



TOWN OF APPOMATTOX TOWN COUNCIL ACTION FORM

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Amend Town Code to add townhomes to the permitted uses in the R-3 General Residential District.

ISSUE:

RECOMMENDATION: Adding townhomes in the Town Code as a permitted use in the R-3 General Residential District under Sec. 36-214. Permitted uses.

TIMING:**BACKGROUND:**

ENCLOSED DOCUMENTS: Article V. Residential District, General, R-3 with use included in Section 36-241. Permitted uses.

STAFF/SPONSOR: Robert Fowler, Community Development and Zoning Director

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:****Y N**

- Councilor Timothy W. Garrett
- Councilor Jack Hensley
- Councilor James Boyce, Sr.
- Councilor McKinley Cardwell

Y N

- Councilor Danielle Ulmer
- Councilor Mary Lou Spiggle
- Mayor Richard Conner (If required)

Sec. 36-186. Square footage requirements.

(a) Dwellings shall have a minimum of 1,200 square feet exclusive of porches and garages. Additionally, multistory dwellings must contain at least 800 square feet on the main level, and below-ground levels cannot be used to meet the required minimum area of 1,200 square feet.

(b) In addition to the requirements of subsection (a) of this section, all dwellings shall have 100 square feet of enclosed storage space. The storage space may be an integral part of the dwelling, or it may be in the form of an accessory building meeting the requirements of this chapter and all other applicable laws.

(Ord. of 8-12-2013; Ord. of 12-12-2022, §§ 1, 2(195-32.6))

Sec. 36-187. Landscaping requirements.

(a) *Trees, shrubs, landscaping treatments.* The yards of village homes shall be landscaped and shall include, at a minimum, the installation of one shade tree and three evergreen shrubs or decorative trees and at least one of the following three landscaping or architectural treatments:

- (1) A front yard raised above the grade of the sidewalk by at least three inches and four flowering or evergreen shrubs.
- (2) Two decorative trees, a hedge consisting of at least 20 plants, and ten flowering or evergreen shrubs or, alternatively, 20 flowering or evergreen shrubs.
- (3) A berm or earth mound averaging 18 inches above the average grade of the rest of the yard and covering 20 percent of the lot not covered by the dwelling or other structures. The berm or earth mound shall be covered with grass or ground cover and must be planted with at least four decorative trees or evergreen shrubs.

(b) *Standards.* The requirements of this section shall be met prior to issuance of an occupancy permit for any dwellings permitted under this chapter.

(Ord. of 8-12-2013; Ord. of 12-12-2022, §§ 1, 2(195-32.7))

Secs. 36-188---36-212. Reserved.**ARTICLE V. RESIDENTIAL DISTRICT, GENERAL, R-3****Sec. 36-213. Statement of intent.**

The R-3 General Residential District is composed of certain medium-to-high concentrations of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children, and to permit

certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. Appropriate residential types of structures for both permanent and transient occupancy and including institutions are permitted, plus structures for commercial uses conforming to the pattern of the district. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

(Code 2003, § 195-38; Ord. of 5-13-2019; Ord. of 8-12-2013)

Sec. 36-214. Permitted uses.

In the R-3 General Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Multiple-family dwellings and apartment houses, including screening or landscaping, playground area, on-site resident manager, entrance approvals pursuant to state department of transportation requirements, a limited number of units per acre, and other conditions, as required by a conditional use permit.
- (3) Rooming houses and boardinghouses.
- (4) Bed and breakfasts.
- (5) Schools, including day care centers.
- (6) Churches, including day care centers; with conditional use.
- (7) Rest homes, adult care residence, with conditional use.
- (8) Hospitals, nursing homes and dwelling units for retirement developments with conditional use.
- (9) Clubs and lodges, with a conditional use permit.
- (10) Parks and playgrounds.
- (11) Professional offices.
- (12) Home occupations, as defined in section 36-1, conducted by the occupant.
- (13) Travel trailers, as defined in section 36-1.
- (14) Off-street parking as required by article XII of this chapter.
- (15) Accessory buildings permitted as defined in section 36-1; however, garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.

(16) Public utilities; poles, line, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.

(17) Family care homes, foster homes or group homes serving physically disabled, mentally ill, intellectually disabled or other developmentally disabled persons, not related by blood or marriage.

(18) Short-term rentals.

(19) **Townhomes.**

(Code 2003, § 195-39; Ord. of 3-29-2022(2), § 2; Ord. of 8-12-2013)

Sec. 36-215. Inoperable, junk or scrap motor vehicles.

(a) No inoperable, junk or scrap motor vehicle may be kept stored or parked on lots in an R-3 district; provided that nothing in this section shall be construed to apply to a collector of antique or vintage vehicles, who may keep such vehicles on the lot of said collector within the R-3 district, provided the vehicles are stored in the rear of the property out of view in a fully enclosed building or surrounded by an approved blind or screen so as to be out of view by surrounding property owners. An antique vehicle that is inoperative, unless junk or scrap, shall have a town license affixed, and the current personal property tax thereon shall have been paid.

(b) Any owner of a vehicle that bears an expired state inspection sticker, local license tag or state license tag, has not been moved for a period of 180 days and matches the definition of "inoperable, junk or scrap motor vehicle" in section 36-1 shall move such vehicle from the premises of said owner within ten days of notification. If, after reasonable notice, the owner fails to comply, the town may have the vehicle removed, and the cost of removal and disposal shall be charged to the owner of the property. When the owner of the property shall have been assessed such costs, the assessment shall constitute a lien against the property from which the vehicle was removed. The lien shall continue until actual payment of costs shall have been made to the town.

(Code 2003, § 195-40; Ord. of 8-12-2013)

Sec. 36-216. Lot area.

(a) For lots in the R-3 General Residential District containing or intended to contain a single permitted use served by public water and sewage disposal, the minimum lot area shall be 15,000 square feet.

(b) For lots in the R-3 General Residential District containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.

(c) For lots in the R-3 General Residential District containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be, for two units, 15,000 square feet or more; for three units, 20,000 square feet or more; and for each additional unit above three, an additional 2,000 square feet per unit. However, the overall density shall not exceed ten dwelling units per acre.

(d) For permitted uses in the R-3 General Residential District utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.
(Code 2003, § 195-41; Ord. of 8-12-2013)

Sec. 36-217. Setback.

Structures in the R-3 General Residential District shall be located 35 feet or more from any street right-of-way line; except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the setback line.
(Code 2003, § 195-42; Ord. of 8-12-2013)

Sec. 36-218. Frontage and lot width regulations.

(a) For permitted uses in the Residential District R-3, the minimum road frontage shall be 80 feet, and for each additional permitted use in Residential District R-3, there shall be ten feet of additional lot width at the road.

(b) For permitted uses in the R-3 General Residential District, the minimum lot width at the building line shall be 80 feet or more, and for each additional permitted use in the R-3 General Residential District, there shall be at least ten feet of additional lot width at the building line.
(Code 2003, § 195-43; Ord. of 8-12-2013; Ord. of 9-11-2023)

Sec. 36-219. Yard regulations.

Yard regulations in the R-3 district shall be as follows:

- (1) *Side yards.* The minimum side yard for each main structure shall be ten feet, and the total width of the two required side yards shall be 20 feet or more.
- (2) *Rear yard.* Each main structure shall have a rear yard of 25 feet or more.
(Code 2003, § 195-44; Ord. of 8-12-2013)

Sec. 36-220. Height regulations.

Buildings in the R-3 General Residential District may be erected up to 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased ten feet and up to three stories, provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet;

- (2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet;
- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest;
- (4) No accessory building which is within five feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.
(Code 2003, § 195-45; Ord. of 8-12-2013)

Sec. 36-221. Special provisions for corner lots.

In the R-3 General Residential District:

- (1) The side yard on the side facing the side street shall be 35 feet or more from the street right-of-way line for both main and accessory buildings.
- (2) Landscaping of corner lots shall be limited to plantings, fences or other landscaping features of no more than three feet in height within the space between the setback line and the property line on the street side of the lot.
(Code 2003, § 195-46; Ord. of 8-12-2013)

Secs. 36-222-36-250. Reserved.

ARTICLE VI. MOBILE HOME PARK DISTRICT, MHP-1

Sec. 36-251. Statement of intent.

The MHP-1 Mobile Home Park District covers that portion of the community intended for the location of mobile home parks so that opportunities for additional housing choice and better recreation may be provided in an atmosphere of health and safety for occupants of mobile homes and their property. The regulations for this district are formulated to encourage the design and layout of a mobile home development to the particular park site in a manner consistent with the preservation of the natural environment and the property values of adjoining areas. To this end, this district is limited to the development of mobile home parks, including the accessory uses therein.

(Code 2003, § 195-47; Ord. of 8-12-2013)

Sec. 36-252. Use regulations.

In the MHP-1 Mobile Home Park District, structures to be erected or land to be used shall be for one or more of the following uses with a conditional use permit:

- (1) Mobile homes, including double-wides.

- (2) Park management office.
 - (3) Child care centers.
 - (4) Laundry facilities.
 - (5) Recreational facilities.
 - (6) Off-street parking, as required by article XII of this chapter.
 - (7) Public utilities, such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provisions and maintenance, including water and sewerage facilities.
 - (8) Business signs only to advertise the mobile home park.
 - (9) Directional signs.
 - (10) Accessory buildings or structures as defined in section 36-1, provided that such buildings and structures meet the following requirements:
 - a. All mobile home accessory structures must meet the plumbing, electrical connection wiring, construction and other applicable requirements of the town building code.
 - b. Mobile home accessory structures, except ramadas, shall not exceed the height of the mobile home.
 - c. No accessory structure shall be erected or constructed on any mobile home lot except as an accessory to a mobile home.
 - d. Porches may be placed adjacent to mobile homes, provided they are constructed in accordance with the provisions of the town building code.
 - e. No accessory building or structure may be closer than two feet to any property line or mobile home lot line.
- (Code 2003, § 195-48; Ord. of 8-12-2013)

Sec. 36-253. Mobile home requirements.

(a) All mobile homes shall meet the plumbing requirements and the electrical wiring and connection requirements of the building code and the construction, blocking and anchoring requirements of the state corporation commission and shall display the seal of a testing laboratory approved by the commonwealth.

(b) All mobile home units shall be completely enclosed with metal skirts, concrete blocks, ornamental wood, stone, or other similar material, in such a manner that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the building inspector.

(c) No permanent or semipermanent structure shall be affixed to any mobile home as an addition to such mobile home. The prohibition in this subsection against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home, nor to any expansion unit or accessory structures specifically manufactured for mobile homes.

(d) All mobile homes must use and be secured with proper tiedown equipment.
(Code 2003, § 195-49; Ord. of 8-12-2013)

Sec. 36-254. Mobile home park area requirements.

(a) The minimum area for each mobile home park shall be ten acres with a minimum of 25 mobile home stands and a maximum of five mobile home stands per acre; and the minimum lot width for the portion used for the entrance and exit to a public road shall be 50 feet.

(b) The minimum lot area of each individual mobile home lot shall be 3,600 square feet for single-wide units and 6,000 square feet for double-wide units.

(c) No mobile home and an accessory building shall occupy more than 30 percent of the area of the lot on which it is situated.

(d) The minimum length of a mobile home lot shall be 90 feet; the minimum width shall be 40 feet. On all lots larger than the minimum, the ratio of length to width shall not exceed 2.25 to 1.0.

(e) No more than one detached mobile home accessory structure shall be permitted on any mobile home lot.
(Code 2003, § 195-50; Ord. of 8-12-2013)

Sec. 36-255. Mobile home park setback requirements.

(a) No mobile home unit, management office, or other structure except decorative fencing, lighting, wall, entrance or other decorative feature shall be located closer than 35 feet to a street right-of-way line of a public road with a right-of-way of 50 feet or greater, nor closer than 60 feet to the centerline of a public road with a right-of-way of less than 50 feet.

(b) No main or accessory structure shall be located closer than 25 feet to the property line of the mobile home park.

(c) No mobile home shall be placed within 20 feet of another mobile home nor closer than ten feet to the mobile home lot line.
(Code 2003, § 195-51; Ord. of 8-12-2013)

Sec. 36-256. General requirements for mobile home parks.

(a) No mobile home park may be a closed park where entry is denied anyone who has not purchased a home from the dealer, park owner or operator. No mobile home park may also serve as a general retail or wholesale and demonstration or storage area for mobile homes.

(b) All mobile homes will be parked on a pad of concrete or bituminous material.

(c) Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan submitted so that each lot may be easily identified.

(d) An internal street system shall be provided to furnish convenient access to mobile home lots, and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient, and shall meet the following requirements in addition to such other reasonable standards and requirements as may be recommended by the resident engineer:

- (1) All internal streets shall be permanently paved with plant bituminous material or other hard, durable surface which shall be maintained free of cracks and holes and the edges of which shall be protected from raveling. Minimum pavement widths shall be 24 feet for streets providing access to 40 or more mobile home lots, and 18 feet for streets providing access to less than 40 mobile home lots. Widths shall be measured from curb face to curb face.
- (2) No on-street parking shall be permitted.
- (3) Dead-end streets shall be limited in length to 400 feet, shall be provided with culs-de-sac with turning areas of not less than 40 feet in radius, or with "T" or "Y" turning areas, and shall provide access to no more than 20 mobile home lots.
- (4) Streets shall be approximately at right angles at and within 100 feet of street intersections. Offsets at intersections of less than 125 feet from centerline to centerline and intersections of more than two streets at one point shall be avoided.
- (5) Streets shall be adapted to the topography, shall follow the contours of the land as nearly as possible, and shall have safe grade and alignments. No grade shall exceed 12 percent or no curve shall have an outside radius of less than 80 feet.
- (6) Lighting shall be provided in such a way as to produce a minimum of 0.1 footcandles at street level throughout the system, with at least 0.3 footcandles at street intersections, park entrances, and other potentially hazardous locations in or around the park.
- (7) Entrances shall be provided in sufficient numbers to ensure safe and convenient ingress and egress. Were the proposed park adjoins two or more public roads, entrances shall

be provided on at least two public roads where possible, provided that the internal street system shall be so designed as to discourage through traffic. Entrances shall be no closer than 125 feet from an existing public road intersection.

(e) An adequate supply of water approved by the state health department shall be furnished from a public water supply system, or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances with water connections located on each mobile home lot. All water lines shall be made frost-free.

(f) In each mobile home park, all wastewater from a faucet, toilet, tub, shower, sink, slopsink, drain, washing machine, garbage disposal unit or laundry shall empty into a sewer system approved by the health department.

(g) Each mobile home park shall provide door-to-door garbage pickup for disposal in approved containers at a central location within the mobile home park or provide an adequate number of trash containers as specified by the town manager, so located to allow the town to collect and dispose of the solid waste generated by park residents only or by private contract for disposal in accordance with applicable state and local ^{1/4}tv^r□

(h) There shall be provided a minimum of 30,000 square feet of developed recreational area, exclusive of required setback and yard requirements, per each 25 mobile home lots or multiple or fraction thereof.

(i) All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.

G) Fencing or vegetative screening shall be provided to a height of six feet and such a density that no mobile home or mobile home accessory structure shall be visible to a casual observer on any side of a mobile home park abutting the back yard of a residential structure or the side yard of a residential structure, provided the screening does not extend beyond the setback line of the structure, provided that, where natural features such as topography or natural vegetation are prescribed and prevent the park from being casually visible from adjoining properties, requirements for screening may be waived. Fencing where required shall be maintained in a safe condition, shall be painted and shall be kept in good repair.

(Code 2003, § 195-52; Ord. of 8-12-2013)

Sec. 36-257. Park management.

(a) The minimum number of mobile home lots and stands completed and ready for occupancy before the first occupancy is permitted shall be 12, and no lot or stand shall be rented for a period of less than 60 days. Prior to the first occupancy, a certified statement of compliance shall be obtained from the zoning administrator.

(b) Permanent buildings housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted in mobile home parks, provided such facilities:

- (1) Shall meet parking requirements for such facilities as specified in this chapter;
- (2) Shall be subordinate to the residential use and character of the park;
- (3) Shall be located, designed and intended to serve the service needs of persons residing in the park;
- (4) Shall present no visible evidence of their nonresidential character to any area outside the park;
- (5) Shall meet all applicable federal, state and local requirements pertaining to such uses; and

(6) Shall not occupy more than ten percent of the area of the park.

(Code 2003, § 195-53; Ord. of 8-12-2013)

Sec. 36-258. Mobile home park site plan.

(a) Site plans shall be submitted at a scale of not less than one inch equals 100 feet.

(b) Two clearly legible blue line or black line copies of the site plan shall be submitted. Additional copies may be requested as deemed necessary.

(c) The names and addresses of the owner and developer and a scale and north arrow shall be included on all maps. The site plan shall also include:

- (1) The names and addresses of the owners of record of all adjacent properties;
- (2) Current zoning boundaries, including surrounding areas to a distance of 300 feet;
- (3) Erosion control measures as regulated by chapter 18, article II;
- (4) The location and size of proposed buildings and uses thereof;
- (5) The proposed topography;
- (6) The layout of off-street parking;
- (7) The location of proposed utility lines, indicating where they already exist;
- (8) Proposed storm and sanitary drainage systems, both surface and subsurface, showing pipe sizes, grades, flow and design loads;
- (9) The proposed location, direction of power, and time and use of outdoor lighting;
- (10) The location, size and design of proposed signs;
- (11) Facilities for disposal of trash and other solid wastes; and
- (12) The elevations of buildings to be built or altered on-site.

(d) The name of the proposed park shall be included on the site plan and shall not closely approximate that of any existing mobile home park or subdivision in the town or in the county.

(e) The location and dimensions of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities and other community facilities and utilities adjacent to the proposed park shall be included on the site plan.

(f) All existing significant natural and historical features on or adjacent to the proposed park, including, but not limited to, views from the property and views from adjoining properties that might be affected by the proposed park, shall be included on the site plan.

(g) The proposed layout shall include:

- (1) Interior streets with dimensions and such typical street cross sections and centerline profiles as may be required in evaluating the street layout;
- (2) Interior monuments and lot lines, dimensions, and areas of mobile home lots, common open space and recreation areas, common parking areas and other common areas;
- (3) Locations and dimensions of mobile home stands and parking spaces, management offices, laundry facilities, recreation buildings and other permanent structures;
- (4) Location and nature of firefighting facilities, including hydrants, fire extinguishers and other firefighting equipment;
- (5) Location of fuel storage facilities and structures of high flammability; and
- (6) Location and dimensions of landscaping amenities, including streetlights, sidewalks, planted areas, significant natural features to be retained and fencing and screening.

(h) A narrative statement shall be included describing how the standards and requirements set forth herein are to be met; a statement from the health department certifying approval of the proposed site plan; and a statement from the resident engineer certifying that all ingress and egress to and from public streets and alleys meet the specifications of Code of Virginia,

§ 33.1-198, and the minimum standards of entrances to state highways.

(i) A vicinity map at a scale no smaller than 600 feet to one inch, showing all streets and property within 1,000 feet of the property for which the application is made shall be included on the site plan. All properties owned or controlled by the applicant in this area shall be identified. (Code 2003, § 195-54; Ord. of 8-12-2013)

Secs. 36-259--36-279. Reserved.