

### ***ARTICLE III. DISTRICT REGULATIONS***

#### **Sec. 25-170. Establishment of districts.**

For the purposes of this chapter, the covered unincorporated areas of Franklin County are hereby divided into the following districts:

Agricultural District, A-1  
Residential Estates District, RE  
Residential Suburban Subdivision District, R-1  
Residential Suburban Subdivision District, R-2  
Residential Combined Subdivision District, RC-1  
Residential Multifamily District, RMF  
Residential Planned Development District, RPD  
Business District, Limited, B-1  
Business District, General, B-2  
Industrial District, Light Industry, M-1  
Industrial District, Heavy Industry, M-2  
Planned Commercial Development, PCD  
Regional Enterprise Park District, REP  
Special Districts/Overlay Districts (see Article IV of this chapter) Smith Mountain Lake Surface District

(Ord. of 5-25-88; Ord. No. 06-08-2016, 8-16-16)

#### **Secs. 25-171—25-176. Reserved.**

### ***DIVISION 1. AGRICULTURAL DISTRICT (A-1)<sup>1</sup>***

#### **Sec. 25-177. Purpose.**

(a) This district includes unincorporated portions of the county that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conserving water and

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<sup>1</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications for agricultural areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-27 through 9-28 of the originally adopted plan of 1985.

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other natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire.

(b) It is expected that certain desirable rural areas of this rural district may logically develop residentially at low density. It is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district. It should also be presumed that the agricultural and forestry activities may produce some noise, odors and other effects and a certain level of tolerance for these effects must be expected of those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses.

(Ord. of 5-25-88)

### **Sec. 25-178. Permitted uses.**

Within the Agricultural District (A-1) the following uses are permitted:

Accessory uses.

Additions to existing schools.

Agricultural warehouses.

Agriculture, farming.

Antique shop.

Assembly halls.

Bed and breakfast establishments.

Cemeteries, community and commercial.

Cemeteries for animals.

Cemeteries on joint church property.

Churches.

Colleges.

Community center and building.

Conservation areas (public and private).

Day care center, day nursery.

Dormitories.

Expansion of existing parks owned by local, state or federal governments.

Feedlot, commercial, poultry (poultry facility), see section 25-146 for additional requirements.

Forestal operations and management.

Garage, principal.

Garages, storage of personal vehicles.

Gardens, private.

Greenhouses, nurseries.

Home occupations, Class A.

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Home occupations, Class B.

Homes, single-family detached dwelling.

Homes, single-family detached dwelling with apartments on premises, see section 25-188.

Kennels.

Landing strip (temporary use), see section 25-112.

Libraries.

Lodge halls.

Lodges.

Manses, church-owned dwelling unit.

Manufactured homes.

Mobile homes.

Off-street parking.

Private dock, pier or boat house.

Playgrounds.

Portable and temporary sawmill.

Preserves, wildlife refuge (public).

Primitive campground.

Residential cluster development, see section 25-189.

Roads, streets, rights-of-way, easements.

Sales, service and repairs of farm, garden or logging equipment.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Stable, commercial (riding).

Stables, private.

Subdivisions meeting county subdivision ordinance and the regulations of section 25-180.

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Tenant farmer.

Water systems.

Wayside stands.

Wind energy facilities; small system, see section 25-128(c).

Veterinary hospitals and clinics.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Res. No. 17-09-90, 9-17-90; Res. No. 43-01-93, 1-19-93; Res. No. 19-10-94, § 2, 10-18-94; Res. No. 38-11-95, 11-21-95; Amend of 9-16-97; Ord. of 6-16-98; Res. No. 13-02-2002, 2-19-

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02; Ord. of 2-15-05(4); Amend. of 3-25-08(5); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09; Res. No. 22-11-2011, 11-15-11; Res. No. 12-07-2014, 7-15-14; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-179. Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Apartments in combination with business.

Archery ranges.

Automobile graveyard.

Boat club.

Campground (private)—(See section 25-155).

Campground (public)—(See section 25-155).

Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.

Clubs (private).

Clubs (public).

Community docks, piers, and boat houses.

Convenience store.

Country club.

Country store.

Custom meat cutting operation.

Emergency service facilities—Fire, rescue.

Feed and seed processing mill.

Feedlot, commercial, beef, and dairy cattle (beef and dairy facility).

Feedlot, commercial, poultry (poultry facility), see section 25-146 for additional requirements.

Feedlot, commercial, swine (swine facility).

Feed mill operations.

Fish hatchery.

Flea market.

Food and groceries.

Funeral homes and mortuaries.

Garages, commercial, for automobiles, recreation vehicles, motorcycles.

General store.

Greenboxes.

Golf clubs, clubhouses.

Golf courses.

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Golf driving range.

Grain mill operations.

Heliports, airports, landing strip (intensive use), landing strip (recreational use)—(See section 25-112).

[Home, single-family—(See section 25-188).]

Landfills, approved by State Health Department—Nonhazardous, nonradioactive.

Livestock market.

Lumber concentration yard.

Milk stations.

Mining—Conforming to state regulations.

Meat processing—Not a slaughterhouse.

Manufactured home parks (See section 25-137).

Motels, hotels, tourist and resort facilities.

Off-site mass drainfields (See section 25-144).

Off-site wells, water tanks and/or water systems (See section 25-145).

Parks.

Permanent chipping mill.

Permanent planing mill.

Permanent sawmill.

Public facilities.

Public garages.

Public offices.

Public power generation.

Public storage yards.

Public substations.

Public utilities.

Public utilities—Structures, towers, public water and sewer treatment plants.

Pulpwood storage and processing.

Quarrying—Conforming to state regulations.

Raceway.

Radio and television stations.

Radio and television towers.

Radio and television transmission/transmitters.

Recreational facilities (private).

Recreational facilities (public).

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Restaurants.

Rifle range, gun clubs, shooting ranges.

Sales, service and repair of automobiles, trucks, recreational vehicles, motorcycles.

Schools (public and private).

Self-service storage facility.

Short-term tourist rental of dwelling.

Slaughterhouse.

Storage—Boat, recreational vehicle, and recreational trailer as a use allowed by special use permit.

Storage yard.

Summer camp.

Swim club.

Turkey shoot.

Wind energy facilities; large system (See section 25-128(c)).

Wind energy facilities, utility scale system (See section 25-128(c)).

Wood preserving.

Wood storage.

(Ord. of 5-25-88; Res. No. 30-08-89, 8-21-89; Res. No. 16-03-90, 3-19-90; Res. No. 18-07-90, 7-16-90; Res. No. 22-12-93, § 2, 12-21-93; Res. of 8-17-94; Amend. of 6-20-95; Res. No. 38-11-95, 11-21-95; Amend. of 12-19-95; Amend. of 9-16-97; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09; Res. No. 12-07-2010, 7-20-10; Res. No. 12-07-2014, 7-15-14)

## **Sec. 25-180. Area regulations.**

Except as otherwise provided in section 25-189, residential cluster developments, the following lot area and lot coverage requirements shall apply to all lots within the A-1 zoning district:

(a) *Minimum lot size:*

- (1) Lots in this district shall have a minimum area of thirty-five thousand (35,000) square feet.
- (2) The minimum road frontage for lots of five (5) acres or less is equal to one hundred fifty (150) feet on a state-maintained primary road, one hundred twenty-five (125) feet on state-maintained secondary roads and not less than thirty (30) feet for lots fronting on a cul-de-sac. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(b) *Maximum percentage of lot coverage.* Not regulated.

(Ord. of 5-25-88; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01; Res. No. 22-11-2011, 11-15-11)

## **Sec. 25-181. Maximum height of buildings.**

(a) The maximum height of buildings in this district shall be forty (40) feet.

(b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.

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(c) Any building or structure shall be constructed, erected, installed, maintained and be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-182. Minimum dimensions.**

Except as otherwise provided in section 25-189, residential cluster developments, the following dimensional requirements shall apply to all lots and structures within the A-1 zoning district:

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches or stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building) shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.
- (d) *Minimum distance between main buildings.* For fire protection in low-density, agricultural areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92; Res. No. 22-11-2011, 11-15-11)

### **Sec. 25-183. Floor area requirements.**

Conventional lots are not regulated.

(Ord. of 5-25-88)

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## **Sec. 25-184. Minimum off-street parking space.**

Two (2) off-street parking spaces shall be required on each building lot. Parking space shall be rectangular with one dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

## **Sec. 25-185. Reserved.**

Editor's note(s)—Res. No. 22-11-2011, adopted November 15, 2011, repealed § 25-185, which pertained to open space requirements and derived from Ord. of 5-25-88.

## **Sec. 25-186. Reserved.**

## **Sec. 25-187. Reserved.**

Editor's note(s)—Res. No. 22-11-2011, adopted November 15, 2011, repealed § 25-187, which pertained to maximum number of units allowed per gross acre and derived from Ord. of 5-25-88.

## **Sec. 25-188. Special requirements.**

- (a) Except as provided below, only one (1) dwelling may be erected or placed on a single building lot as a permitted use.
- (b) A second dwelling may be erected or placed on a single building lot as a permitted use, under the following circumstances:
  - (1) The building lot is at least one (1) acre in area; and
  - (2) The second dwelling is occupied by:
    - a. Members of the immediate family of the occupants of the principal dwelling on the lot, including parents, grandparents, children, and grandchildren; or
    - b. Persons who derive their principal means of livelihood from work on the farm on which the dwelling is situated.
  - (3) Regardless of occupancy, a second dwelling shall be permitted on a single building lot if the subject parcel is one hundred (100) acres or more in area.
- (c) No more than two (2) dwellings shall be erected or placed on a single building lot.

(Res. No. 30-08-89, § 1, 8-21-89; Res. No. 27-06-95, 6-20-95, Res. No. 22-11-2011, 11-15-11)

## **Sec. 25-189. Residential cluster developments.**

- (a) *Definition.* For the purposes of this division, a residential cluster development shall be defined as a development consisting of single-family residential uses, where residential lots and associated infrastructure are concentrated on a portion of the subject land, with the balance of the subject land reserved as permanently undeveloped required open space.

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(b) *Requirement for residential clustering.* The requirement for residential clustering is a function of the number of residential lots proposed and the total acreage of the proposed residential development.

- (1) Residential clustering is required based on the following formula:  $L \geq (A/2) + 10$ , where L is the number of residential lots proposed, and A is the total acreage of the proposed residential development.
- (2) Residential cluster developments shall have a minimum of fifty (50) percent of the development's gross area reserved as permanently undeveloped required open space. Residential lots shall be clustered and arranged in accordance with the residential lot standards set forth in this division. Required open space shall be provided and arranged in accordance with the required open space standards set forth in this division.
- (3) The maximum residential density for residential cluster developments shall be 1.25 dwelling units per acre, based on the gross area of the development including required open space, provided that such open space accounts for a minimum of fifty (50) percent of the development's gross land area. The maximum residential density may be increased to 1.5 dwelling units per acre in exchange for a greater amount of open space, provided that such open space accounts for a minimum of sixty (60) percent of the development's gross land area.
- (4) Subdivisions that meet the requirements for "family division," as defined by the Franklin County Subdivision Ordinance, are exempt from the requirements of section 25-189; however, subdivisions that meet the requirements for "family division" may develop as residential cluster developments, provided that they meet the residential lot and required open space standards set forth in this division.
- (5) Any residential development that does not meet the clustering requirement set forth above, may nonetheless develop as a residential cluster development in accordance with the residential lot and required open space standards set forth in this division. Such residential cluster developments shall be required to reserve a minimum of fifty (50) percent of the development's gross area as permanently undeveloped required open space.
- (6) All new streets or roads serving residential lots within a residential cluster development shall be constructed to VDOT standards and dedicated into the state maintenance system.

(c) *Standards for residential lots within residential cluster developments.* The following standards shall apply to the design and arrangement of residential lots within residential cluster developments:

- (1) Where residential lots within residential cluster developments have frontage on a road classified by VDOT as a primary road, the following residential lot standards shall apply:
  - a. The minimum lot size shall be twenty thousand (20,000) square feet.
  - b. The minimum road frontage shall be one hundred fifty (150) feet.
  - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be thirty (30) feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.
- (2) Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the following residential lot standards shall apply:
  - a. The minimum lot size shall be fifteen thousand (15,000) square feet.
  - b. The minimum road frontage shall be one hundred twenty-five (125) feet.
  - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be 30 feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.
- (3) Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following residential lot standards shall apply:

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- a. The minimum lot size shall be ten thousand (10,000) square feet.
- b. The minimum road frontage shall be seventy-five (75) feet.
- c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be thirty (30) feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.

(d) *Front setback requirements for structures on residential lots within residential cluster developments.* The following standards shall apply to the placement of all buildings and structures on residential lots within residential cluster developments:

- (1) Where residential lots within residential cluster developments have frontage on a road classified by VDOT as a primary road, the minimum front setback shall be thirty-five (35) feet from the edge of right-of-way or sixty (60) feet as measured from the centerline of the right-of-way, whichever is greater.
- (2) Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the minimum front setback shall be thirty (30) feet from the edge of right-of-way or fifty-five (55) feet as measured from the centerline of the right-of-way, whichever is greater.
- (3) Where residential lots within residential cluster developments have frontage solely on new secondary streets or roads, the minimum front setback shall be twenty (20) feet from the edge of right-of-way or forty-five (45) feet as measured from the centerline of the right-of-way, whichever is greater.

(e) *Other setback requirements for structures on residential lots within residential cluster developments.* The following standards shall apply to the placement of buildings and structures with respect to residential lot lines:

- (1) Principal structures shall meet the following required setbacks:
  - a. The minimum side setback shall be ten (10) feet.
  - b. The minimum rear setback shall be twenty (20) feet.
- (2) Accessory structures shall meet the following required setbacks:
  - a. The minimum side setback shall be five (5) feet.
  - b. The minimum rear setback shall be five (5) feet.
- (3) Corner lots shall be deemed to have a primary front, defined as the lesser of the two road frontages; and a secondary front, defined as the greater of the two road frontages. The property line opposite the primary front shall be considered a rear property line; the property line opposite the secondary front shall be considered a side property line.

For corner lots, the following required setbacks shall apply to all principal structures:

  - a. Primary front: See section 25-189(d).
  - b. Secondary front: A minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
  - c. Side: A minimum of ten (10) feet.
  - d. Rear: A minimum of twenty (20) feet.

For corner lots, the following required setbacks shall apply to all accessory structures:

  - e. Primary front: See section 25-189(d).
  - f. Secondary front: A minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.

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- g. Side: A minimum of five (5) feet.
- h. Rear: A minimum of five (5) feet.

(f) *Standards for required open space within residential cluster developments.* The following standards shall apply to the design and arrangement of required open space within residential cluster developments:

- (1) Areas of required open space shall be platted as required open space lots distinct from residential lots. Required open space lots are not required to have road frontage; however, required open space lots must be accessible either by means of direct road frontage, or by private access easement, with a minimum width of fifteen (15) feet.
- (2) Required open space lots shall have a minimum lot area of two thousand (2,000) square feet.
- (3) Required open space lots shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
- (4) A minimum of twenty-five (25) percent of the required open space shall consist of land that is not steeply sloped. For the purposes of this section, steep slopes are defined as having a slope greater than twenty-five (25) percent.
- (5) All structures located on required open space lots must be set back a minimum of twenty (20) feet from any property line.

(g) *Ownership and management of required open space within residential cluster developments.* Areas of required open space shall be platted as required open space lots distinct from residential lots, with such required open space lots subject to the following ownership and management requirements: Required open space lots shall be owned and managed by a common owner, which may include a nonprofit association, a nonstock or membership corporation, trust, or foundation, provided that such common owner include all owners of residential property within the residential cluster development. Such arrangement shall conform to the following:

- (1) The developer must establish the common ownership entity prior to the sale of any residential lots within the residential cluster development.
- (2) Membership in the common ownership entity shall be mandatory for all residential property owners, present or future, within the residential cluster development.
- (3) The entity shall manage all required open space and recreational and cultural facilities; shall provide for the maintenance, administration and operation of said land and improvements, and any other land within the residential development; and shall secure liability insurance on the land.
- (4) The entity shall conform to the Condominium Act, Code of Virginia, 1950, § 55-79.39 through 55-79.103, as amended to date.

(h) *Use of required open space within residential cluster developments.* Areas of required open space may be used as follows:

- (1) *Permitted uses.*
  - Agriculture, farming.
  - Conservation areas (public and private).
  - Forestry operations and management.
  - Playgrounds.
  - Preserves, wildlife refuge (public).
  - Stable, commercial (riding).

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- Stables, private.
- (2) *Special use permits.*
  - Country club.
  - Golf clubs, clubhouses.
  - Golf courses.
  - Parks.
  - Recreational facilities (private).
  - Recreational facilities (public).
  - Swim club.
- (3) The land area (footprint) of any structure located within required open space shall not count toward the fulfillment of the required open space acreage requirement.
- (4) Wells, water systems, drainfields, waste-water treatment facilities, and/or public utilities may be located in areas of required open space. However, the land area (footprint) of any associated above-ground structure shall not count toward the fulfillment of the required open space acreage requirement.

(Res. No. 22-11-2011, 11-15-11)

#### **Sec. 25-190. Reserved.**

### *DIVISION 2. RESIDENTIAL ESTATES DISTRICT (RE)*

#### **Sec. 25-191. Purpose.**

- (a) This district is established to protect persons occupying residential properties in large lot developments with three (3) or more lots or upon application by owner. Lots located in the district will have areas ranging from five (5) acres to twenty (20) acres in area. This district's regulations are designed to stabilize and protect the essential characteristics of the district, promote and encourage a suitable environment for rural family life where there are children, and to prohibit activities of a commercial nature. Development is limited to relatively low concentration and permitted uses are limited to basically single-unit detached dwellings providing homes for the residents plus certain additional uses that serve the district's residents.
- (b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allowing short-term rental of dwellings for periods of thirty (30) days or less. Said short-term rental use is specifically excluded from the district.

(Ord. of 5-25-88; Res. No. 22-05-98, 5-19-98)

#### **Sec. 25-192. Permitted uses.**

Within the Residential Estates District (RE), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

Accessory uses.

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Churches.

Conservation areas (public and private).

Dwelling units.

Garages (private residential)—Storage of personal vehicles.

Gardens (private).

Home occupations, Class A

Homes—Single-family detached dwelling.

Horses—(See section 25-202).

Manses, church-owned.

Off-street parking.

Playgrounds.

Private docks, piers, and boat houses.

Roads, streets, rights-of-way, easements.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Subdivisions meeting the county subdivision ordinance and the regulations of section 25-194.

Temporary construction facilities, subject to the requirements of section 25-129.

Water systems.

(Ord. of 5-25-88; Amend. of 9-16-97; Ord. of 6-16-98; Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-193. Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Bed and breakfast establishment.

Clubs (private).

Clubs (public).

Community center and building.

Emergency service facilities—Fire, rescue.

Home—Second single-family detached dwelling on a lot (see section 25-202).

Home occupations—Class B.

Parks.

Public facilities, office.

Public garages.

Public utilities—Structures, towers.

Public utilities—Substations, water and sewage treatment plants, power generation.

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Schools (public and private).

Stables (private).

Swim clubs.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Res. 22-12-93, § 1, 12-21-93; Res. No. 26-05-2008, 5-20-08)

### **Sec. 25-194. Area regulations.**

(a) *Minimum lot size:*

- (1) Residential lots in this district shall contain five (5) acres.
- (2) The maximum length/width ratio shall be 5:1 (e.g., a lot seven hundred and fifty (750) feet in length shall have a width of one hundred and fifty (150) feet or more).
- (3) The minimum road frontage is equal to one hundred and fifty (150) feet on state maintained primary roads, one hundred and twenty-five (125) feet on state maintained secondary roads and not less than thirty (30) feet for lots fronting on a cul-de-sac.
- (4) The minimum road frontage for any road not built to state standards nor accepted into the state system for maintenance is equal to one hundred and fifty (150) feet except in a cul-de-sac where the measurement is lowered to not less than thirty (30) feet.
- (5) Minimum lot width for lots with neither public water nor public sewer fronting on a new road that is built by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be one hundred (100) feet.

(b) *Maximum percentage of lot coverage.* Not regulated.

(Ord. of 5-25-88; Res. No. 21-11-92, 11-17-92; Ord. of 6-16-98)

### **Sec. 25-195. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

### **Sec. 25-196. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads. Structures shall be at least thirty-five (35) feet from the front property line.

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- (b) *Side yard.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory buildings), shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.
- (d) *Minimum distance between main buildings.* For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

### **Sec. 25-197. Floor area requirements.**

Conventional lots are not regulated.

(Ord. of 5-25-88)

### **Sec. 25-198. Minimum off-street parking space.**

Two (2) off-street parking spaces shall be required on each residential lot. Parking spaces shall each be rectangular with one (1) dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet in length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

### **Sec. 25-199. Open space requirements.**

See the sections providing for the application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.

(Ord. of 5-25-88)

### **Sec. 25-200. Reserved.**

### **Sec. 25-201. Maximum number of units allowed per gross acre.**

No more than one (1) single-family detached dwelling may be erected on the building lot, except as permitted by section 25-193.

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(Supp. No. 44)

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(Ord. of 5-25-88; Ord. of 6-16-98)

**Sec. 25-202. Special requirements.**

- (a) Only one (1) principal building with its customary accessory buildings may be erected on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the RE district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the state definition (mother, father, son, daughter, husband, wife).
- (b) One (1) horse per acre shall be allowed in the RE district as a permitted use; provided, that there is a five-acre minimum lot size, and that all enclosed areas providing services to horses are to be at least two hundred (200) feet from any existing residence and if a residence does not exist on the adjoining property these enclosed areas must be one hundred (100) feet from the property boundary line.

(Res. No. 30-08-89, § 2, 8-21-89; Res. No. 17-03-90, 3-19-90)

**Secs. 25-203—25-220. Reserved.**

***DIVISION 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)<sup>2</sup>***

**Sec. 25-221. Purpose.**

- (a) This district is established for the purpose of providing for residential uses on average lot sizes less than five (5) acres in area to seven thousand five hundred (7,500) square feet in area. Areas designated for this zoning district will be for residential neighborhoods which may include schools and similar public uses normally found in residential neighborhoods. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.
- (b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allow short-term rental of dwellings for periods of thirty (30) days or less. Said short-term rental use is specifically excluded from the district.

(Ord. of 5-25-88; Res. No. 22-05-98, 5-19-98)

**Sec. 25-222. Permitted uses.**

Within the Residential Suburban Subdivision District (R-1), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

Accessory uses.

Churches.

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<sup>2</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in residential areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-31 through 9-33 of the Plan.

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Conservation areas (public and private).

Garages—Private for storage of personal vehicles.

Gardens, private.

Horses—(See section 25-232).

Manses, church-owned dwelling unit.

Private dock, pier, and boathouse.

Playgrounds (public).

Off-street parking.

Roads, streets, rights-of-way, easements.

Signs.

Single-family detached dwellings.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Subdivision meeting the county subdivision ordinance and the regulations of section 25-224.

Temporary construction facilities, subject to the requirements of section 25-129.

Water systems.

(Ord. of 5-25-88; Res. No. 17-03-90, 3-19-90; Amend. of 9-16-97; Ord. of 6-16-98; Ord. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-223. Special use permits.**

(a) The following uses shall be permitted only by special use permit approved by the Franklin County Board of Supervisors:

Clubs (private).

Clubs (public).

Community centers, buildings.

Community docks, piers, and boat houses.

Emergency services facilities—Fire, rescue.

Home—Second single-family detached dwelling on a lot (see section 25-232).

Home occupations, Class A.

Parks.

Playgrounds.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities—Structures, towers.

Public facilities, offices.

Schools (public and private).

Storage—Boat, recreational vehicle, and recreational trailer as a use allowed by special use permit.

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Swim clubs.

- (b) All residential lots in this district shall abut on to a state-maintained highway, with widths as stated in section 25-244(a)(2) below, unless the subdivision was recorded before state-maintained roads were required by the Franklin County Subdivision Ordinance.

- (c) For other regulations, see the Franklin County Subdivision Ordinance.

(Ord. of 5-25-88; Res. No. 22-12-93, § 1, 12-21-93; Amend. of 9-16-97; Res. No. 26-05-2008, 5-20-08; Res. No. 12-07-2010, 7-20-10)

Cross reference(s)—Subdivisions, Ch. 19.

## **Sec. 25-224. Area regulations.**

- (a) *Minimum lot size:*

- (1) Area: The following minimum areas are required dependent on sewer and water services provided to a development's lots. Greater lot areas may be required where septic tanks and drainfields (or comparable systems) are employed or wells are employed, if the State Health Department's officials determine that certain factors may cause health problems. All sewage and water systems in this district shall be approved by the health department prior to recordation.
  - a. Minimum lot area with public water and public sewer shall be seven thousand five hundred (7,500) square feet.
  - b. Minimum lot area with either public sewer or public water shall be fifteen thousand (15,000) square feet.
  - c. Minimum lot area with neither public water nor public sewer and fronting on existing state roads shall be thirty-five thousand (35,000) square feet.
  - d. Minimum lot area with neither public water nor public sewer and fronting on a new road that is constructed by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be twenty thousand (20,000) square feet.

- (2) Width:

- a. Minimum lot width with public water and public sewer shall be seventy-five (75) feet.
- b. Minimum lot width with either public sewer or public water shall be one hundred (100) feet.
- c. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained primary road shall be one hundred fifty (150) feet.
- d. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained secondary road shall be one hundred twenty-five (125) feet.
- e. Minimum lot width for lots with neither public water nor public sewer fronting on a new road that is built by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be one hundred (100) feet.

- (3) Reserved.

- (4) Minimum state-maintained road frontage measurement between side lot lines for lots of less than five (5) acres is equal to lot width except in a cul-de-sac, where the measurement is equal to not less than

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thirty (30) feet. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(b) *Maximum percentage of lot coverage.* Not regulated.

(Ord. of 5-25-88; Res. No. 21-11-92, 11-17-92; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01)

### **Sec. 25-225. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-226. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.
- (d) *Minimum distance between main buildings.* For fire protection in suburban areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

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(Supp. No. 44)

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## **Sec. 25-227. Floor area requirements.**

Conventional lots are not regulated.

(Ord. of 5-25-88)

## **Sec. 25-228. Minimum off-street parking space.**

Two (2) off-street parking spaces shall be required on the building lot. Parking spaces shall be rectangular with one (1) dimension at least ten (10) feet in length and the other dimensions at least twenty (20) feet in length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

## **Sec. 25-229. Open space requirements.**

See the sections providing for the application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.

(Ord. of 5-25-88)

## **Secs. 25-230, 25-231. Reserved.**

## **Sec. 25-232. Other special regulations.**

- (a) Only one (1) principal building with its customary accessory buildings may be erected on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the R-1 district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the state definition (mother, father, son, daughter, husband, wife).
- (b) One (1) horse per acre shall be allowed in the R-1 district as a permitted use; provided, that there is a five-acre minimum lot size, and that all enclosed areas providing services to horses are to be at least two hundred (200) feet from any existing residence, and if a residence does not exist on the adjoining property, these enclosed areas must be one hundred (100) feet from the property boundary line.

(Res. No. 30-08-89, 8-21-89; Res. No. 17-03-90, 3-19-90)

## **Sec. 25-233. Right-of-way wider than sixty feet.**

When right-of-way is wider than sixty feet, then front yard setback on lots and side yard setback on corner lots shall be at least thirty-five (35) feet from the property line to the front of the structure (including porches, stoops, or any accessory buildings attached to the main building) on the lot—This assumes that accessory structures separate from the main structure are placed behind the front yard setback line.

(Ord. of 5-25-88)

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(Supp. No. 44)

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## *DIVISION 4. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-2)<sup>3</sup>*

### **Sec. 25-234. Purpose.**

- (a) This district is established for the purpose of providing for residential uses on average lot sizes less than five (5) acres in area to seven thousand five hundred (7,500) square feet in area. Areas designated for this zoning district will be for residential neighborhoods, which may include schools and similar public uses normally found in residential neighborhoods. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.
- (b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allow short-term rental of dwellings for periods of thirty (30) days or less. Short-term rental use is specifically excluded from the district.

(Ord. of 5-25-88; Res. No. 22-05-98, 5-19-98)

### **Sec. 25-235. Permitted uses.**

Within the Residential Suburban Subdivision District (R-2), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

Accessory uses.

Churches.

Conservation areas (public and private).

Garages—Private for storage of personal vehicles.

Gardens, private.

Home occupations, Class A.

Manses, church-owned dwelling unit.

Manufactured homes.

Private dock, pier, and boat house.

Playgrounds (public).

Off-street parking.

Roads, streets, rights-of-way, easements.

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<sup>3</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in residential areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-31 through 9-33 of the Plan.

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Signs.

Single-family detached dwellings.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Subdivisions meeting the county subdivision ordinance and the regulations of section 25-137.

Temporary construction facilities, subject to the requirements of section 25-129.

Water systems.

(Ord. of 5-25-88; Amend. of 9-16-97; Ord. of 6-16-98; Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-236. Special use permits.**

(a) The following uses shall be permitted only by special use permit approved by the Franklin County Board of Supervisors:

Clubs (private).

Clubs (public).

Community centers, buildings.

Community docks, piers and boat houses.

Emergency services facilities—Fire, rescue.

Home—Second single-family detached dwelling on a lot (see section 25-245).

Home occupations, Class B.

Parks.

Playgrounds.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities—Structures, towers.

Public facilities, offices.

Schools (public and private).

Swim clubs.

(b) All residential lots in this district shall abut on to a state-maintained highway, with widths as stated in section 25-244(a)(2), unless the subdivision was recorded before state-maintained roads were required by the Franklin County Subdivision Ordinance.

(c) For other regulations, see the Franklin County Subdivisions Ordinance.

(Ord. of 5-25-88; Res. No. 22-12-93, § 1, 12-21-93; Amend of 9-16-97; Res. No. 26-05-2008, 5-20-08)

Cross reference(s)—Subdivisions, Ch. 19.

### **Sec. 25-237. Area regulations.**

(a) *Minimum lot size:*

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(Supp. No. 44)

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- (1) Area: The following minimum areas are required dependent on sewer and water services provided to a development's lots. Greater lot areas may be required where septic tanks and drainfields (or comparable systems) are employed or wells are employed, if the State Health Department's officials determine that certain factors may cause health problems. All sewage and water systems in this district shall be approved by the health department prior to recordation.
  - a. Minimum lot area with public water and public sewer shall be seven thousand five hundred (7,500) square feet.
  - b. Minimum lot area with either public sewer or public water shall be fifteen thousand (15,000) square feet.
  - c. Minimum lot area with neither public water nor public sewer fronting on existing state-maintained roads shall be thirty-five thousand (35,000) square feet.
  - d. Minimum lot area with neither public water nor public sewer fronting on a new road that is constructed by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be twenty thousand (20,000) square feet.
- (2) Width:
  - a. Minimum lot width with public water and public sewer shall be seventy-five (75) feet.
  - b. Minimum lot width with either public sewer or public water shall be one hundred (100) feet.
  - c. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained primary road shall be one hundred and fifty (150) feet.
  - d. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained secondary road shall be one hundred and twenty-five (125) feet.
  - e. Minimum lot width for lots with neither public water nor public sewer fronting on a new road that is built by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be one hundred (100) feet
- (3) Reserved.
- (4) Minimum state-maintained road frontage measurement between side lot lines for lots of less than five (5) acres is equal to lot width except in a cul-de-sac, where the measurement is equal to not less than thirty (30) feet. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(b) *Maximum percentage of lot coverage.* Not regulated.

(Ord. of 5-25-88; Res. No. 21-11-92, 11-17-92; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01)

### **Sec. 25-238. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

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(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-239. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.
- (d) *Minimum distance between main buildings.* For fire protection in suburban areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

### **Sec. 25-240. Floor area requirements.**

Conventional lots are not regulated.

(Ord. of 5-25-88)

### **Sec. 25-241. Minimum off-street parking space.**

Two (2) off-street parking spaces shall be required on the building lot. Parking spaces shall be rectangular with one dimension at least ten (10) feet in length and the other dimensions at least twenty (20) feet in length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

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**Sec. 25-242. Open space requirements.**

See the sections providing for the application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.

(Ord. of 5-25-88)

**Secs. 25-243, 25-244. Reserved.****Sec. 25-245. Other special regulations.**

Only one (1) principal building with its customary accessory buildings may be erected or placed on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the R-2 district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the state definition (mother, father, son, daughter, husband, wife).

(Res. No. 30-08-89, 8-21-89)

**Sec. 25-246. Right-of-way wider than sixty feet.**

When right-of-way is wider than sixty (60) feet, then front yard setback on lots and side yard setback on corner lots shall be at least thirty-five (35) feet from the property line to the front of the structure (including porches, stoops or any accessory buildings attached to the main building) on the lot. This assumes that accessory structures separate from the main structure are placed behind the front yard setback line.

(Ord. of 5-25-88)

**Secs. 25-247—25-265. Reserved.*****DIVISION 5. RESIDENTIAL COMBINED SUBDIVISION DISTRICT (RC-1)<sup>4</sup>*****Sec. 25-266. Purpose.**

(a) This district is established for the purpose of providing increased opportunities for affordable housing alternatives, to recognize modern advances in manufactured housing technology, and to promote cost-effective site development. This combined district provides locations where manufactured housing communities may harmoniously develop in a residential area in which a mix of other affordable housing types, multifamily apartments, duplexes, townhouses, mobile homes, double-wide manufactured units, and other compact detached housing, may develop along with the standard frame, brick, stone and block houses which are nonmanufactured. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.

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<sup>4</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in residential areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-31 through 9-33 of the originally adopted Plan of 1985.

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(b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allowing short-term rental of dwellings for periods of thirty (30) days or less. Said short-term rental use is specifically excluded from the district.

(Ord. of 5-25-88; Res. No. 22-05-98, 5-19-98)

**Sec. 25-267. Permitted uses.**

Within the Residential Combined Subdivision District (RC-1), the following uses are permitted:

Accessory uses.

Churches.

Conservation areas (public and private).

Garages (private) for storage of personal vehicles.

Gardens (private).

Home occupations, Class A.

Home occupations, Class B.

Homes, single-family dwelling unit.

Homes for the developmentally disabled persons, family care homes, group homes, as defined in Code of Virginia, section 15.1-486.2.

Homes, single-family detached dwelling, with apartments on premises.

Horses—(See section 25-274)

Manses, church-owned dwelling units.

Manufactured homes.

Mobile homes.

Off-street parking.

Private docks, piers, and boat houses.

Playgrounds (public).

Roads, streets, rights-of-ways, easements.

Signs—Communication, identification, direction.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Subdivisions meeting the county subdivision ordinance and the regulations of section 25-269.

Temporary construction facilities, subject to the requirements of section 25-129.

Townhouses.

Water systems (private).

(Ord. of 5-25-88; Amend of 9-16-97; Ord. of 6-16-98; Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019 , 1-8-20)

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## **Sec. 25-268. Special use permits.**

(a) The following uses shall be permitted only by special use permits approved by the board of supervisors:

- Bed and breakfast establishment.
- Community center, building.
- Community docks, piers, and boat houses.
- Clubs (private).
- Clubs (public).
- Emergency services facilities—Fire, rescue.
- Home—second single-family detached dwelling on a lot (see section 25-274).
- Parks.
- Public garages.
- Public utilities, including substations, power generation, water and sewer treatment plants.
- Public utilities—Structures, towers.
- Public facilities, offices, storage yards.
- Schools (public and private).
- Swim clubs.

(b) All residential lots in this district shall abut on to a state-maintained highway, with widths as stated in section 25-269(a)(2) of this chapter, unless the subdivision was recorded before state-maintained roads were required by the Franklin County Subdivision Ordinance.

(c) For other regulations, see Franklin County Subdivisions Ordinance.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Amend. of 9-16-97; Res. No. 26-05-2008, 5-20-08)

## **Sec. 25-269. Area regulations.**

(a) *Minimum lot size:*

(1) Area: The following minimum areas are required, dependent on sewer and water services provided to a development's lots. Greater lot areas may be required where septic tanks and drainfields (or comparable systems) are employed or wells are employed, if State Health Department officials determine that certain factors may cause health problems. All lots located in this district shall be approved by the health department prior to recordation.

- a. Minimum lot area with public water and public sewer shall be seven thousand five hundred (7,500) square feet.
- b. Minimum lot area with either public sewer or public water shall be fifteen thousand (15,000) square feet.
- c. Minimum lot area with neither public water nor public sewer fronting on existing state-maintained roads shall be thirty-five thousand (35,000) square feet.

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- d. Minimum lot area with neither public water nor public sewer fronting on a new road that is constructed by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be twenty thousand (20,000) square feet.
- (2) Width:
  - a. Minimum lot width with public water and public sewer shall be seventy-five (75) feet.
  - b. Minimum lot width with either public sewer or public water shall be one hundred (100) feet.
  - c. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained primary road shall be one hundred fifty (150) feet.
  - d. Minimum lot width for lots with neither public water nor public sewer fronting on a state-maintained secondary road shall be one hundred twenty-five (125) feet.
  - e. Minimum lot width for lots with neither public water nor public sewer fronting on a new road that is built by the developer of the subdivision to Virginia Department of Transportation standards, that is accepted into the state system for maintenance and that ends in a cul-de-sac shall be one hundred (100) feet.
- (3) Reserved.
- (4) Minimum state-maintained road frontage measurement between side lot lines for lots of less than five (5) acres is equal to lot width except in a cul-de-sac, where the measurement is equal to not less than thirty (30) feet. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(Ord. of 5-25-88; Res. No. 21-11-92, 11-17-92; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01)

### **Sec. 25-270. Maximum percentage of lot coverage.**

Not regulated.

(Ord. of 5-25-88)

### **Sec. 25-271. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-272. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to

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sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.

(c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576) square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.

(d) *Minimum distance between main buildings.* For fire protection in suburban areas, it is required that principal structures be no less than twenty (20) feet apart.

(e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of a specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

### **Sec. 25-273. Minimum off-street parking requirements.**

At least two (2) off-street parking spaces of ten (10) feet by twenty (20) feet shall be provided for each lot, on, or adjacent to the lot, and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

### **Sec. 25-274. Other special regulations.**

(a) Only one (1) principal building with its customary accessory buildings may be erected or placed on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the RC-1 district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the State definition (mother, father, son, daughter, husband, wife).

(b) One (1) horse per acre as a permitted use, provided that there is a five-acre minimum lot size, and that all enclosed areas providing services to horses are to be at least two hundred (200) feet from any existing residence and if a residence does not exist on the adjoining property, these enclosed areas must be one hundred (100) feet from the property boundary line.

(Res. No. 30-08-90, 8-21-89; Res. No. 17-03-90, 3-19-90)

### **Secs. 25-275—25-278. Reserved.**

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- CODE OF THE COUNTY  
Chapter 25 - ZONING  
ARTICLE III. - DISTRICT REGULATIONS  
DIVISION 6. RESIDENTIAL MULTIFAMILY DISTRICT (RMF)

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*DIVISION 6. RESIDENTIAL MULTIFAMILY DISTRICT (RMF)*<sup>5</sup>

**Sec. 25-279. Purpose.**

- (a) This district is established to provide for locations of medium-density multiple-family-type residences and is used for construction of townhouse developments or garden-style, multi-unit residential units in appropriate locations. This district is not completely residential in that it includes public and semipublic, institutional, and other related uses; however, it is basically intended to be residential in character and, as such, should not be located with heavy commercial or industrial-type uses. Certain commercial-type uses may be allowed through special use permits.
- (b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allow short-term rental of dwellings for less periods of thirty (30) days or less. Said short-term rental use is specifically excluded from the district.

(Ord. of 5-25-88; Res. No. 22-05-98, 5-19-98)

**Sec. 25-280. Permitted uses.**

Within the Residential Multifamily District (RMF), the following uses are permitted:

Accessory uses.

Apartment houses.

Bed and breakfast establishment.

Churches.

Clubs (private).

Clubs (public).

Community centers, buildings.

Condominiums.

Conservation areas (public and private).

Duplexes.

Garages—Private for storage of personal vehicles.

Gardens (private).

Home occupations, Class A.

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<sup>5</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in residential areas. This section, entitled "Environmental, Land Use Considerations and Standards," is on pages 9-31 through 9-33 of the originally adopted Plan of 1985.

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Maintenance facility for dwelling units.

Manses, church-owned dwelling units.

Multifamily dwellings.

Off-street parking.

Parks.

Playgrounds.

Roads, streets, rights-of-way, easements.

Security man's house.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Subdivisions meeting the county subdivision ordinance and the regulations of section 25-282.

Temporary construction facilities, subject to the requirements of section 25-129.

Water systems (private).

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Ord. of 6-16-98; Amend. of 1-21-03(2); Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019 , 1-8-20)

### **Sec. 25-281. Special use permits.**

The following uses shall be permitted only by special use permit approved by the Franklin County Board of Supervisors:

Community docks, piers, or boat houses.

Emergency services facilities—Fire, rescue.

Marinas.

Private docks, piers, and boat houses.

Piers, docks (private) for residential uses.

Public facilities, offices, storage yards.

Public garages.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities—Structures, towers.

Schools (public and private).

Private street or road (see section 25-291).

(Ord. of 5-25-88; Amend. of 9-16-97; Amend. of 1-21-03(2); Res. No. 26-05-2008, 5-20-08)

### **Sec. 25-282. Area regulations.**

(a) *Minimum lot size:*

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(1) *Area.* The following minimum areas are required dependent on sewer and water services provided to the individual dwelling units. Greater areas may be required where septic tanks and drain fields (or comparable systems) are employed or wells are employed, if the state health department's officials determine that certain factors may cause health problems. All sewage and water systems in this district shall be approved by the health department and shall comply with chapter 22 of this Code prior to approval of the site plan for the project. The terms public water and public sewer shall be construed to include only those systems meeting the definitions of public water and public sewerage system in section 25-40, definitions, of these regulations.

- a. Minimum area with public water and public sewer (as defined in section 25-40, definitions) shall be ten thousand (10,000) square feet for the first two (2) units and three thousand (3,000) square feet per dwelling unit for each additional unit.
- b. Minimum area with public sewer only shall be twenty-one thousand (21,000) square feet for the first two (2) units and six thousand (6,000) square feet per dwelling for each additional unit.
- c. Minimum area with public water only shall be twenty-one thousand (21,000) square feet for the first two (2) units and ten thousand (10,000) square feet per dwelling unit for each additional unit.
- d. The minimum area with neither public water nor sewer shall be thirty-five thousand (35,000) square feet for the first two (2) units and ten thousand (10,000) square feet per dwelling unit for each additional unit. However, the minimum area with neither public water nor public sewer fronting on a new road built by the developer of the project to VDOT standards and accepted into the state system for maintenance shall be twenty-six thousand two hundred and fifty (26,250) square feet for the first two (2) dwelling units and ten thousand (10,000) square feet per dwelling unit for each additional unit. The minimum size of any residential multifamily district and building lots and parcels within the district shall be subject to the approval of the local health department.

(2) *Width:*

- a. Minimum lot width with public water and public sewer shall be one hundred (100) feet.
- b. Minimum lot width with public sewer and without public water shall be one hundred (100) feet.
- c. Minimum lot width with public water and without public sewer shall be one hundred (100) feet.
- d. Minimum lot width with neither public water nor public sewer shall be one hundred fifty (150) feet.

(3) Minimum state-maintained road frontage measurement between side lot lines for lots of less than five (5) acres is equal to lot width except in a cul-de-sac, where the measurement is equal to not less than thirty (30) feet. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(b) *Maximum percentage of lot coverage:*

Two Units, Duplexes	Multifamily Developments
35 percent	40 percent

(Ord. of 5-25-88; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01; Amend. of 1-21-03(2))

### **Sec. 25-283. Maximum height of buildings.**

(a) The maximum height of buildings in this district shall be forty (40) feet.

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- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

### **Sec. 25-284. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.
- (d) *Minimum distance between main buildings.* For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

### **Sec. 25-285. Floor area requirements.**

Not regulated.

(Ord. of 5-25-88)

### **Sec. 25-286. Minimum off-street parking space.**

See the sections providing for general regulations, sections 25-80 through 25-82.

(Ord. of 5-25-88)

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**Sec. 25-287. Open space requirements.**

See the section providing for application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.

(Ord. of 5-25-88)

**Sec. 25-288. Reserved.****Sec. 25-289. Maximum number of units allowed per gross acre.**

The maximum number of units per gross acre is thirteen (13).

(Ord. of 5-25-88)

**Sec. 25-290. Other special regulations.**

This section is reserved for future use.

**Sec. 25-291. Streets.**

Notwithstanding the provisions of section 19-115 of the general subdivision ordinance, private streets may be permitted in a residential multi-family district upon the approval of a special use permit from the board of supervisors, provided that there are adequate provisions made for maintenance of said private streets, and that the private streets are adequately marked by name or number. If in the future private streets are to be dedicated for public use, then prior to such dedication or public use, the developer, property owners' association or other party who has been responsible for the general upkeep and maintenance of the private roads shall improve the private roads to equal the construction standards of the provisions of sections 19-109 through 19-117, inclusive, of the general subdivision ordinance, and upon approval of the Virginia Department of Highways and Transportation.

(Ord. of 5-25-88; Amend. of 1-21-03(2))

Cross reference(s)—Similar provisions applicable in Residential Planned Unit Development District, § 25-305.

**Sec. 25-292. Reserved.*****DIVISION 7. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (RPD)<sup>6</sup>*****Sec. 25-293. Purpose.**

(a) The purpose of this district is to promote large scale development of innovative and creative design as a means of creating a well-planned living environment, to encourage variety in housing and supporting

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<sup>6</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes sections to guide the county on zoning applications in residential areas. The two sections that are applicable, both entitled, "Environmental, Land Use Considerations and Standards," are found on pages 9-31 through 9-33 and pages 9-33 through 9-35 of the originally adopted Plan of 1985.

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community facilities while encouraging accessory commercial uses; to protect the natural beauty of the landscape through the use of advantageous construction techniques, with the greatest amount of open area and the least disturbance of natural features; and to encourage the preservation and the more efficient use of open space.

(b) Residential planned developments are intended to provide flexibility in the development of large tracts of land through adjustment of certain lot, setback and use restrictions, and should provide for increased amenities, safety and conveniences, reduced public and private costs and other public and private benefits.

(Ord. of 5-25-88)

### **Sec. 25-294. Permitted uses.**

Within the Residential Planned Unit Development District (RPD), the following uses are permitted:

Accessory uses.

Apartment houses.

Churches.

Clubs (private).

Clubs (public).

Community centers, buildings.

Community docks, piers, boat houses.

Conservation areas (public and private).

Country clubs.

Detached dwelling units: duplexes, triplexes, quadplexes, townhouses, atrium houses, patio houses.

Garages (private) for storage of personal vehicles.

Gardens (private).

Golf clubs, clubhouses.

Golf courses.

Home occupations, Class A.

Homes, single-family, detached dwelling.

Horses—(See section 25-304).

Maintenance facilities for dwelling units.

Manses, church-owned dwelling units.

Multifamily dwellings.

Parks.

Playgrounds.

Private docks, piers, and boat houses.

Recreational facilities (private).

Recreational facilities (public).

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Roads, streets, rights-of-way, easements, except private roads or streets, which require a special use permit (see 25-295 below).

Security man's house.

Short-term tourist rental of dwelling.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Water systems.

(Ord. of 5-25-88; Res. No. 38-11-95, 11-21-95; Amend. of 9-16-97; Res. No. 13-03-2004, 3-18-03(2); Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-295. Special use permits.**

The following uses shall be permitted only by special use permits approved by the Franklin County Board of Supervisors:

Emergency services facilities—Fire, rescue.

Marinas.

Neighborhood commercial uses (see section 25-304(b)).

Off-street parking.

Private street or road (see section 25-310).

Public facilities, offices, storage yards.

Public garages.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities—Structures, towers.

Schools (public and private).

Stables (private).

(Ord. of 5-25-88; Res. No. 21-05-96, 5-21-96; Res. No. 13-03-2004, 3-18-03(2); Res. No. 26-05-2008, 5-20-08)

### **Sec. 25-296. Area regulations.**

(a) *Minimum lot size:*

(1) *Area:*

- a. To be considered as a residential planned unit development, a project's area must include five (5) or more contiguous acres of land, none of which can be under water or within a flowage easement.
- b. Minimum permitted size of any residential planned unit development or lots and parcel within shall be subject to approval by the local department of health.

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- c. The procedure for addition to a development shall be the same as if an original application were filed.
- (2) Areas of the residential planned unit development used for single-family detached residences shall follow the area requirements under section 25-224 or section 25-194 of this chapter, whichever is applicable.

(b) *Maximum density:*

Residential Uses	Units per Gross Acre
Single-family	3
Two-family, detached dwelling, duplexes	5
Multifamily	15
Townhouses	10

The permitted density in dwelling units per gross acre, notwithstanding the provisions of this chapter, shall be subject to approval by the local health department.

(Ord. of 5-25-88; Res. No. 19-10-94, § 5, 10-18-94)

### **Sec. 25-297. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-298. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be a minimum of thirty (30) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet for single-family detached dwellings only. In no case shall any structure be

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located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.

- (d) *Minimum distance between main buildings.* For fire protection in rural areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92)

### **Sec. 25-299. Floor area requirements.**

Not regulated.

(Ord. of 5-25-88)

### **Sec. 25-300. Minimum off-street parking space.**

See the sections providing for general regulations, sections 25-80 through 25-82.

(Ord. of 5-25-88)

### **Sec. 25-301. Open space requirements.**

See the sections providing for application of regulations and general regulations, sections 25-15 through 25-22 and 25-60 through 25-66.

- (1) The required open space shall not be less than fifty (50) percent of the total gross area of the residential planned unit development.
- (2) The required developed open space shall not be less than five (5) percent of the total gross area of the development.
- (3) Open space shall be defined for the purposes of this section as that total land or water within the boundaries of a planned unit development, designed and intended for use and enjoyment as open areas, and not improved with buildings, structures, streets, roads, parking areas, or any type of sidewalk, except for recreational structures.
- (4) All open space, including developed open space, shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(Ord. of 5-25-88)

### **Sec. 25-302. Management of open space by property owners' association.**

- (a) There shall be established a nonprofit association, a stock or membership corporation, trust or foundation of all individuals or corporations owning residential property within the planned unit development to ensure maintenance of open spaces.

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(b) When the open space is to be maintained through a nonprofit association, corporation, trust or foundation, said organization shall conform to the following requirements:

- (1) The developer must establish the organization prior to the sale of any lots.
- (2) The membership in the organization shall be mandatory for all residential property owners, present or future, within the planned development, and said organization shall not discriminate in its members or shareholders.
- (3) The organization shall manage all open space and recreational and cultural facilities; shall provide for the maintenance, administration and operation of said land and improvements, and any other land within the planned community; and shall secure adequate liability insurance on the land.
- (4) The organization shall conform to the Condominium Act, sections 55-79.39 through 55-79.103, Code of Virginia, 1950, as amended to date.

(Ord. of 5-25-88)

### **Sec. 25-303. Reserved.**

### **Sec. 25-304. Other special regulations.**

- (a) One (1) horse per acre shall be allowed in the RPD district as a permitted use; provided, that there is a five-acre minimum lot size, and that all enclosed areas providing services to horses are to be at least two hundred (200) feet from any existing residence, and if a residence does not exist on the adjoining property, these enclosed areas must be one hundred (100) feet from the property boundary line.
- (b) Neighborhood commercial uses shall be intended to serve primarily the convenience needs of the resident population of the RPD district.
  - (1) *Gross area.* No more than three (3) percent of the gross area of the RPD project shall be occupied by buildings and structures devoted to commercial uses. Total floor space devoted to such uses shall not exceed ten (10) square feet per dwelling unit.
  - (2) *Uses permitted.* For the purposes of these regulations, neighborhood commercial uses are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediate surrounding population. Such establishments include groceries, variety stores, drug stores, coin-operated laundry and dry cleaning agencies, tailoring and dress making shops, beauty shops, barber shops, medical and dental offices, and similar small-scale uses. Specifically excluded are automobile filling stations and repair garages and pet shops.
  - (3) *Control of potential adverse effects.* Convenience establishments shall not have substantial adverse effects on residential uses within the RPD district of adjoining residential areas by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements or other characteristics. Landscaped open space shall be utilized to protect the residential character of the surrounding RPD district.

(Res. No. 17-03-90, 3-19-90; Res. No. 21-05-96, 5-21-96)

### **Sec. 25-305. Streets.**

Notwithstanding the provisions of Section 19-115 of the General Subdivision Ordinance, private streets may be permitted in a residential planned unit development upon the approval of the board of supervisors; provided, that there are adequate provisions made for maintenance of said private streets, and that the private streets are

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adequately marked by name or number. If in the future private streets are to be dedicated for public use, then, prior to such dedication or public use, the developer, property owners' association or other party who has been responsible for the general upkeep and maintenance of the private roads shall improve said private roads to equal the construction standards of the provisions of sections 19-109 through 19-117, inclusive, of the General Subdivision Ordinance, and upon approval of the Virginia Department of Highways and Transportation.

(Ord. of 5-25-88)

Cross reference(s)—Similar provisions applicable in Residential Multifamily District, § 25-291.

### **Sec. 25-306. Utilities.**

Within a planned unit development all newly installed utilities, including television cable and electrical systems, shall be installed underground. Appurtenances to these systems which require aboveground installations shall be screened.

(Ord. of 5-25-88)

### **Sec. 25-307. Concept plan requirements.**

In addition to the requirements for a rezoning application, each request for a residential planned unit development shall be accompanied by a concept plan which shall be submitted to the planning commission and subsequently to the board of supervisors.

(Res. No. 21-05-96, 5-21-96)

### **Sec. 25-308. Contents of a concept plan.**

In addition to the requirements for a rezoning application, the concept plan shall contain all the information required for a planned unit development district, as set forth in section 16.1-10, and the following data:

- (1) The location and dimensions of pedestrian access and plazas as well as vehicular driveways off-street parking areas, and unloading facilities.
- (2) Outstanding natural features to be conserved, such as slopes, ground cover, surface water, trees and vegetation, floodplains, historic areas, or other features.
- (3) Signs, including type, area, height, and placement on site.
- (4) Location and description of screening and buffering around commercial use areas or along the perimeter of the district.
- (5) All proposed deviations to the list of permitted uses, area, height, or setback regulations, or design guidelines of the RPD district, together with the rationale for such deviations.
- (6) Supplementary data for the particular development, as reasonably deemed necessary by the planning commission or its agent.

(Res. No. 21-05-96, 5-21-96)

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## **Sec. 25-309. Design guidelines—External relationship.**

RPD districts shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular, the concept plan shall demonstrate the following features:

- (1) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left-hand storage and right-hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.
- (2) Yards, fences, walls, or vegetative screening at the edges of RPD districts shall be provided where needed to protect residents from undesirable view, lighting, noise, or other off-site influences, or to protect residents of adjoining residential districts from similar adverse influences within the RPD district. In particular, extensive off-street parking areas and service areas for loading and unloading non-passenger vehicles and areas of storage and collection of refuse and garbage shall be screened.

(Res. No. 21-05-96, 5-21-96)

## **Sec. 25-310. Same—Internal relationships.**

The RPD district shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities. Elements of the proposed development shall be organized in relation to topography, the size and shape of the plot, the character of adjoining property, existing desirable trees, and the views within and beyond the site. In particular and without limitation:

- (1) The requirements of sections 19-109 and 19-115 of the Subdivision Ordinance notwithstanding, private streets may be permitted by special use permit in the RPD district. However, unless specifically approved by the board of supervisors as a special use permit, the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Transportation for inclusion in the state highway system for maintenance. When private streets are proposed as a special use permit, the standards, specifications and a proposed maintenance agreement shall be submitted with the special use permit application and shall also be included on the concept plan for the proposed RPD rezoning request.
- (2) Streets, drives, parking, and service shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities and for service and emergency vehicles including fire fighting equipment and snow removal. Streets shall not be laid out so as to encourage outside traffic to traverse the development on minor streets, or to create unnecessary fragmentation of the development into small blocks.
- (3) If the street or portion thereof serves fifty (50) or fewer dwelling units, vehicular access from individual dwelling units may be directly onto the street from individual dwelling units. Determination of the number of dwelling units served shall be based on normal routing of traffic anticipated in the development.
- (4) Vehicular access to other streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas

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conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruption.

(Res. No. 21-05-96, 5-21-96; Res. No. 13-03-2004, 3-18-03(2))

### **Sec. 25-311. Effect of approval of the concept plan.**

- (a) The RPD district may provide flexibility through the adjustment of certain lot setback, design guideline, and use restrictions. Any such deviations to the list of permitted uses, area regulations, height regulations, minimum setback regulations, or design guidelines of the RPD district shall be expressly shown on the concept plan and approved by the board of supervisors after lawfully advertised public hearings with the planning commission and board of supervisors, and shall be in keeping with the purpose of the RPD district, the intent of the Zoning Ordinance, the Comprehensive Plan, and the design guidelines of the RPD district.
- (b) All terms, conditions, safeguards and stipulations made at the time of approval of the concept plan, with or without specified modifications, shall be binding upon the applicant and any successors in interest. Unapproved deviations from the plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of the Zoning Ordinance.

(Res. No. 21-05-96, 5-21-96)

### **Secs. 25-312—25-315. Reserved.**

## *DIVISION 8. BUSINESS DISTRICT, LIMITED (B-1)<sup>7</sup>*

### **Sec. 25-316. Purpose.**

- (a) This district is established to cover the portion of the county's communities intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than those occasioned by incidental light and noise of congregations of people and passenger vehicles.
- (b) The intent of these regulations is not to limit business development in the county but to encourage it by rezoning as the specific and appropriate locations where it will not produce noise, pollution, congestion or safety problems for quieter, residential uses.
- (c) This district is limited to retail establishments which have no outside storage or outside displays of product.

(Ord. of 5-25-88)

### **Sec. 25-317. Permitted uses.**

Within the Limited Business District (B-1), the following uses are permitted:

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<sup>7</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in commercial acres. This section, entitled "Environmental, Land Use Considerations and Standards," is found on pages 9-37 through 9-38 of the originally adopted Plan of 1985.

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Accessory uses.

Antique shops.

Apartments in combination with businesses.

Apparel shops.

Art supplies, retail.

Bakery, for retail sales.

Banks and savings and loans, financial, insurance offices.

Barber and beauty shops.

Boat clubs.

Butcher shops, meat.

Candy stores.

Caterers.

Cemeteries, community and commercial.

Cemeteries, on joint church property.

Churches.

Conservation areas (public and private).

Convenience stores.

Country clubs.

Country stores.

Craft shops.

Day care centers, day nursery.

Drug stores.

Dry cleaning and laundry.

Emergency services facilities—Fire, rescue.

Food stores, groceries (convenience type).

Funeral homes and mortuaries.

Garages (private) for storage of personal vehicles.

Gardens (private).

General stores.

Gift shops.

Golf clubs, clubhouses.

Golf courses.

Golf courses (miniature).

Golf driving ranges.

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Greenhouses, nurseries.

Hardware stores.

Hobby shops and toys.

Home or apartment combinations with business.

Home occupations, Class A.

Home occupations, Class B.

Libraries.

Manses, church-owned dwelling units.

Medical clinics, not veterinary.

Motels, hotels, tourist and resort facilities.

Museums.

Newsstands.

Novelties shop.

Offices, professional.

Off-street parking.

Parks.

Playgrounds.

Recreational facilities (private).

Recreational facilities (public).

Retail stores and services.

Roads, streets, rights-of-way, easement.

Sales Services, repairs of office equipment.

Security man's house.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Sporting goods shop (inside).

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Theatres, indoor (not drive-ins).

Watches, jewelry (retail).

Water systems.

(Ord. of 5-25-88; Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019 , 1-8-20)

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## **Sec. 25-318. Special use permit.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Amusement centers, game rooms, electronic games, game machines, machine arcade.

Assembly halls.

Auction barns.

Bowling alleys.

Clubs (private).

Clubs (public).

Colleges.

Community centers, buildings.

Dormitories.

Drive-in restaurants with walk-ins.

Drive-in theatres.

Flea markets.

Garages for automobiles, recreational vehicles, motorcycles.

Laundromats.

Lodge halls.

Lodges.

Marinas.

Off-site mass drainfields (see section 25-144).

Off-site wells, water tanks, and/or water systems (see section 25-145).

Parking facilities, commercial.

Public utilities—Structures, towers.

Pool halls.

Public facilities, offices storage yards.

Public garages.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Radio and television stations.

Radio and television towers.

Radio and television transmissions/transmitters.

Restaurants.

Sales, service and repair of automobiles, trucks, recreational vehicles, motorcycles, garden equipment, appliances, televisions, radios, phonographs, electrical, plumbing.

Schools (public and private).

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Self-service storage facility.

Skating rinks.

Swim clubs.

Stable, commercial riding stables (private).

(Ord. of 5-25-88; Ord. No. Res. No. 21-12-95, 12-19-95; Res. No. 26-09-99, 9-21-99; Res. No. 26-05-2008, 5-20-08)

### **Sec. 25-319. Area regulations.**

- (a) There are no minimum lot area/size, minimum lot width or maximum lot coverage requirements except as provided herein in special circumstances and/or as may be required by the board of supervisors.
- (b) Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel or tract shall be subject to approval by the local department of health.

(Ord. of 5-25-88)

### **Sec. 25-320. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-321. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than forty (40) feet from any type or residential use or living quarters nor residential district boundary.
- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than forty (40) feet from any type of residential use or living quarters nor residential district boundary.

(Ord. of 5-25-88)

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**Sec. 25-322. Maximum floor area.**

Not regulated.

(Ord. of 5-25-88)

**Sec. 25-323. Minimum off-street parking space.**

See sections 25-80 through 25-82 for these regulations.

(Ord. of 5-25-88)

**Sec. 25-324. Open space requirements.**

A minimum landscaped area on any lot shall not be less than one-tenth the area of the lot. This area shall be used to enhance the lot's appearance. The board of supervisors may require ornamental landscaping along street frontages.

(Ord. of 5-25-88)

**Sec. 25-325. Minimum loading space.**

See the regulations for minimum loading space in section 25-85.

(Ord. of 5-25-88)

**Sec. 25-326. Reserved.****Sec. 25-327. Other regulations.**

Site plans are required for all uses prior to issuance of building permit and zoning permit.

(Ord. of 5-25-88)

**Secs. 25-328—25-333. Reserved.***DIVISION 9. BUSINESS DISTRICT, GENERAL (B-2)<sup>8</sup>***Sec. 25-334. Purpose.**

(a) This district is created to provide locations for general business and commercial enterprise whereby the public shall require direct and frequent access, but which is not characterized by constant heavy trucking,

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<sup>8</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in commercial areas. This section, entitled "Environmental, Land Use Considerations and Standards," is found on pages 9-37 through 9-38 of the originally adopted Plan of 1985.

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other than for stocking and delivery of retail goods for sale at the enterprises or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

- (b) Uses in this district should be oriented to service to the entire county or substantial portions thereof, rather than toward a neighborhood focus as in the Limited Business District (B-1).
- (c) This district is limited to commercial, retail and wholesale, establishments which may have outdoor displays of products and storage, and do not manufacture their products on the premises.

(Ord. of 5-25-88)

### **Sec. 25-335. Permitted uses.**

Within the General Business District (B-2), the following uses are permitted:

Accessory uses.

Amusement centers; game rooms, electronic games; game machines; machine arcades.

Amusement shops.

Antique refinishing.

Antique shops.

Apartments combined with business.

Apparel shops.

Art supplies.

Assembly halls.

Auction barn/auction house.

Bakeries.

Banks, savings and loans, finance, insurance offices.

Barber shops, beauty shops.

Blacksmiths.

Boat clubs.

Bowling alleys.

Brick, block sales.

Building material sales.

Butcher shops.

Candy shops.

Car and vehicle wash operations.

Carpet cleaning.

Cemeteries, community and commercial.

Cemeteries on joint church property.

Churches.

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Clubs (private).

Clubs (public).

Cold storage lockers, facilities.

Colleges.

Community centers, buildings.

Contractors' offices and facilities.

Convenience stores.

Country clubs.

Country stores.

Craft shops.

Customer meat cutting operations.

Dormitories.

Drive-in restaurants/walk-ins.

Dry cleaning and laundry.

Drug stores.

Elder care centers, homes, facilities (licensed).

Emergency services facilities—Fire, rescue.

Feed and seed stores.

Flea markets.

Food and groceries.

Funeral homes and mortuaries.

Furniture.

Garages (private) storage of personal vehicles.

Garages, for repair of automobiles, recreational vehicles, motorcycles, trucks.

Gardens (private).

Gasoline stations.

Gift shops.

Golf clubs, clubhouses.

Golf courses.

Golf courses (miniature).

Golf driving ranges.

Greenhouses and nurseries.

Hardware.

Hobby shops and toys.

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Home and apartment combinations with business.

Homes for developmentally disabled.

Hospitals.

Laundromats.

Libraries.

Lodge halls.

Lodges.

Manses, church-owned dwelling units.

Marinas.

Medical clinics, not veterinary.

Milk distribution, milk and dairy products.

Mobile home sales.

Motels, hotels, tourist, and resort facilities.

Museums.

Newsstands.

Novelty shops.

Nursing homes.

Off-street parking.

Offices, professionals.

Paint contractors.

Paint stores.

Parks.

Parking facilities, commercial.

Piers, docks—Commercial.

Playgrounds.

Print shops.

Printing plants, newspapers only.

Radio and television stations.

Railroad facilities.

Recreational facilities (private).

Recreational facilities (public).

Restaurants.

Roads, streets, rights-of-way, easements.

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Sales, service and repair of automobiles, trucks, recreational vehicles, motorcycles, farm equipment, garden equipment, appliances, televisions, radios, phonographs, plumbing, boats, motors (gas, electrical), mobile homes, machinery, office equipment, sewage disposal systems, tires, telephones, upholstery, watches, jewelry, construction equipment.

Senior citizens homes, centers.

Signs.

Skating rinks.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Sporting goods.

Stables, commercial riding.

Swim clubs.

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Theatres, indoor.

Wayside stands.

Woodworking.

Water systems.

(Ord. of 5-25-88; Res. No. 28-09-96, 9-17-96; Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-336. Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Arenas.

Auditoriums.

Cabinet shops.

Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.

Dance halls.

Day care centers, day nurseries.

Drive-in theatres.

Heating and air conditioning with associated sheet metal shop.

Heliports, airports, landing strip (intensive use), landing strip (recreational use) (See section 25-112).

Horse shows.

Kennels.

Laboratories, research facilities.

Machine shops (no presses).

Meat processing, not a slaughterhouse.

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Off-site mass drainfields (See section 25-144).

Off-site water tanks, and/or water systems (See section 25-145).

Outdoor displays on business property.

Outdoor theatres.

Pool halls.

Public facilities.

Offices, storage yards.

Public garages.

Public utilities, including substations, power generation, water and sewer treatment.

Public utilities—Towers, structures.

Raceways.

Radio and television towers.

Radio and television transmission/transmitters.

Schools.

Self-service storage facility.

Shopping centers, malls, complexes.

Stables (private).

Stadiums.

Veterinary clinics, hospitals.

Wind energy facilities; small system (See section 25-128(c)).

Wind energy facilities; large system (See section 25-128(c)).

Wind energy facilities; utility scale system (See section 25-128(c)).

(Ord. of 5-25-88; Res. No. 14-05-90, 5-21-90; Res. No. 21-12-75, 12-19-95; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09)

### **Sec. 25-337. Area regulations.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel or tract shall be subject to approval by the local department of health.

(Ord. of 5-25-88)

### **Sec. 25-338. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.

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- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-339. Minimum yard dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater for property adjacent to all other roads.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.
- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage areas shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

(Ord. of 5-25-88)

### **Sec. 25-340. Maximum floor area.**

Not regulated.

(Ord. of 5-25-88)

### **Sec. 25-341. Minimum off-street parking space.**

See the regulations for minimum off-street parking spaces in sections 25-80 through 25-82.

(Ord. of 5-25-88)

### **Sec. 25-342. Open space requirements.**

A minimum landscaped area on any lot shall not be less than one-tenth the area of the lot. This area shall be used to enhance the lot's appearance.

(Ord. of 5-25-88)

### **Sec. 25-343. Minimum loading space.**

See the regulations for minimum loading space in section 25-85.

(Ord. of 5-25-88)

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**Sec. 25-344. Reserved.****Sec. 25-345. Other regulations.**

Site plans are required for all uses prior to issuance of building permit and zoning permit.

(Ord. of 5-25-88)

**Secs. 25-346—25-351. Reserved.*****DIVISION 10. INDUSTRIAL DISTRICT (M-1)—LIGHT INDUSTRY<sup>9</sup>*****Sec. 25-352. Purpose.**

- (a) This district is established to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust and other nuisances; which operate primarily within enclosed structures; and which do not deal with large volumes of customers on a continuous basis throughout the day.
- (b) Limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, or noise, landscaping and the number of persons employed may be imposed to protect and foster environmental desirability while permitting industries of certain types to locate near a labor supply, provided buffering districts or buffering land is provided.
- (c) This district is limited to commercial establishments, retail and wholesale, and light manufacturing on and off the premises, all of which may have outside storage of materials and outside displays of product for sale.

(Ord. of 5-25-88)

**Sec. 25-353. Permitted uses.**

Within the Light Industry Industrial District (M-1), the following uses are permitted:

Accessory uses.

Agricultural warehouses.

Aircraft assembly, manufacturing.

Amusement shop.

Auditorium.

Apartments combined with business.

Apparel manufacturing.

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<sup>9</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in industrial areas. This section, entitled "Environmental, Land Use Considerations and Standards," is found on pages 9-42 and 9-43 of the originally adopted Plan of 1985.

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Arenas.  
Appliance manufacturing, small, household type.  
Appliance manufacturing, large, household type.  
Art supplies manufacturing.  
Assembly halls.  
Automobile manufacturing.  
Automobile, other vehicle wash operations.  
Bakery, large, commercial type.  
Beverage and bottling operations.  
Blacksmith.  
Boat building.  
Brick and block, retail/wholesale, no manufacturing.  
Broom and brush manufacturing.  
Butcher shop.  
Business equipment manufacturing.  
Building materials; retail/wholesale.  
Building materials manufacturing.  
Cabinet shops.  
Candy and confectionery manufacturing.  
Canvas manufacturing.  
Cardboard manufacturing.  
Carpet cleaning.  
Caterers.  
Cellophane manufacturing.  
Cemeteries, community and commercial type.  
Cemeteries on joint church property.  
Churches.  
Clocks manufacturing.  
Cloth manufacturing, assembly of products from cloth.  
Coal, coke storage yards.  
Cold storage locker facilities.  
Colleges.  
Communication equipment manufacturing.  
Computer equipment manufacturing.

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Construction equipment manufacturing.  
Conservation areas, public and private.  
Contractors' office and facilities.  
Convenience store.  
Cosmetics manufacturing.  
Country store.  
Crafts manufacturing.  
Crafts shop.  
Custom meat cutting operations.  
Cut and sew operation.  
Dairy products manufacturing.  
Die-cut paperboard manufacturing.  
Dormitories.  
Drafting equipment manufacturing.  
Drive-in restaurant, with walk-in.  
Drugs compounding, manufacturing, packaging.  
Drycleaning and laundry shop.  
Elder care center, home, facility, licensed.  
Electrical machinery and equipment manufacturing.  
Emergency services facilities—Fire, rescue.  
Farm equipment manufacturing.  
Feed and seed stores.  
Fire extinguisher manufacturing.  
Flea markets.  
Flooring manufacturing.  
Floor covering manufacturing.  
Food and grocery stores.  
Food products manufacturing.  
Freight stations.  
Frozen food products manufacturing.  
Fruit processing.  
Furniture and cabinet manufacturing.  
Furniture fixtures manufacturing.  
Furniture store.

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Gasoline stations.

Garages (private) for storage of personal vehicles.

Garages, for repair of autos, recreational vehicles, trucks, motorcycles.

Gardens (private).

General store.

Glass, clay products.

Greenhouses, nurseries.

Hardware store.

Hobby shop, toy store.

Homes for developmentally disabled.

Home or apartment in combination with a business.

Hospitals.

Ice manufacturing.

Industrial controls manufacturing.

Instrument manufacturing—Electronic, scientific, engineering, medical or dental.

Jewelry manufacturing.

Kennels.

Laboratories and research facilities.

Lamp, lampshade manufacturing.

Laundries commercial type.

Libraries.

Lighting equipment manufacturing.

Lithography.

Lodge halls.

Lodges.

Lumber and wood products manufacturing.

Machine shops (with no presses).

Machinery manufacturing, other than appliances (no presses).

Manufacture of products from bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, plastic, precious metals, precious stones, rubber, shell, textiles, wood—Previously prepared.

Malt products manufacturing.

Manses, church-owned dwelling units.

Marinas.

Meat processing, not a slaughterhouse.

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Medical clinics, not veterinary.

Milk distribution, retail.

Milk and dairy products, retail.

Milk stations.

Milk and dairy products manufacturing.

Milk bottling.

Mobile home sales.

Mobile home manufacturing.

Mortician supply manufacturing.

Motels, hotels, tourist and resort facilities.

Motion picture productions.

Motors, motor parts manufacturing (no presses).

Moving and storage firms.

Museums.

Musical instruments.

Newsstands.

Novelty shops.

Nursing homes.

Offices; professional.

Office products manufacturing.

Off-street parking.

Optical goods manufacturing.

Outdoor theatres.

Outdoor displays on business properties.

Paint store.

Paint contractor.

Paint manufacturing.

Paperboard manufacturing.

Paper products manufacturing, not raw paper, pulp processing.

Parking facilities, commercial.

Pasta manufacturing.

Pens, pencils and artists' materials manufacturing.

Perfume manufacturing.

Permanent chipping mill.

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Permanent planing mill.

Permanent sawmill.

Pharmaceuticals.

Laboratories, manufacturing.

Phonograph, related audio products manufacturing.

Photography equipment manufacturing.

Piers, docks, commercial.

Plumbing parts manufacturing.

Pottery, figurine manufacturing from previously prepared materials.

Portable and temporary chipping mill.

Portable and temporary planing mill.

Portable and temporary sawmill.

Precious metals processing.

Precious stones processing.

Print shop.

Product development.

Public garages.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities structures, towers.

Public facilities, offices, storage yards.

Pulpwood storage and processing.

Radio and TV stations.

Railroad facilities.

Restaurants.

Roads, streets, right-of-ways, easements.

Roasted coffee, tea products manufacturing.

Rubber and rubber products manufacturing.

Sales, service and repair of autos, trucks, recreational vehicles, motorcycles, farm equipment, garden equipment, appliances, televisions, radios, phonographs, electrical equipment, plumbing, logging equipment, boats, motors (gas and electrical), mobile homes, machinery, sewage disposal systems, tires, telephones, upholstery, watches, jewelry construction equipment.

Security man's house.

Senior citizens' center, home.

Sewage disposal system manufacturing.

Sheet metal shop.

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Sheet metal manufacturing.

Shell processing.

Signs.

Sign manufacturing.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Spice manufacturing.

Sporting goods store.

Sporting goods and athletic goods manufacturing.

Sugar manufacturing.

Straw processing.

Telephone exchanges, manned or unmanned.

Telephone manufacturing.

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Textile manufacturing, yard manufacturing.

Theatres, indoor.

Tire manufacturing, recycling.

Tobacco products manufacturing.

Toiletries manufacturing.

Toys and amusements manufacturing.

TV set manufacturing.

Umbrella and cane manufacturing.

Upholstery firms.

Veterinary clinic, hospital.

Vegetable processing.

Watch manufacturing.

Water systems.

Wayside stands.

Welding operations.

Wine, spirits manufacturing, licensed.

Wood products manufacturing, wood storage.

Wood working shops.

(Ord. of 5-25-88; Res. No. 28-08-90, 8-22-90; Res. No. 28-09-96, 9-17-96; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

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## **Sec. 25-354. Special use permits.**

The following uses shall be permitted only by special use permits approved by the board of supervisors:

- Appliance manufacturing—Industrial/commercial type.
- Biological compounding.
- Feed milling.
- Fibre plants.
- Flour milling.
- Feed and seed processing mill.
- Grain milling.
- Greenboxes.
- Heliports, airports, landing strip (intensive use), landing strip (recreational use)—(See section 25-112).
- Landfills, nonhazardous, nonradioactive materials, and approved by the State Health Department.
- Metal stamping.
- Mining.
- Off-site mass drainfields (See section 25-144).
- Off-site wells, water tanks, and/or water systems (See section 25-145).
- Off-site mass drainfields (See section 25-144).
- Off-site wells, water tanks, and/or water systems (See section 25-145).
- Parks.
- Poultry processing and packaging.
- Publishing house, printing.
- Quarrying.
- Raceways.
- Radio and TV towers.
- Radio and TV transmission/transmitters.
- Research, development and testing.
- Science, technology, research facilities.
- Schools, public and private.
- Self-service storage facility.
- Stadiums.
- Transportation facilities, terminals.
- Trucking facilities, terminals.
- Truck stops.

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Vegetable oil milling, processing.

Water systems (private).

Wind energy facilities; small system (See section 25-128(c)).

Wind energy facilities; large system (See section 25-128(c)).

Wind energy facilities; utility scale system (See section 25-128(c)).

Wood preserving.

(Ord. of 5-25-88; Res. No. 21-12-95, 12-19-95; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 5-05-2009, 5-19-09)

### **Sec. 25-355. Special performance standards.**

This section is reserved for future use. See section 25-90.

### **Sec. 25-356. Area regulations.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel or tract shall be subject to approval by the local department of health.

(Ord. of 5-25-88)

### **Sec. 25-357. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-358. Minimum dimensions.**

- (a) *Front setback.* Setback from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.
- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

(Ord. of 5-25-88)

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**Sec. 25-359. Maximum floor area.**

Not regulated.

(Ord. of 5-25-88)

**Sec. 25-360. Minimum off-street parking space.**

See the regulations for minimum off-street parking space in sections 25-80—25-82.

(Ord. of 5-25-88)

**Sec. 25-361. Open space requirements.**

A minimum landscaped area on any lot shall not be less than one-tenth the area of the lot. This area shall be used to enhance the lot's appearance. The board of supervisors may require ornamental landscaping along street frontages.

(Ord. of 5-25-88)

**Sec. 25-362. Minimum loading space.**

See the regulations for minimum loading space in section 25-85.

(Ord. of 5-25-88)

**Sec. 25-363. Reserved.****Sec. 25-364. Other regulations.**

Site plans are required for all uses prior to issuance of building permit and zoning permit.

(Ord. of 5-25-88)

**Secs. 25-365—25-370. Reserved.***DIVISION 11. INDUSTRIAL DISTRICT (M-2)—HEAVY INDUSTRY<sup>10</sup>***Sec. 25-371. Purpose.**

This district is established to provide locations for larger scale manufacturing, processing and warehousing operations which may require extensive community facilities and access to transportation facilities, which may

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<sup>10</sup>Editor's note(s)—The Franklin County Comprehensive Plan includes a section to guide the county on zoning applications in industrial areas. This section, entitled "Environmental Land Use Considerations and Standards," is found on pages 9-42 and 9-43 of the originally adopted Plan of 1985.

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have open storage and service areas and which may generate heavy truck traffic. These districts may be established by amendment to the zoning map to permit industries which have a public nuisance potential and will, therefore, be subject to intensive review for locational impact on surrounding land uses and environment. These districts may be established in areas that are served by major highways, rail or air service, or secondary roads improved to state standards; that are either served by public water and sewer or meet requirements of the local office of the State Health Department; and that are clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development. This district is designed to encompass heavy manufacturing with large outside storage, warehousing, and large product display areas.

(Ord. of 5-25-88)

### **Sec. 25-372. Permitted uses.**

Within the Heavy Industry Industrial District (M-2), the following uses are permitted:

Accessory uses.

Abrasives manufacturing.

Agricultural warehouses.

Aircraft manufacturing.

Animal fats, oils manufacturing.

Apparel manufacturing.

Appliances manufacturing, small household type.

Appliances manufacturing, large household type.

Appliances manufacturing, industrial/commercial type.

Arenas.

Asphalt mixing.

Auditoriums.

Automobiles manufacturing.

Batteries manufacturing.

Blast furnaces, iron and steel works.

Block manufacturing.

Boiler manufacturing.

Brick manufacturing.

Building materials manufacturing.

Cabinet shops.

Cement, concrete mixing.

Chemicals manufacturing.

Cut stone operations.

Coal, coke storage yards.

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Conservation areas, public and private.

Construction equipment manufacturing.

Distilling liquors (licensed).

Dry cleaning, industrial.

Electrical machinery, equipment manufacturing.

Electric transformers, private.

Electric power generation, private.

Emery cloth manufacturing.

Emergency service facilities—Fire, rescue.

Farm equipment manufacturing.

Feed lots.

Feed mill.

Feed and seed processing.

Flooring manufacturing.

Floor covering manufacturing.

Furniture and cabinet manufacturing.

Furniture fixtures manufacturing.

Fur dressing, dyeing.

Fur products manufacturing.

Garages, commercial for autos, recreational vehicles, motorcycles, trucks.

Glass, clay products manufacturing.

Greenhouses, nurseries (retail/wholesale).

Gypsum products manufacturing.

Homes, modular type, manufacturing.

Iron and steel foundries.

Kennels.

Leather tanning operations.

Lime, lime products, manufacturing.

Linoleum manufacturing.

Livestock markets.

Lumber, wood products, manufacturing.

Machine shop, with punch presses.

Meat processing, not slaughterhouse.

Metal works, fabricators.

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Microwave transmission tower.

Milk stations.

Metal stamping.

Mobile homes manufacturing.

Monumental stone works.

Motors, motor parts, manufacturing.

Non-ferrous foundry.

Offices, professional.

Off-street parking.

Outdoor displays on business properties.

Paint manufacturing.

Paperboard manufacturing.

Paperboard manufacturing, raw product.

Parking facilities, commercial.

Permanent chipping mill.

Permanent planing mill.

Permanent sawmill.

Plaster manufacturing.

Plastics manufacturing.

Portable and temporary chipping mill.

Portable and temporary planing mill.

Portable and temporary sawmill.

Pottery products manufacturing.

Publishing house, printing firms.

Public garages.

Public utilities, including substations, power generation, water and sewer plants for treatment.

Public utilities structures, towers.

Public facilities, offices, storage yards.

Pulpwood storage and processing.

Raceways.

Radio and TV stations.

Railroad facilities.

Roads, streets, right-of-ways, easements.

Rubber, rubber products manufacturing.

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Sand and gravel operations.

Science, technology, research facilities.

Security man's house.

Sewage disposal systems manufacturing.

Seed oil milling.

Sheet metal manufacturing.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Slaughterhouses.

Smelting operations.

Soap manufacturing.

Soybean milling.

Stadiums.

Steam generation.

Telephone exchanges, manned and unmanned.

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Tires manufacturing, recycling.

Tool and die works.

Transportation manufacturing, large equipment.

Transportation facilities, terminal.

Trucking facilities, terminal.

Truck stops.

Vegetable oil milling.

Veterinary clinic, hospital.

Water systems.

Wine, spirits production (licensed).

Wood preserving operations.

Wood storage.

(Ord. of 5-25-88; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Ord. No. 16-12-2019, 1-8-20)

### **Sec. 25-373. Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

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Abattoirs (rendering plants).

Acetylene manufacturing.

Acid manufacturing.

Automobile, vehicle graveyards.

Canning.

Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.

Crushed stone operations.

Curing food.

Demolisher.

Electric transmission (private).

Electric towers (private).

Fertilizer mill.

Feed and grain storage.

Flour milling.

Food products manufacturing.

Frozen food products manufacturing.

Fruit processing.

Gasoline stations.

Gasoline storage (bulk).

Grain milling.

Greenboxes.

Heliports, airports, landing strip (intensive use), landing strip (recreational use)—(See section 25-112).

Incineration of animals, garbage, wastes (nonradioactive).

Junkyards, salvage yards.

Landfills, nonhazardous, nonradioactive materials and approved by the State Health Department.

LP gas, natural gas storage.

Malt products manufacturing.

Matches manufacturing.

Milk bottling.

Milk, dairy products manufacturing.

Mining (conforming to state regulations).

Off-site mass drainfields (See section 25-144).

Off-site wells, water tanks, and/or water systems (see section 25-145).

Oil, gas transmission facility.

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Ordinance (explosives) manufacturing.

Petroleum, petroleum by products refining, processing, storage.

Poultry processing, packaging.

Quarrying (conforming to state regulations).

Roasted coffee, tea products.

Radio and TV towers.

Radio and TV transmission/transmitters.

Salvage yards.

Self-service storage facility.

Spice processing, packaging.

Sugar processing, packaging.

Wind energy facilities; small system (See section 25-128(c)).

Wind energy facilities; large system (See section 25-128(c)).

Wind energy facilities; utility scale system (See section 25-128(c)).

(Ord. of 5-25-88; Res. No. 24-11-92, 11-17-92; Res. No. 21-12-95, 12-19-95; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09)

### **Sec. 25-374. Special performance standards.**

This section is reserved for future use. See section 25-90.

(Ord. of 5-25-88)

### **Sec. 25-375. Area regulations.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel or tract shall be subject to approval by the local department of health.

(Ord. of 5-25-88)

### **Sec. 25-376. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

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### **Sec. 25-377. Minimum dimensions.**

- (a) *Front setback.* Setback from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.
- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary.

(Ord. of 5-25-88)

### **Sec. 25-378. Maximum floor area.**

Not regulated.

(Ord. of 5-25-88)

### **Sec. 25-379. Minimum off-street parking space.**

See the regulations for minimum off-street parking space.

(Ord. of 5-25-88)

### **Sec. 25-380. Open space requirements.**

A minimum landscaped area on any lot shall not be less than one-tenth the area of the lot. This area shall be used to enhance the lot's appearance. The board of supervisors may require ornamental landscaping along street frontages.

(Ord. of 5-25-88)

### **Sec. 25-381. Minimum loading space.**

See the regulations governing minimum loading space.

(Ord. of 5-25-88)

### **Sec. 25-382. Reserved.**

### **Sec. 25-383. Other regulations.**

Site plans are required for all uses prior to issuance of building permit and zoning permit.

(Ord. of 5-25-88)

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**Secs. 25-384—25-389. Reserved.*****DIVISION 12. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD)*****Sec. 25-390. Purpose.**

- (a) The purpose of this district is to promote the efficient use of commercial land by allowing a wide range of land uses of various densities and flexible application of development controls. The district encourages achievement of these goals while also protecting surrounding property, natural features and scenic beauty.
- (b) The PCD district recognizes that many commercial, office and residential establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service and office establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the PCD district allows flexibility through the adjustment of certain lot, setback and use restrictions. Districts should be proposed and planned for areas that provide for adequate development and expansion space, controlled access points, landscaped parking areas and public utilities. Development of a PCD district will take place in accord with an approved concept plan, which may allow for clustering of uses and densities in various areas of the site.
- (c) [The] PCD district should be a visual asset to the community. Building within the district is to be architecturally similar in style and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

(Res. No. 29-10-99, 10-19-99)

**Sec. 25-391. Permitted uses.**

Within the PCD district the following uses shall be permitted by right. However, no use shall be permitted except in conformity with the concept plan approved by the board of supervisors:

- All uses permitted in section 25-335, Permitted Uses of the B-2, General Business District.
- Boat docks.
- Community docks.
- Roads, streets, rights-of-way, easements, except private roads or streets, which require a special use permit (see 25-392 below).
- Short-term tourist rental of dwelling.
- Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

(Res. No. 29-10-99, 10-19-99; Amd. of 6-20-00; Res. No. 13-03-2004, 3-18-03(2); Ord. No. 16-12-2019, 1-8-20)

**Sec. 25-392. Special use permits.**

The following uses shall be permitted only when shown on the concept plan for the project and when approved by special use permit by the board of supervisors:

- All those uses listed in section 25-336, Uses Permitted by Special Use Permit in the B-2, General Business District.

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- Dwellings, single-family detached.
- Dwellings, attached.
- Multi-family dwellings.
- Private street or road (see section 25-396).
- Townhouses.
- Warehouses and distribution centers.

(Res. No. 29-10-99, 10-19-99; Res. No. 13-03-2004, 3-18-03(2))

### **Sec. 25-393. Area regulations.**

(a) *Minimum lot size:*

- (1) To be considered as a planned commercial development, a project's area must include five (5) or more contiguous acres, none of which can be under water or within a flowage easement.
- (2) The minimum permitted size of any PCD district or of any lot, parcel or tract within the district shall be subject to approval by the local health department.
- (3) The procedure for addition to a PCD district shall be the same as if an original application were filed.

(b) *Maximum density:*

- (1) In commercial areas, there are no minimum lot area/size, minimum lot width, or floor area requirements except as provided herein under special circumstances and/or as may be required by the board of supervisors as a part of the approval of the concept plan for the project.
- (2) In commercial areas, maximum lot coverage shall be determined through the concept plan approval process but shall not exceed seventy-five (75) percent unless specifically approved by the board of supervisors as a deviation to these regulations.
- (3) Areas devoted to residential use shall follow the area, width and lot coverage regulations of section 25-282, Residential Multi-family District, unless a deviation to those regulations is specifically approved by the board of supervisors as provided for in section 25-402 of these regulations.

(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-394. Maximum height of buildings.**

(a) When adjoining an agricultural or residential zoning district, the maximum height of any commercial or residential building shall be forty (40) feet. The maximum height may be increased to a maximum of seventy (70) feet, provided each required yard adjoining a residential district is increased two (2) feet for each foot in height over forty (40) feet. When a property fronts on Smith Mountain Lake and adjoins a residential zone across a channel or cove, the distance across the water shall be included in the calculation of required yard available to satisfy the setback requirement of this section.

(b) When adjoining commercial or industrial zoning districts, the height of commercial or residential structures is seventy (70) feet, provided that all heights in excess of forty (40) feet are shown on the approved concept plan.

(c) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.

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- (d) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provision of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-395. Minimum dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of the right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of the right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty-five (25) feet from any type of residential use or residential district boundary.
- (c) *Rear setback.* No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty-five (25) feet from any type of residential use or residential district boundary.

(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-396. Streets.**

- (a) Public streets in the PCD district shall be built in accordance with VDOT standards for inclusion in the state highway system for maintenance.
- (b) The requirements of sections 19-109 and 19-115 of the Subdivision Ordinance notwithstanding, private streets may be permitted by special use permit in the PCD district. However, unless specifically approved by the board of supervisors as a special use permit the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Transportation for inclusion in the state highway system for maintenance. When private streets are proposed as a special use permit, the standards, specifications and a proposed maintenance agreement shall be submitted with the special use permit application and shall also be included on the concept plan for the proposed PCD rezoning request.
- (c) The applicant must demonstrate adequate provision for maintenance of any private streets. If in the future private streets are to be dedicated for public use, then, prior to such dedication for public use, the developer, property owners association or other party who has been responsible for the general upkeep and maintenance of the private roads shall improve said private roads to equal the construction standards for inclusion by VDOT into the state highway system for maintenance.

(Res. No. 29-10-99, 10-19-99; Res. No. 13-03-2004, 3-18-03(2))

### **Sec. 25-397. Minimum off-street parking spaces.**

The regulations for minimum off-street parking spaces in sections 25-80 through 25-82 shall apply. However, as a part of the concept plan approval process, the applicant may propose a reduction to the number of parking spaces required by this division for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential.

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(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-398. Utilities.**

Within a PCD district all newly installed utilities, including television cable and electrical system, shall be installed underground. Appurtenances to these systems, which require aboveground installations, shall be screened.

(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-399. Design guidelines.**

- (a) The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PCD, in addition to achieving the development standards set forth in this section, shall be accomplished in accordance with an approved concept plan. This concept plan shall assure compatibility with the existing and future land use in the vicinity.
- (b) Areas designed for future expansion or not intended for immediate improvement or development shall be specified as reserved areas on the concept plan. The future use and the limitations on the future use of such area shall be specified; or else such areas shall not be included as a part of the PCD application. Reserved areas included in the PCD shall be landscaped or otherwise maintained in a neat and orderly manner.
- (c) In order to promote safe ingress and egress for the development, minimum separation distance between entrances to the public right-of-way of three hundred (300) feet is strongly encouraged. Such distances shall be subject to final review and approval by VDOT. Additional access between adjoining lots, such as frontage roads and shared parking lots are strongly encouraged.
- (d) The placement of fire hydrants or other fire prevention systems shall be reviewed by the local fire marshal to insure compliance with the standards set forth by the National Fire Protection Association (NFPA).
- (e) To promote the visual quality and enhance the prospects for economic success of the project, the planning commission shall consider the following factors in reviewing a PCD application:
  - (1) The principal entrance into the PCD district should be sufficiently landscaped to comply with the purpose of the district. In addition, the first one hundred (100) linear feet of the street within and leading through this principal entrance into the PCD should have a landscaped median of sufficient width and planting density to meet the purposes of this district.
  - (2) Parking within the PCD should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping plans.

(Res. No. 29-10-99, 10-19-99)

### **Sec. 25-400. Concept plan requirements.**

In addition to the requirements for a rezoning application, each request for a PCD district shall be accompanied by a concept plan, which shall be reviewed by the planning commission and approved by the board of supervisors.

(Res. No. 29-10-99, 10-19-99)

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## **Sec. 25-401. Contents of a concept plan.**

In addition to the requirements for a rezoning application, the concept plan shall contain all the following data:

- (a) Vicinity map at a scale of not less than one inch equals two thousand (2,000) feet.
- (b) Abutting streets with names and route numbers.
- (c) Owners and uses of each adjoining tract.
- (d) Topographic map with a minimum contour interval of ten (10) feet.
- (e) An attorney's certificate showing the owner or owners of the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
- (f) A general statement of planning objectives to be achieved by the PCD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.
- (g) A description and analysis of existing site conditions, including information on topography, historic resources, natural watercourses, floodplains, unique natural features, tree cover areas, and known archeological resources.
- (h) The location, dimensions and use of each structure within the proposed development.
- (i) A statement in tabular form of the floor area for each commercial structure, the total floor area for all commercial uses and the gross lot coverage of all commercial structures. For residential areas, the floor area, number of dwelling units, the residential density and the percentage of land in open space. For the entire tract, the percentage of the tract to be occupied by structures and the gross square footage for each use type proposed in the PCD.
- (j) The proposed size, location and use of other portions of the tract, including landscaping and parking.
- (k) A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. When required by the zoning administrator or planning commission, a traffic impact statement prepared by the developer showing the effects of traffic generated by the project on surrounding roads.
- (l) If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the commission may recommend and the board may approve a deviation to the adopted parking regulations.
- (m) The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.
- (n) Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, and landscaping.
- (o) A plan to insure the perpetual and proper care and maintenance of any private roads, water systems and sewage disposal and/or sewage treatment facilities. Such plan shall be reviewed by the county and, as appropriate, the Virginia Department of Health.

(Res. No. 29-10-99, 10-19-99)

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## **Sec. 25-402. Effect of approval of the concept plan.**

- (a) The PCD district may provide flexibility through the adjustment of certain lot setbacks, design guidelines and use restrictions. Any such deviations to the lists of uses, or the regulations for area, height, setbacks, streets, off-street parking, utilities, or design guidelines of the PCD district shall be expressly shown on the concept plan and approved by the board of supervisors after a lawfully advertised public hearing with the planning commission and the board of supervisors. Such deviations shall be in keeping with the purpose of the PCD district, the intent of the Zoning Ordinance, the comprehensive plan and the design guidelines of the PCD district.
- (b) All terms, conditions, safeguards and stipulations made at the time of approval of the concept plan, with or without specific deviations, shall be binding upon the applicant and any successors in interest. Unapproved deviations from the plans or failures to comply with any requirement, condition, or safeguard shall constitute a violation of the Zoning Ordinance.

(Res. No. 29-10-99, 10-19-99)

## **Secs. 25-403—25-409. Reserved.**

### ***DIVISION 13. REGIONAL ENTERPRISE PARK DISTRICT (REP)***

## **Sec. 25-410. Purpose.**

- (a) This district is created to provide locations of at least two hundred (200) acres for regional business and commercial enterprise along with supportive uses that represent a significant center of economic activity for the county as a whole. It is intended to allow for a regional destination economic center that should be designed in a coordinated campus-style site design that incorporates principles of traditional neighborhood design including environmental preservation, walkable connections among buildings and uses, and a compatible mix of uses.
- (b) Uses in this district should be oriented to serve county residents and regional employees. Due to the mixed use nature of this district, uses must be able to accommodate the mix of personal and commercial vehicle traffic that the particular use is expected to attract.
- (c) Non-commercial facilities in this district are meant to serve as regional amenities recreation and community services are encouraged in this district as a means of advancing traditional neighborhood design principles, minimizing vehicular miles traveled on the corridor and allowing for a mix of uses that serve the entire surrounding area.

(Ord. No. 06-08-2016, 8-16-16)

## **Sec. 25-411. Permitted uses.**

Within the Regional Enterprise Park District (REP), the following uses are permitted, organized by use type:

Agricultural and forestry use types:

Agriculture.

Forestry operations.

Residential use types:

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(None).

Civic use types:

- Administrative services.
- Cultural services.
- Day care center.
- Educational facilities, college/university.
- Educational facilities, primary/secondary.
- Post office.
- Public assembly.
- Public maintenance and service facilities.
- Public parks and recreational areas.
- Safety services.
- Solid waste collection sites.
- Utility services, minor.

Office use types:

- Call center.
- Data center.
- Financial institutions.
- General office.
- Laboratories.
- Medical office.

Commercial use types:

- Automobile rental/leasing.
- Business support services.
- Business or trade schools.
- Commercial indoor entertainment.
- Commercial indoor sports and recreation.
- Communications services.
- Fuel center.
- Hotel/motel/motor lodge.
- Personal improvement services.
- Personal services.
- Restaurant, general.
- Studio, fine arts.

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Industrial use types:

Custom manufacturing.

Industry, Type I.

Warehousing and distribution.

Miscellaneous use types:

Outdoor gathering.

Park and ride facility.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Temporary construction facilities, subject to the requirements of section 25-129.

Within the Regional Enterprise Park District (REP) the zoning administrator shall have the authority to determine the appropriate use types per section 25-26, uses not provided for.

(Ord. No. 06-08-2016, 8-16-16; Ord. No. 09-10-2017, 10-18-17; Ord. No. 16-12-2019, 1-8-20)

## **Sec. 25-412. Special use permits.**

The following uses shall be permitted only by special use permit approved by the Board of Supervisors:

Agricultural use types:

Stable, commercial.

Residential use types:

Accessory Apartment.

Civic use types:

Utility services, major.

Office use types:

(None).

Commercial use types:

Commercial indoor amusement.

Commercial outdoor entertainment.

Commercial outdoor sports and recreation.

Mini-warehouse.

Recreational vehicle sales and service.

Restaurant, drive-in or fast food.

Retail sales.

Industrial use types:

Industry, Type II.

Truck terminal.

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Miscellaneous use types:

Towers.

Within the Regional Enterprise Park District (REP) the zoning administrator shall have the authority to determine the appropriate use types per section 25-26, uses not provided for.

(Ord. No. 06-08-2016, 8-16-16)

### **Sec. 25-413. Area regulations.**

Notwithstanding any definitive area requirement herein, the minimum permitted size of any area to be rezoned to the REP district shall be a minimum of two hundred (200) contiguous acres.

(Ord. No. 06-08-2016, 8-16-16)

### **Sec. 25-414. Maximum height of buildings.**

- (a) The maximum height of buildings in this district shall be seventy (70) feet, unless approved by special use permit by the board of supervisors.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and shall be of an approved type in accordance with the provisions of the IBC, International Building Code, as amended, and the Fire Prevention Code.

(Ord. No. 06-08-2016, 8-16-16; Ord. No. 17-12-2019, 1-8-20)

Cross reference(s)—Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

### **Sec. 25-415. Minimum yard dimensions.**

- (a) *Front setback.* The minimum distance from the nearest point of the principal structure (including porches, stoops or any accessory buildings) to the edge of the right-of-way of Route 220 shall be fifty (50) feet, and thirty-five (35) feet from the edge of right-of-way for all other roads.
- (b) *Side setback.* The minimum side setback is twenty-five (25) feet except that no building, structure, accessory use or outdoor storage area shall be located closer than eighty (80) feet from any residential or agricultural zoning district.
- (c) *Rear setback.* The minimum rear setback is thirty (30) feet except that no building, structure, accessory use or outdoor storage area shall be located closer than eighty (80) feet from any residential or agricultural zoning district.

(Ord. No. 06-08-2016, 8-16-16)

### **Sec. 25-416. Maximum floor area.**

Not regulated.

(Ord. No. 06-08-2016, 8-16-16)

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## **Sec. 25-417. Minimum off-street parking space.**

See the regulations for minimum off-street parking spaces in sections 25-80 through 25-82.

(Ord. No. 06-08-2016, 8-16-16)

## **Sec. 25-418. Minimum loading space.**

See the regulations for minimum loading space in section 25-85.

(Ord. No. 06-08-2016, 8-16-16)

## **Sec. 25-419. Open space and landscape requirements.**

All development within the Regional Enterprise Park District shall comply with division 3.B. landscaping and buffering regulations of the zoning ordinance; however, properties adjacent to Route 220 must also comply with the following requirements:

- (1) A minimum landscape yard of fifty (50) feet shall be required adjacent to Route 220.
- (2) A minimum landscape yard of twenty-five (25) feet shall be required adjacent to all other roads. The landscape yard shall be measured perpendicular to the edge of the right-of-way.
- (3) Structures, buildings, parking areas, outdoor storage, and outdoor display are prohibited in the required landscape yard. Nothing herein shall preclude the location of driveways within the required landscape yard.
- (4) Signs shall be permitted within the required landscape yard. Where the landscape yard is required to be eighty (80) feet, signs shall be set back a minimum of forty-five (45) feet from the edge of the right-of-way. Where the landscape yard is required to be twenty-five (25) feet, signs shall be set back a minimum of fifteen (15) feet from the edge of the right-of-way.

(Ord. No. 06-08-2016, 8-16-16)

## **Sec. 25-420. Signs.**

Free-standing signs within the Regional Enterprise Park District shall comply with the following:

- (1) Off-premises signs shall be prohibited.
- (2) Any development requiring the submittal of a concept plan shall also include a signage plan, showing the location, design, size, height and arrangement of all proposed free-standing signs.

(Ord. No. 06-08-2016, 8-16-16)

## **Sec. 25-421. Access management.**

The following standards for access management shall apply within the Regional Enterprise Park District:

- (1) All new roads or streets within the Regional Enterprise Park District shall be constructed to VDOT standards for the acceptance of secondary streets into the state maintenance system.
- (2) All new entrances to public or private streets shall comply with VDOT standards for entrance separation, sight distance, turn radius, and corner clearance.

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(3) Parcels along Route 220 shall comply with access management and entrance requirements of the 220 North Corridor Plan and associated overlay district regulations.

(Ord. No. 06-08-2016, 8-16-16)

### **Sec. 25-422. Utilities and screening.**

The following standards shall apply to the placement and screening of utilities and mechanical/electrical equipment within the Regional Enterprise Park District:

- (1) All utilities shall be placed underground on parcels of land that are being developed or redeveloped.
- (2) Ground and wall-mounted mechanical/electrical service equipment shall be screened from general public view by means of fences, walls, landscape planting, or other screening approved by the zoning administrator.
- (3) Roof-mounted mechanical/electrical equipment, satellite dishes and any other communications equipment shall be concealed from view of public rights-of-way and neighboring properties from street level. Where reasonable height parapet or screen walls are insufficient to provide screening, all equipment shall be painted in a neutral color to blend with roofing materials.

(Ord. No. 06-08-2016, 8-16-16)

### **Sec. 25-423. Other regulations.**

Site plans are required for all uses prior to issuance of building permit and zoning permit. All property rezoned to Regional Enterprise Park shall develop private covenants and regulations to govern uses and standards in the park.

(Ord. No. 06-08-2016, 8-16-16)

### **Secs. 25-424—25-470. Reserved.**

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