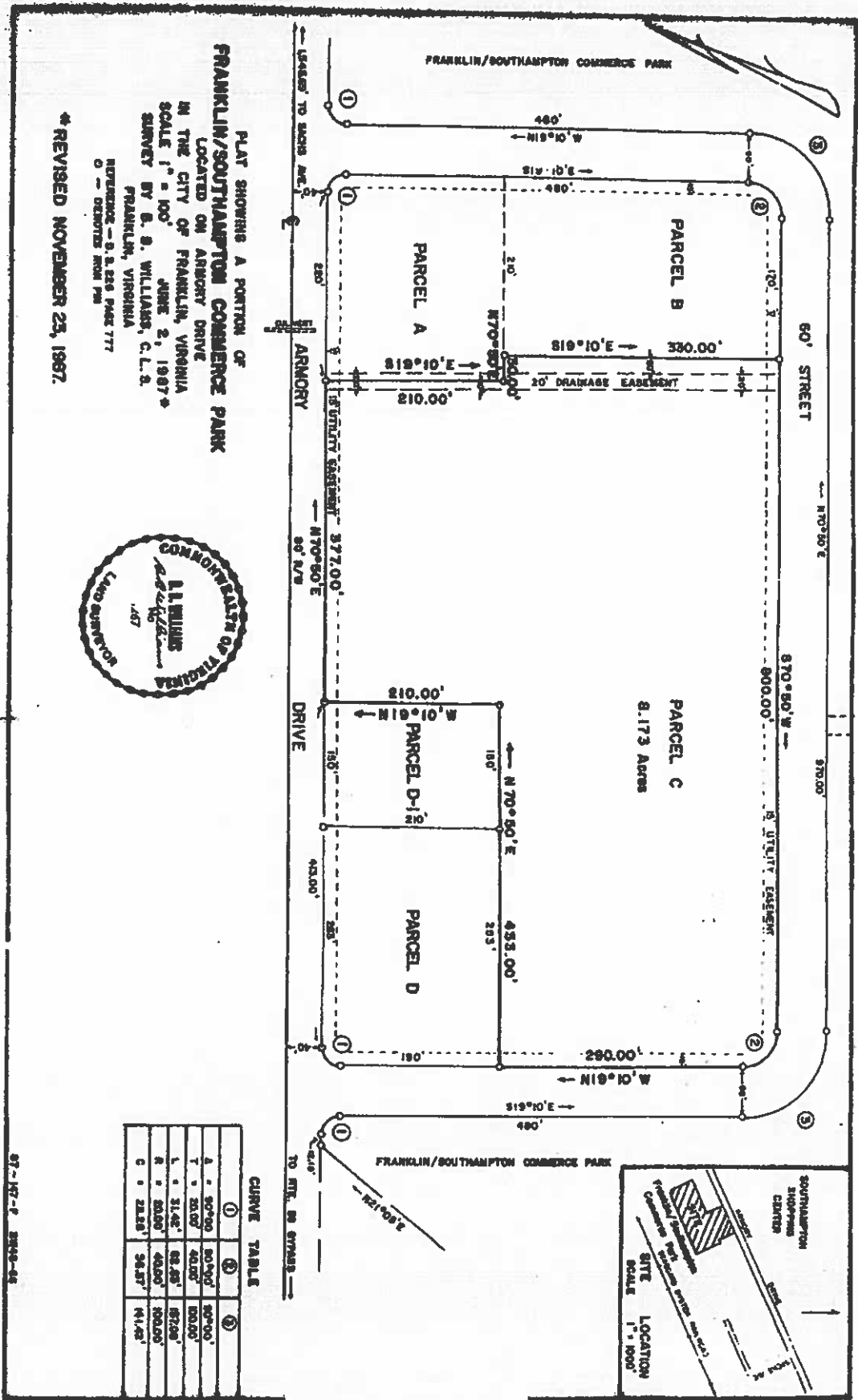
I desire to report that, in my opinion, a good fee simple title to the said parcel of land is now vested in the City of Franklin, Virginia and the County of Southampton, Virginia, free and clear of all liens and encumbrances.

Respectfully submitted,

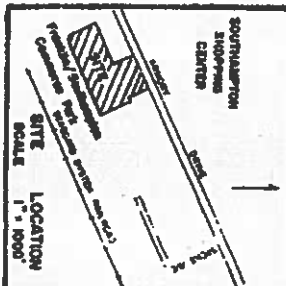


F. McCoy Little
City Attorney
City of Franklin, Va.

FML:bwc



PLAT SHOWS A PORTION OF
FRANKLIN/SOUTHAMPTON COMMERCE PARK
 LOCATED ON ARNORY DRIVE
 IN THE CITY OF FRANKLIN, VIRGINIA
 SCALE 1" = 100'
 SURVEY BY B. S. WILLIAMS, C. L. S.
 FRANKLIN, VIRGINIA
 REFERENCE - B. S. 129 PAGE 777
 O - DERIVED FROM P.M.
 * REVISED NOVEMBER 23, 1987.



CURVE TABLE

①	②	③
A = 50°00'	50°00'	50°00'
T = 50.00'	43.00'	50.00'
L = 31.42'	28.28'	27.28'
R = 50.00'	43.00'	50.00'
C = 23.85'	28.28'	14.42'

87-154-2 2844-45



*Office of the City Manager
Amanda C. Jarratt*

August 24, 2023

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.
 - The staff committee for the Armory Project consists of Chad Edwards, Sammara Green, and Lin Darden. Carlee Gurskiy will also be involved. Camp Community College and other community partners will offer feedback throughout the design process. Staff has now participated in three webinars with HUD about our grant award. Kimley Horne has been hired to navigate the HUD Grant process as mentioned in the previous City Council meeting.
 - The staff committee for the courthouse renovation project will consist of Chief Steve Patterson, Chad Edwards, and Lin Darden. The judges, Clerk of Court, and Sherriff's Department in addition to other stakeholders will be consulted throughout the design process. The judges were not available on July 17th and I awaiting a date.
 - The staff committee met regarding Riverwalk Park.
 - The kayak design is underway. Survey is complete for the kayak launch additional area. We will incorporate this into the site plans.
 - Kayak launch design underway.
 - Flood study (no-rise study) underway. Not all bridge crossings requested from City are available. Awaiting completion of kayak launch to update.
 - At the moment we're currently awaiting the final site plan and kayak launch design before we can move forward with the Joint Permit Application for the VMRC and Corps permits. Once we have the final design in hand, we can prepare the required impacts mapping and update details relating to the VMRC component of the application. It should take us around 2 weeks to finalize the application after the plans are received.
- Staff continues to work with DHCD and Summit Engineering on the Laurel Street CDBG Grant. Client intake and income verifications have begun and contracts are about to be issued. There may be a funding shortage so the Management Team is investigating other sources of funds potentially including HOME Funds.
- Staff continues to meet with regional partners to discuss next steps on the regional radio system as well as violence and crime prevention.
- Staff continues to work with Court Services and our other locality partners for both short and long term solutions to the juvenile detention situation.
- The Literary Loan process continues with Franklin City Public Schools. A new contractor has been selected to assist the schools. The project estimates originally provided are not accurate and the project is estimated to cost an additional \$3M. We are working with the school system to phase the project and Davenport to

develop a plan of finance. The Literary Loan was approved and we are working with our partners to complete the process.

- City Council held a retreat on March 2nd. The following topics were discussed and will be worked on by staff:
 - Food Trucks
 - A draft of updated regulations is being drafted by staff for review by the Planning Commission and Franklin City Council.
 - Increased Code Enforcement
 - Staff is working on a demolition plan for the posted unsafe structures. We are putting a plan in place to prepare for high grass season. We are working with legal to draft updated ordinances for parking and vehicles.
 - Communication with Franklin City Public Schools
 - We held a joint meeting with Franklin City Public Schools on March 30th. Additional meetings are being scheduled to maintain communication.
 - Increased focus and investment in Public Safety
 - Additional positions are included in the FY 24 budget. The updated radio system project is moving to Phase 2.
 - Historic District
 - Staff is reviewing the ordinance that is in place and providing a list of the individuals that need to be appointed. Staff is waiting on appointments from Franklin City Council.
 - Youth
 - Working on updated youth programming and additional partnerships.
 - The College Drive park build was a success and is now open to the public. A variety of upcoming activities for youth are planned for the remainder of the summer.
 - Special Tax Districts
 - Under discussion and research ongoing.
 - Camp Community College Partnerships
 - Under discussion.
 - Improved Communication with the Public through various means
 - A review of the PEG Channel and necessary equipment purchases are underway. Staff is working to update City Clips. Staff is researching other best practices. An Instagram page has been created.

Upcoming Community Events

- Every Wednesday Franklin Cruise In
- October 3rd- National Night Out
- September 29th and 30th - Fall Festival
- October 21st - Trick or Trot 5k Run
- December 1st- Holiday Parade
- December 2nd - Elf Parade & Holiday Market

DELINQUENT MEALS & LODGING TAX REPORT AS OF AUGUST 21, 2023

FOR JUNE 2023

(DUE JULY 20, 2023)

MEALS TAX

BUSINESS NAME:	MONTH DELINQUENT:	TOTAL MONTHS
CORNER OF SOUTH	JUNE 2023	1

LODGING TAX

BUSINESS NAME:	MONTH DELINQUENT:	TOTAL MONTHS

ALL LODGING TAX RETURNS ARE CURRENT