

**- CODE OF THE COUNTY
Chapter 25 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)**

DIVISION 3. RESIDENTIAL SUBURBAN SUBDIVISION DISTRICT (R-1)¹

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.

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.

¹Editor'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.

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).

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

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

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.

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 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)

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)