

8/14/2019

# Draft Zoning Ordinance Amendments

Franklin County, Virginia

**EPRPC**

DRAFT FOR REVIEW

## BACKGROUND

Franklin County, Virginia, is currently updating its Zoning and Subdivision ordinances. As part of these updates, the county is implementing the recommendations made in the Westlake Hales Ford Village Plan adopted in November of 2016. To support these updates, EPR,PC, a professional planning consulting firm, located in Charlottesville, Virginia was asked to provide some text amendments to the County's Zoning Ordinance. This document includes the recommended text amendments for adding new zoning districts to be applied to areas within the Westlake Village Center Overlay District.

The purpose of these text amendments is:

- To provide greater flexibility to landowners in the Westlake area by allowing for two new zoning districts, Rural Residential and Corridor Business, that expand the choices for business and residential zoning in the area.
- To better align the ordinance with the objectives and strategies in the County's Comprehensive Plan.
- To provide new zoning districts that are more closely aligned to the goals of the Westlake Hale's Ford Plan and incorporate uses and development standards called for in this Designated Growth area.
- Adjust boundaries of the Westlake Zoning Overlay

## DOCUMENT FORMAT

The following document is formatted as "drop in" ordinance language that can be used to replace the existing ordinance language. The appropriate Code section numbering has been used to allow smooth integration with the existing County code. The amendments are listed in the order in which they appear in the County Code.

Text in **black font** is existing ordinance language that will not be changed. Text in **red font** is new ordinance language. Text in ~~strikethrough~~ is existing ordinance language that will be removed.

In addition, explanatory footnotes have been added in this document that are for the purpose of explaining the intended ordinance changes but will not be included in the final draft of the ordinance amendments.

# ARTICLE I. - GENERAL PROVISIONS

## DIVISION 3. - DEFINITIONS

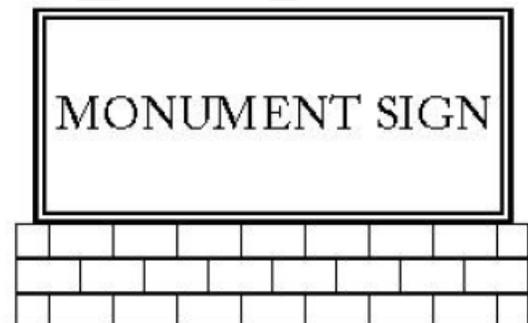
### Sec. 25-40. - Principal definitions of the Zoning Ordinance.

*Agriculture, small scale.* The production of plants and animals useful to humans as defined under general agriculture above, of no greater than one (1) animal unit per acre and no more than ten (10) animal units total on the tract, and that all enclosed areas providing services to animals 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.

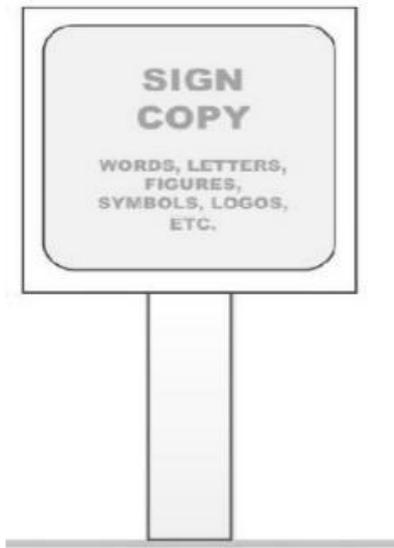
*Animal unit.* For the purposes of this chapter, the following equal one (1) animal unit one (1) head of beef cattle; one (1) dairy cow; two (2) calves of less than one-year old; one (1) buffalo; one (1) llama; one (1) horse; one (1) mule; five (5) sheep; five (5) goats; two (2) swine; two (2) deer; thirty (30) chickens; twenty (20) turkeys; one (1) ostrich; two (2) beehives; or fifty (50) rabbits.

*Farm enterprise:* An agricultural or silvicultural based process, activity or business use of a property that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural, aquaculture or silvicultural operation. Activities of a farm enterprise may include, but are not limited to, uses such as secondary processing and/or retail sale of agricultural, horticultural or silvicultural products, farm tours, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, animal walks and horse and pony rides. This definition does not include similar uses that are regulated by Special Use Permit in the Agricultural (A-1) or Rural Residential (RR) zoning district, nor does it include any uses that are specified and limited to zoning districts other than Agriculture (A-1) and Rural Residential (RR).

*Sign, monument.* A sign affixed to a structure built on grade in which the sign and structure are an integral part of one another; not a pole sign. Sign height shall not exceed ten (10) feet in overall height. Sign head can be mounted on poles, but poles must be hidden from view by stone/brick base or other approved skirting. (See graphic below).



*Sign, pole.* A sign that is mounted on one (1) or more freestanding poles. (See graphic below.)



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## ARTICLE II. – BASIC REGULATIONS

### DIVISION 4. – SUPPLEMENTARY REGULATIONS

#### ~~Sec. 25-130. – Wayside stand.~~

~~Structures for wayside stands, including vehicles, shall not exceed six hundred (600) square feet in aggregate floor area nor be located closer than thirty-five (35) feet to any public road right-of-way.~~

~~(Ord. of 5-25-88)~~

#### **Sec. 25-130. – Farm Enterprise.**

Farm enterprises. Farm enterprises, as defined in Article I of this chapter, are permitted in the A-1 Agriculture and RR Rural Residential Districts subject to the following requirements: (a) the lot on which the farm enterprise is located is at least five (5) acres in size. (b) The gross floor area of any structure(s) devoted to the farm enterprise use shall not exceed two thousand (2,000) square feet. (c) Structures and parking areas shall be located at least one hundred (100) feet from any residential zoning district and adjacent dwellings, other than the owner's dwelling. (d) At least seventy percent (70) percent by retail value of the products sold from the farm enterprise on an annual basis shall have been grown or produced on the farm. (e) One sign shall be permitted and shall be non-illuminated and not exceed twenty (20) square feet in area. (f) The enterprise shall have at least fifty (50) feet of frontage on at least one public road.

## ARTICLE IV. - SPECIAL PROVISIONS

### DIVISION 3. - WESTLAKE VILLAGE CENTER OVERLAY DISTRICT

#### Sec. 25-491. - Purpose.

The Westlake Village Center Overlay district recognizes that the area will serve as a focal point for cultural and commercial activity of the Smith Mountain Lake area of the county. The village center overlay district promotes a development pattern that brings a sense of community to the surrounding rural area with an emphasis on facilitating the creation of a convenient, attractive and harmonious community center that provides essential goods and services to rural residents and may also include higher density housing and office and light industrial employment centers. The purpose of the overlay district is to implement key provisions of the Westlake Design Guidelines in order to:

- (1) Create a sense of place.
- (2) Create a unified architectural character where new development is harmonious, well coordinated and compatible with the historic architecture of the area.
- (3) Create convenient, safe and comfortable pedestrian linkage between commercial and residential areas and between commercial sites.
- (4) Create a consistent approach to location, design and landscaping of parking areas for commercial use.
- (5) Create visual buffers between historic properties and commercial uses.
- (6) Create an approach to signs that reduces clutter.
- (7) Create lighting that does not pollute the night sky and does not impact adjacent uses, particularly historic sites.
- (8) Create new development that protects scenic views.

Unless specifically listed herein, the provisions of the site development regulations in Sec. 25-495. below do not apply to the development of individual single-family lots that are not part of a planned development application.

## **Sec. 25-492. – District**

The boundaries of the Westlake Village Center Overlay District will be as depicted on the boundary map approved by the Board of Supervisors. The approved map shall be maintained by the Zoning Administrator.

## **Sec. 25-493. Permitted uses.**

Permitted uses shall be those uses allowed and regulated by the underlying zoning district.

When a zoning district within the Westlake Village Center Overlay District is changed by the request of the owner or by the Board of Supervisors, any lawfully existing uses on that property may continue as a non-conforming use or activity provided the use of the property does not change.

## **Sec. 25-494. Rural Residential**

### **Sec. 25-494.1 - Purpose of RR.**

The purpose of this zoning district is to allow for a range of low density housing and some limited agricultural uses in a rural residential setting within the Westlake Center Overlay District. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life, to provide for an orderly transition from predominately agricultural or forestal uses to mostly rural residential uses, and to strictly limit activities of a commercial nature. To these ends, development is limited to relatively low densities and permitted uses are limited basically to single-family dwellings for the residents and home-occupation uses for compatible home-based businesses. It is intended to preserve and enhance the low density character of primarily single-family homes in the rural portions of the Westlake Center Overlay District, where a rural residential lifestyle coexists with limited agriculture and forest uses.

### **Sec. 25-494.2. - Geographic Applicability of RR.**

This zoning category shall only be applied to land within the Westlake Village Center Overlay District, as defined in Section 25-492. Only areas within the Westlake Village Center Overlay District may be rezoned to the Rural Residential District.

### **Sec. 25-494.3. – Permitted Uses.**

The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations.

- Accessory uses.
- Agriculture, small-scale.
- Churches.
- Conservation areas (public and private).

Emergency service facilities—Fire, rescue.  
Garages—Private for storage of personal vehicles.  
Gardens, private.  
Home occupation, Class A.  
Manses, church-owned dwelling unit.  
Private dock, pier, and boathouse.  
Playgrounds (public).  
Off-street parking.  
Roads, streets, rights-of-way, easements.  
Schools (public and private).  
Signs.  
Single-family detached dwellings.  
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.

**Sec. 25-494.4. - Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors, subject to the requirements of this chapter and to all other applicable regulations:

Bed and breakfast establishment.  
Clubs (private).  
Clubs (public).  
Community center and building.  
Home—Second single-family detached dwelling on a lot (see section 25-204.12.).  
Home-Mnaufactured home (see section 25-494.10)  
Home occupations—Class B.  
Parks.  
Public facilities, office.  
Public garages.  
Public utilities—Structures, towers.  
Public utilities—Substations, water and sewage treatment plants, power generation.  
Stables (private).  
Swim clubs.  
Two family dwelling.

**Section 25-494.5. - Area regulations.**

(a) *Minimum lot size:*

(1) For small-scale agriculture and lots without public water and public sewer: Five (5) acres.

(2) For all other uses with public water and/or public sewer: One and one-half (1.5) acres.

(e) *Maximum length/width ratio:*

(1) The maximum length/width ratio shall be Five to one (5:1) for any lot less than fifty (50) acres.

(d) *Minimum width:*

(1) Minimum lot width for lots is one hundred twenty (120) feet at the setback line of front yard.

(c) *Maximum coverage:*

(1) Buildings shall not exceed ten (10) percent of gross site area.

(2) Impervious surfaces shall not exceed thirty (30) percent of gross site area.

**Section 25-494.6. Maximum height of buildings**

(a) The maximum height of buildings in this district shall be thirty-five (35) feet.

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

**Section 25-494.7. Minimum dimensions.**

(a) *Front yard.* Forty (40) feet for the principal structure (including porches, stoops or accessory buildings).

(b) *Side Yard.* Fifteen (15) feet for the principal structure (including porches, stoops or accessory buildings).

(c) *Rear Yard.* Thirty (30) feet for the principal structure (including porches, stoops or accessory buildings). 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 (500) 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.* Forty (40) feet for the principal structure (including porches, stoops or accessory buildings).

**Sec. 25-494.8. - 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](#).

**Sec. 25-494.9. - 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](#).

**Sec. 25-494.10. - 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 RR 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) A manufactured home may be allowed as a second dwelling under the following conditions:

1. A special use permit is obtained for the manufactured home.
2. The manufactured home is for an immediately family member described above in item a of this sections.
3. The parcel the manufactured home is being located is a minimum of 30 acres.
4. The second dwelling is not visible from the public right of way.

**Sec. 25-495. – Corridor Business.**

**Sec. 25-495.1. - Purpose of CB.**

The purpose of this zoning district is to allow for a range of non-intensive and small scale residential, office and commercial services within the Westlake Village Center Overlay District in an integrated and interconnected manner that allows for creative land use planning; provides safe and efficient pedestrian and vehicular access; preserves open space and scenic views; and presents an attractive frontage onto public roadways, especially to protect the visual character and integrity of the Rt. 122 corridor.

**Sec. 25-495.2. - Geographic Applicability of CB.**

This zoning category shall only be applied to land within the Westlake Village Center Overlay District, as defined in Section 25-492. Only areas within the Westlake Village Center Overlay District may be rezoned to the Corridor Business District.

**Sec. 25-495.3. - Permitted Uses.**

The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations.

- Accessory uses.
- Banks and savings and loans, financial, insurance offices.
- Churches.
- Country clubs.
- Day care centers, day nursery.
- Emergency services facilities—Fire, rescue.
- Funeral homes and mortuaries.
- Gardens (private).
- General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
- Greenhouses, nurseries.
- Libraries.
- Manses, church-owned dwelling units.
- Medical clinics, including veterinary.
- Motels, hotels, tourist and resort facilities less than ten thousand (10,000) square feet.
- Museums.
- Office, administrative, business or professional less than ten thousand (10,000) square feet.
- Off-street parking.
- Parks, unlighted.
- Recreational facilities (private or public).
- Restaurants without drive in.
- Retail sales and services less than ten thousand (10,000) square feet.
- Roads, streets, rights-of-way, easement.
- Sales Services, less than ten thousand (10,000) square feet.
- Schools (public and private).
- Signs.
- Temporary events, subject to the requirements of section 25-134.
- Water systems.

**Sec. 25-495.4. - Special use permits.**

The following uses shall be permitted only by special use permit approved by the board of supervisors, subject to the requirements of this chapter and to all other applicable

regulations:

Assembly halls.

Assembly of electrical, electronic devices, less than ten thousand (10,000) square feet floor area.

Auction barns.

Automotive, light truck, sales, service, rental and repair, without motor fuel sales, less than two thousand (2,000) square feet, provided that storage of vehicles or materials are located behind the building and not visible from the public right of way.

Business or trade school.

**Boat clubs.**

Bowling alleys.

Clubs (private).

Clubs (public).

Colleges.

Community centers, buildings.

General, convenience store more than three thousand (3,000) square feet with motor fuels sales.

Dormitories.

Drive-in restaurants.

Food stores, groceries of three thousand (3,000) square feet or more.

Garages for automobiles, recreational vehicles, motorcycles.

Golf clubs, clubhouses.

Golf courses.

Golf courses (miniature).

Golf driving ranges.

Home or apartment combinations with business.

Home occupations, Class A.

Home occupations, Class B.

Laundromats.

Lodge halls.

Lodges.

Marinas.

Motels, hotels, tourist and resort facilities of ten thousand (10,000) square feet or more.

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

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

Office, administrative, business or professional of ten thousand (10,000) square feet or more.

**Playgrounds.**

Printing service.

Public utilities—Structures, towers.

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.  
Retail sales and services of ten thousand (10,000) square feet or more.  
Roadside stand.  
Sales Services, of ten thousand (10,000) square feet or more.  
Skating rinks.  
Swim clubs.  
Stable, commercial riding stables (private).  
Temporary construction facilities, subject to the requirements of section 25-129.

#### **Section 25-495.5. - Area regulations.**

(a) *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot and connected to public water or sewer; two (2) acres otherwise.

(b) *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for uses in the CB district shall avoid impacting residential subdivisions with primary access and through traffic.

(c) *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise.

(d) *Maximum floor area ratio.* 0.40.

(e) *Maximum coverage:*

(1) Buildings shall not exceed forty (40) percent of gross site area.

(2) Impervious surfaces shall not exceed seventy-five (75) percent of gross site area.

#### **Section 25-495.6. 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.

#### **Section 25-495.7. Minimum dimensions.**

(a) *Front yard.* Fifty (50) feet when any off-street parking is in front of building and opposing street frontage is residential district; thirty-five (35) feet otherwise. Fifteen (15)

feet when no off-street parking is in front of building.

(b) *Side Yard.* Fifty (50) feet when adjacent lot is residential district; ten (10) feet otherwise.

(c) *Rear Yard.* Fifty (50) feet when adjacent lot is residential district; ten (10) feet otherwise.

(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.* Forty Fifty (50) feet for the principal structure (including porches, stoops or accessory buildings).

#### **Section 25-495.8. Use Limitations.**

(a) *Screening and landscaping.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty (40) percent of building area, must be located in side or rear yards adjacent to building as well as at least eighty (80) feet from any residentially zoned parcel, and must be screened from view of adjacent streets or adjacent land.

(b) *Indoor/outdoor operations.* All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

*Inoperable vehicles/sale vehicles.* All vehicles; which shall include but not limited to cars, trucks, boats, trailers, and RVs, shall be licensed and operable unless approved by the board of supervisors as part of a special use permit. Vehicles for sale shall not be allowed unless approved by the board of supervisor as part of a special use permit.

#### **Sec. 25-495.9. - Minimum off-street parking space.**

See the regulations for minimum off-street parking spaces in sections [25-80](#) through [25-82](#).

#### **Sec. 25-495.10. - Minimum loading space.**

See the regulations for minimum loading space in [section 25-85](#).

~~The uses permitted in the Village Center Overlay District shall be those permitted in the underlying zoning district and also the following uses. Where there is a conflict between the uses provided in the underlying zoning district and the uses provided below, the more inclusive list shall apply, unless such use is in the list of prohibited uses found in [section 25-494](#) below.~~

Agriculture  
Churches  
Community center  
Daycare centers  
Eldercare centers, homes, facilities (licensed)  
Emergency service facilities—Fire and rescue  
Homes for the developmentally disabled  
Hospitals  
Libraries  
Nursing homes  
Parks  
Playgrounds  
Post office  
Schools, public or private  
Senior citizen centers

**Sec. 25-496. - Prohibited uses.**

**Sec. 25-497. - Site development regulations.**

(f) *Signs:* The sign requirements of sections [25-156.1](#) through [section 25-156.13](#) shall apply except as modified herein.

(6) Individual businesses located on an individual parcel shall be allowed one (1) freestanding, monument type sign nor more than thirty-two (32) square feet in area with a maximum height of ~~eight (8) feet~~ **ten (10) feet**.

**(7) Pole mounted signs are prohibited unless the poles are concealed per the definition of monument sign.**

**(8) Temporary signs are only permitted as follows:**

- a. Temporary signs of a commercial nature announcing grand openings or other special events or promotions, which are located entirely upon the property that the event or promotion is held. The setback requirement for such signs shall be ten (10) feet from the front and side property lines and have a maximum sign area of thirty-two (32) square feet. Such sign shall be permitted no more than three (3) weeks prior to the event or promotion and must be removed within two (2) days after the event or the promotion, and shall be allowed no more than six (6) time per year
- b. Temporary construction signs: Not more than three (3) temporary signs, not exceeding an aggregate area of ninety-six (96) square feet and a setback requirement of ten (10) feet from the front and side property lines. The

construction signs shall identify the use to be made of a building under construction on the property or identifying a contractor, architect, lending institution or other party involved with such construction shall be permitted. Such signs shall not be illuminated and shall be removed upon completion or abandonment of construction.

**Sec. 25-4968. - Site plan requirements.**

**Sec. 25-4979. - Waiver or modification of Westlake Village Center Overlay District requirements.**

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