

Article 5. Residential, Limited, District R-1

Sec. 22-5-1. Statement of intent.

This district is composed of certain quiet, low density residential areas, plus certain open areas where similar residential development appears likely to occur. It is intended that this district be established in the appropriate areas designated in the Comprehensive Plan for primary residential development. The regulations for this district are designed to stabilize and protect the essential characteristics of the district.

Sec. 22-5-2. Use regulations.

In Residential District R-1, only one main structure or use and its accessory uses shall be permitted on each minimum lot area. Structures to be erected or land to be used shall be for one or more of the following uses, together with ordinary and necessary accessory uses, and no others.

Sec. 22-5-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Agriculture*

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Home occupations

Miscellaneous Uses

Accessory uses

Cluster developments

Greenhouses, non-commercial

Kennels, private

Utilities, minor

Residential Uses

Dwellings, accessory

Dwellings, single-family detached

Dwellings, two-family
Group homes

* Only permitted in open space of cluster developments.

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-5-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

Equestrian facilities*
Farm sales*

Civic Uses

Educational facilities
Public recreation assembly
Religious assembly

Commercial Uses

Adult retirement communities
Daycare centers
Family daycare homes

Miscellaneous Uses

Telecommunication facilities
Utilities, major

* Only permitted in open space of cluster developments.

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-5-3. Area and residential density regulations.

The minimum lot area for permitted uses shall be 43,560 square feet (1 acre). The maximum permitted residential density for such uses shall be one dwelling unit per acre. All uses shall be served by a central, common, or public water or sewer system.

Sec. 22-5-4. Setback regulations.

Structures shall be located seventy-five (75) feet or more from any street right-of-way. This shall be known as the "setback line."

Sec. 22-5-5. Frontage regulations.

The minimum frontage for permitted uses shall be one hundred (100) feet.

Sec. 22-5-6. Yard regulations.

- (a) Side. The minimum side yard for each main structure shall be twenty-five (25) feet on each side.
- (b) Rear. Each main structure shall have a rear yard of fifty (50) feet or more.

Sec. 22-5-7. Special provisions for corner lots.

Any lot or parcel fronting on two or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.

Sec. 22-5-8. Cluster alternative development.

Cluster development shall be permitted in any R-1 Residential District, subject to the following regulations:

- (a) Gross residential density: 1 dwelling unit per 1 acre
 - (1) Minimum lot size: Fifteen thousand square feet
 - (2) Maximum lot size: 1 Acre (43,560 square feet)
- (b) Minimum frontage required:
 - (1) Existing public roads: 100 feet
 - (2) New, internal public roads: 80 feet
- (d) Minimum lot width at minimum required setback shall be equal to minimum required frontage.

- (e) Minimum setback required (as measured from edge of right-of-way):
 - (1) Existing public roads: 75 feet
 - (2) All other roads: 25 feet
- (f) Minimum side yard: 10 feet
- (g) Minimum rear yard: 25 feet
- (h) Open space required: Not less than $\frac{1}{2}$ of the area of any cluster development shall be permanently restricted to prohibit further residential, commercial or industrial development. Such restriction may be made in the form of a covenant running with the land so restricted and in favor of each building lot in the cluster development, and in favor of the County. In the alternative, such restriction may be effected by the conveyance or dedication of such restricted land to the County, the Commonwealth or any other public body which is empowered to accept such conveyance or dedication. The substance of any such restriction, conveyance or dedication shall be subject to the approval of the County to ensure that such restriction shall be permanent and effective, which approval shall be made at the time of final subdivision approval and shall not be unreasonably withheld. The form of each such restriction, conveyance or dedication shall be subject to the approval of the county attorney at the time of final subdivision approval. Nothing herein shall be deemed to require the acceptance of any conveyance or dedication or land by any public body except as may be approved by the governing body of such public body in its sole discretion.
- (i) Nothing contained herein shall be construed to prevent the use or development of any open space parcel for one or more of the following:
 - (1) The construction of a single family residence, provided that such residence shall be included in the calculation of maximum gross density permitted for the cluster option development.
 - (2) Agriculture, horticulture, silviculture, including temporary sawmills, but not including any residential, commercial or industrial uses or structures.
 - (3) Parks, playgrounds, preserves, conservation areas, hunting and boating clubs and small boat docks, all of which shall be maintained for the use of the

residents of the cluster alternate development or of the public, but, in any event, not for residential, commercial or industrial use.

- (4) Public utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewerage distribution and collection lines.
 - (5) Cable communications distribution lines.
 - (6) Public uses and structures.
 - (7) Water wells and other facilities for the production, storage and distribution of water exclusively for the use of the residents and users of uses permitted within the cluster alternate development; subject, in the case of any such facility which is a part of a central water system, to the issuance of a special use permit. (Ord. 9-17-08)
 - (8) Septic systems and other sewage disposal facilities exclusively for the use of the residents and users of uses permitted within the cluster alternate development; subject, in the case of any such facility which is a part of a central sewer system, to the issuance of a special use permit. (Ord. 9-17-08)
 - (9) Non-commercial cemeteries.
- (j) All building lots shall be designed with due consideration of the topography and soil suitability for the following purposes, in such a manner as to maximize the efficient use and utility of the land; minimize development cost; protect existing scenic quality; discourage congestion in adjacent public roads; and minimize land disturbance, soil erosion and other potentially adverse consequences of development:
- (1) Construction of residential improvements;
 - (2) Provision of roads and other transportation facilities, including pedestrian trails and other facilities designed for non-motorized traffic, and including particularly provisions for connections to existing, planned or potential transportation facilities on adjacent properties;
 - (3) Protection of physical features having a recognized architectural, historic, scenic and/or economic value to the County; and

- (4) Provision of open space of a size, shape and character to promote the uses designated for such open space and to protect and promote the rural character of the area.

Sec. 22-5-9. Height regulations.

Buildings and structures may be erected up to thirty-five (35) feet in height, except that:

- (a) The height limit for dwellings may be increased up to forty-five (45) feet provided one (1) foot or more per side yard is added for each additional foot of building height over thirty-five (35) feet.
- (b) A public or semi-public building such as a school, place of worship, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall each be increased one (1) foot for every foot in height over thirty-five (feet).
- (c) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty (60) feet from grade. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) No accessory building which is within fifteen (15) feet of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (c) above, shall be less than the main building or structure in height.

Sec. 22-5-10. Off street parking.

Off-street parking shall conform with Article 26 of this chapter.

Sec. 22-5-11. Sign regulations.

Sign regulations shall conform with Article 15 of this chapter.