

**- CODE OF THE COUNTY
Chapter 25 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 1. AGRICULTURAL DISTRICT (A-1)**

DIVISION 1. AGRICULTURAL DISTRICT (A-1)¹

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 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.

¹Editor'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.

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.

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).

Solar Generation Facility, Small, (see section 25-148).

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, 2-19-02; 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; Ord. No. 20-07-2022 , 7-21-22)

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.

Dwelling, two-family/duplexes, (See section 25-180 and section 25-188).

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.

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).

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.

Solar Generation Facility, Large, (see section 25-147).

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; Ord. No. 10-12-2020, 12-15-20; Ord. No. 20-07-2022, 7-21-22)

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.
- (3) Lots in this district for dwelling; two-family/duplexes shall have a minimum area of one (1) acre.

- (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; Ord. No. 10-12-2020, 12-15-20)

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.
- (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)

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.
- (d) Dwelling; two-family/duplexes shall require a special use permit by the Board of Supervisors and shall require at least a minimum lot size of one (1) acre per two-family dwelling/duplexes.

(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; Ord. No. 10-12-2020, 12-15-20)

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.
- (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:
 - 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.
- 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).
- Forestal operations and management.
- Playgrounds.
- Preserves, wildlife refuge (public).
- Stable, commercial (riding).
- 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.