

Ordinance 2024-05

An Ordinance to Amend and Reenact Appendix D. Zoning Ordinance of the Franklin City Code by Amending and Reenacting Article V. General Residential District (R-2), by Amending and Reenacting Article V. General Residential District (R-2), Sections 5.2. Permitted Principal Uses and 5.5(3)(a). Minimum Lot Area

WHEREAS, the City Council 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 has the authority to set and modify the provisions of zoning as deemed necessary.

NOW, THEREFORE, BE IT ORDAINED by the Franklin City Council that Appendix D. Zoning Ordinance, Article V. General Residential District, Sections 5.2. Permitted Principal Uses and 5.5(3)(a). Minimum Lot Area be amended and reenacted as follows:

5.5.1 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.

5.5.2 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.
- (10) Multi-family dwelling in existence as of 9-25-2023, the date of adoption of the comprehensive zoning ordinance amendment. See section 5.5(3)(a).

5.5.3 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
- (2) For Single-family, attached: The minimum lot area shall be 60,000 square feet
- (3) For Multi-family: The minimum lot area shall be 5 acres

(a) For Multi-family dwellings in existence as of 9-25-2023 (date of adoption of the comprehensive zoning ordinance amendment): The minimum 5-acre lot size shall not apply. However, structures may only be repaired or replaced within the existing footprint and there shall be no increase in the number of units.

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~~(3)-(4)~~ 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 XXI.

§ 5.12 Parking regulations.

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

§ 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.

Certified copy of the ordinance adopted by the City Council at its regular meeting held on June 24, 2024.

ADOPTED:


Robert Cutchins Mayor

CERTIFIED:


Clerk to the City Council

APPROVED AS TO FORM:


City Attorney