

**- CODE OF THE COUNTY
Chapter 25 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 2. RESIDENTIAL ESTATES DISTRICT (RE)**

DIVISION 2. RESIDENTIAL ESTATES DISTRICT (RE)

Sec. 25-191. Purpose.

- (a) This district is established to protect persons occupying residential properties in large lot developments with three (3) or more lots or upon application by owner. Lots located in the district will have areas ranging from five (5) acres to twenty (20) acres in area. This district's regulations are designed to stabilize and protect the essential characteristics of the district, promote and encourage a suitable environment for rural family life where there are children, and to prohibit activities of a commercial nature. Development is limited to relatively low concentration and permitted uses are limited to basically single-unit detached dwellings providing homes for the residents plus certain additional uses that serve the district's residents.
- (b) The permitted uses and uses permitted by special use permit in this district shall not be interpreted as allowing 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. 25-192. Permitted uses.

Within the Residential Estates District (RE), 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).

Dwelling units.

Garages (private residential)—Storage of personal vehicles.

Gardens (private).

Home occupations, Class A

Homes—Single-family detached dwelling.

Horses—(See section 25-202).

Manses, church-owned.

Off-street parking.

Playgrounds.

Private docks, piers, and boat houses.

Roads, streets, rights-of-way, easements.

Signs.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

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

Subdivisions meeting the county subdivision ordinance and the regulations of section 25-194.

Temporary construction facilities, subject to the requirements of section 25-129.

Water systems.

(Ord. of 5-25-88; Amend. of 9-16-97; Ord. of 6-16-98; 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. 25-193. Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Bed and breakfast establishment.

Clubs (private).

Clubs (public).

Community center and building.

Emergency service facilities—Fire, rescue.

Home—Second single-family detached dwelling on a lot (see section 25-202).

Home occupations—Class B.

Parks.

Public facilities, office.

Public garages.

Public utilities—Structures, towers.

Public utilities—Substations, water and sewage treatment plants, power generation.

Schools (public and private).

Stables (private).

Swim clubs.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Res. 22-12-93, § 1, 12-21-93; Res. No. 26-05-2008, 5-20-08)

Sec. 25-194. Area regulations.

- (a) *Minimum lot size:*
 - (1) Residential lots in this district shall contain five (5) acres.
 - (2) The maximum length/width ratio shall be 5:1 (e.g., a lot seven hundred and fifty (750) feet in length shall have a width of one hundred and fifty (150) feet or more).
 - (3) The minimum road frontage is equal to one hundred and fifty (150) feet on state maintained primary roads, one hundred and twenty-five (125) feet on state maintained secondary roads and not less than thirty (30) feet for lots fronting on a cul-de-sac.
 - (4) The minimum road frontage for any road not built to state standards nor accepted into the state system for maintenance is equal to one hundred and fifty (150) feet except in a cul-de-sac where the measurement is lowered to not less than thirty (30) feet.
 - (5) 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.
- (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)

Sec. 25-195. 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)

Sec. 25-196. 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. Structures shall be at least thirty-five (35) feet from the front property line.

- (b) *Side yard.* 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 buildings), 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 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 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. 25-197. Floor area requirements.

Conventional lots are not regulated.

(Ord. of 5-25-88)

Sec. 25-198. Minimum off-street parking space.

Two (2) off-street parking spaces shall be required on each residential lot. Parking spaces shall each be rectangular with one (1) dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet in length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

Sec. 25-199. 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)

Sec. 25-200. Reserved.

Sec. 25-201. 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.

(Ord. of 5-25-88; Ord. of 6-16-98)

Sec. 25-202. 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 RE 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 RE 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, § 2, 8-21-89; Res. No. 17-03-90, 3-19-90)

Secs. 25-203—25-220. Reserved.