

**- CODE OF THE COUNTY
Chapter 25 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 7. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (RPD)**

DIVISION 7. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (RPD)¹

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 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.

¹Editor'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.

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).

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).

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

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

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.
- 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 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.

(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 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)

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 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.