

**ARTICLE IX. AGRICULTURAL CONSERVANCY ZONING DISTRICT****A-C Agricultural Conservancy District****Section 101: Purpose**

This district is designed to accommodate and encourage the continuation of agricultural uses within the town and to maximize and preserve areas of open space. The district also permits clustered single-family residential development and certain low-intensity non-residential uses that would maintain the majority of open space in these areas, while accommodating uses that would complement and enhance the historic character of the town. It is intended that uses in this district will be designed in a manner that:

1. Conserves open land around the town's periphery, including those areas containing historic resources or sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. Promotes rural agricultural and equestrian uses;
3. Protects productive agricultural soils for continued or future agricultural use and conserves blocks of land large enough to allow for efficient farm operations;
4. Reduces erosion and sedimentation by the retention of existing vegetation;
5. Provides for the maintenance of open land within the town which can help to provide opportunities for recreation, protect scenic and historic views, minimize the visual impact of new development from existing roads, and preserve the historic rural setting surrounding the town that is vital to the town's tourism industry;
6. Promotes a traditional development pattern that is compatible with the existing historic character of the town and which is connected to the existing fabric of the town, while minimizing adverse impacts on existing neighborhoods; and
7. Provides greater design flexibility and efficiency in the siting of infrastructure, including the opportunity to reduce street lengths, utility runs, and the amount of paving.

**Section 102: Permitted Uses**

The following uses are permitted in this district:

- (a) Agriculture, including crop farms, horse farms, livestock farms, but excluding hog and poultry farms, commercial stockyards and feed lots, and commercial greenhouses; Horticulture, including the growing of fruits, vegetables, flowers, or ornamental plants; vineyards
- (b) Conservancy subdivision
- (c) Equestrian facilities, indoor or unlighted outdoor, non-spectator
- (d) Single-family detached farmhouse with no more than one tenant house located on a parcel of at least twenty (20) acres with an active, permitted agricultural, horticultural or vineyard use.
- (e) Public parks and public recreational facilities, unlighted
- (f) Public Uses, such as governmental or public utility buildings or uses.
- (g) Winery, without retail sales or special events

**Section 103: Accessory Uses and Structures**

The following accessory uses and structures are permitted in this district:

- (a) Home Occupations
- (b) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use, including barns and bona fide farm buildings, private and farm garages, and greenhouses without on-site sales. Except for wayside stands, accessory structures shall only be located in the side or rear yards.
- (b) Wayside stands, subject to the following limitations:
  - (1) The stand shall be operated only during crop-growing season and during daylight hours, with no exterior lighting, and shall be for the express purpose of sale of agricultural products grown on the same property.
  - (2) Minimum lot size: 80,000 square feet.
  - (3) Any structure shall not exceed 400 square feet in gross floor area and shall be compatible in architectural style and building materials with the historic character of Middleburg.
  - (4) The stand shall be located no closer than thirty (30) feet from any property line.
  - (5) The stand shall be located to ensure adequate off-street parking and safe access to the adjacent street as determined by the Administrator.

**Section 104: Special Exception Uses (amended 5/12/2006)**

The following uses are permitted in this district subject to securing a special use permit as provided in Article V and subject to the standards of Section 107:

- (a) Animal hospital
- (b) Bed and breakfast
- (c) Cemetery
- (d) Colleges or Universities
- (e) Community utility facility, provided any such facility is located on public property.
- (f) Conference Center (Amended 5/12/2006)
- (g) Corporate Office
- (h) Corporate Retreat (Amended 5/12/2006)
- (i) Country Club (Amended 5/12/2006)
- (j) Country Inn
- (k) Cultural Center, Non-profit, including only museums, art galleries, and botanical gardens of historic, cultural or educational interest.
- (l) Equestrian facilities, lighted outdoor and/or spectator
- (m) Library
- (n) Nature Preserve, such as wildlife sanctuary or conservation area, but not a petting zoo or game hunting preserve.
- (o) Neighborhood utility facility
- (p) Places of worship

- (q) Privately-owned recreation conducted primarily outside enclosed structures such as swimming, tennis and country clubs (Amended 5/12/2006)
- (r) Public and private schools
- (s) Rural resort (Amended 5/12/2006)
- (t) Winery, with related retail sales and/or special events
- (u) Caretaker's Dwelling (Added 6/10/04)
- (v) Helistop (Added 03/13/14)

## **SECTION 105: LOT, BULK AND OPEN SPACE REQUIREMENTS**

### **Section 105.1: Height Requirements – All Uses**

- (a) Building Height: (Except as otherwise provided in Section 107.2) (Amended 5/12/2006)
  - (1) Principal building: 35 feet, except no restriction for buildings used exclusively for agriculture.
  - (2) Accessory structures: 15 feet.

### **Section 105.2: Conservancy Subdivision: Lot, Bulk and Open Space Requirements**

- (a) Purpose and Intent: The intent of this section is to ensure that a conservancy subdivision is consistent with the town's traditional development style, does not contribute to land-consumptive sprawl, and creates significant open space of benefit to residents of both the new subdivision and the town.
- (b) Conservancy Subdivision Defined. A conservancy subdivision is a single-family residential development in which the residential lots are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent open space. A conservancy subdivision may include the following categories of land:
  - (1) Single-Family Lots: Smaller residential lots located in a contiguous grouping oriented along a street or a green.
  - (2) Conservancy Lots: Larger residential lots containing a designated building area with the remainder designated as permanent open space.
  - (3) Open Space: Land permanently preserved through an open space easement designated as Greenbelt Open Space, Conservancy Open Space and Usable Open Space, as defined in this ordinance. (Refer to the conservancy subdivision illustration page in the "Design Guidelines for Development in the Middleburg Agricultural Conservancy District" appended to this ordinance)
- (c) Minimum Parcel Size. The minimum parcel size for a conservancy subdivision shall be ten (10) acres.
- (d) Maximum Density. The maximum residential density within a conservancy subdivision shall not exceed one dwelling unit per three (3) net acres, including dwelling units on conservancy lots. The net acreage of the tract shall exclude areas within the 100-year floodplain and slopes of 25% or greater.

- (e) Uses Permitted. Land within a conservancy subdivision may be used for any of the following principal uses: single-family detached dwellings, conservancy lots, or permitted greenbelt or usable open space uses as provided below.
- (f) Single-family detached dwellings (other than conservancy lots):
- (1) Lot Sizes.
    - Minimum Lot Size: 12,500 square feet
    - Maximum Lot size: 40,000 square feet
    - Average Lot Size: less than 25,000 square feet.
  - (2) Minimum Lot Width:
    - Lots up to 20,000 sq. feet: 60 feet at the minimum front yard and at the property line;
    - Lots over 20,000 square feet: 75 feet at the minimum front yard.
  - (3) Yard Depth Requirements:
    - (i) Front: 20 feet minimum and 35 feet maximum for lots up to 20,000 sq. ft; 30 feet minimum for lots over 20,000 sq. ft.
    - (ii) Side: 10 feet minimum; 25 feet when adjacent to a street and for lots greater than 20,000 sq. feet.
    - (iii) Rear: 30 feet minimum for lots up to 20,000 square feet; 50 feet minimum for lots greater than 20,000 sq. ft.
    - (iv) Exceptions: Accessory buildings may be located within five (5) feet of any side or rear lot line.
  - (4) Lot Coverage: 35% maximum.
- (g) Conservancy Lots.
- (1) Minimum Lot Size: Ten (10) acres. Not more than one (1) single-family detached dwelling unit shall be located on any conservancy lot.
  - (2) Minimum Lot Width: 300 feet
  - (3) Maximum Building Area: 40,000 square feet;
  - (4) Lot coverage: Maximum 35% of building area.
  - (5) Open Space Easement Required: Any land area above the 12,500 square-foot maximum building area shall be subject to a permanent open space easement. Such easement shall be in a form approved by the Town and shall provide, *inter alia*, notwithstanding such easement, that the eased portion of such conservancy lot shall be maintained by the property owner and that the Town shall bear no responsibility or liability for such maintenance.
  - (6) Yards. No building shall be located within twenty-five (25) feet of any property line; provided, however, that if such building is located as a logical extension of the clustered dwelling pattern on smaller lots within the subdivision, the minimum yard requirements of Section 105.2 (f) shall be permitted.

(h) Required Open Space.

All land area within a conservancy subdivision not devoted to single-family detached lots, the maximum building area of conservancy lots and street rights-of-way shall be permanently preserved as open space and shall be designated as Conservancy Open Space, as defined herein, Greenbelt Open Space, as defined by this ordinance, or Usable Open Space, as defined in Article XIII. Such open space shall constitute in the aggregate not less than 70% of the total land area within the conservancy subdivision and shall be provided in accordance with this subsection (h) and the following subsection (i):

- (1) Conservancy open space shall be the eased portion of any conservancy lots within the conservancy subdivision. Not more than 45% of the required open space shall be conservancy open space. Uses permitted in the conservancy open space shall be as specified in the open space easement required in (g) (5) above and may include agriculture, horticulture or private, noncommercial equestrian facilities.
- (2) Greenbelt open space as defined by this ordinance equal to or exceeding 45% of the required open space shall be provided. No portion of any conservancy lot shall be deemed to be greenbelt open space. Every greenbelt open space parcel shall not be less than 100 feet deep. Uses permitted within greenbelt open space areas shall only include agriculture, horticulture, equestrian facilities, public parks, and associated accessory uses (but not including residential uses accessory to agricultural or horticultural uses), as permitted in Sections 102 and 103. Nature preserves and privately owned recreational facilities (other than country clubs) are also permissible as provided in Section 104.
- (3) Usable open space equal to not less than 10% of the required open space shall be provided in accordance with the provisions of Article 13 (excepting the provisions of Section 187) and the following additional provisions:
  - (i) Neighborhood Green. Usable open space shall be located to create at least one focal neighborhood green that is specifically designed to benefit both existing adjacent developed areas and the proposed new subdivision. The minimum size of the green shall be 20,000 square feet, with a length to width ratio not exceeding six to one (6:1). The green shall adjoin residential lots or streets on at least three (3) sides and shall be centrally located to be within 1,500 feet of all dwellings in the subdivision other than dwellings on conservancy lots. The green shall be connected to both the conservancy open space and existing town street right-of-way by open space links of at least 15 feet in width that include a sidewalk or trail.
  - (ii) Unlighted playing fields, walking trails, a neighborhood park or any combination of the above may be included as part of the usable open space.

(i) Additional Standards for Open Space.

- (1) All open space shall be subjected to a permanent open space easement in a form approved by the Town.
- (2) Open space shall be located and designed to add to the visual amenities of the neighborhood and surrounding area by maximizing the visibility of both internal and external open space. Open space shall be located to provide “terminal vistas” (the landscape seen at the end of a street, or along the outside edges of street curves) and perimeter greenbelt land (the undeveloped and permanently protected acreage around the town). (For illustrations of these design principles, see “Design Guidelines for Development in the Middleburg Agricultural Conservancy District,” appended to this ordinance.)
- (3) Conservancy and greenbelt open space shall incorporate historic resources, prime agricultural soils, floodplain areas, wetlands, steep slopes, existing tree cover and other environmentally sensitive resources to the greatest extent possible.

**Section 105.3: Uses Other Than Conservancy Subdivision: Lot, Bulk and Open Space Requirements**

- (a) Purpose and Intent: The intent of this section is that the development of uses other than single-family residential within this district shall be compatible with the adjacent development pattern. In locations where agriculture and open space predominate, development shall be designed and located to complement and enhance the traditional estate and agricultural uses. Where immediately adjacent to existing developed areas, such development shall be compatible in scale, lot size, lot design and streetscape to the existing development pattern.
- (b) Minimum Lot Size:  
Agriculture: 10 acres;  
All other uses, other than conservancy subdivision: (3) acres, unless otherwise specified under individual use standards in Section 107.2.
- (c) Minimum Lot Width: 200 feet (interior); 225 feet (corner)
- (d) Minimum Yard Depth Requirements (Unless otherwise specified under individual use standards in Section 107.2):
  - (1) Front: 40 feet
  - (2) Side: 40 feet
  - (3) Rear: 40 feet
  - (4) Exceptions:
    - (i) Barns or structures used for the housing or shelter of animals and equestrian rings (indoor or outdoor) shall not be located within 100 feet of any side or rear lot line.
    - (ii) Accessory buildings or uses may be located within five feet of any side or rear lot line, except as provided in subsection (i) above.

- (e) Maximum Lot Coverage: Agricultural, horticultural and winery uses: 30%; all other uses: 10%, except as otherwise specified in this ordinance.
- (f) Minimum Open Space (Unless otherwise specified under individual use standards in Section 107.2): 70%, except for agricultural, horticultural, winery, recreational and equestrian uses conducted outside of structures, and residential uses in conservancy subdivisions, the latter of which are governed by Section 105.2. (Amended 5/12/2006)

#### **Section 106: Off-Street Parking – All Uses**

Off-street parking shall be provided as required in Article XVI. All off-street parking shall be located on driveways or in the side or rear yard for single-family residential uses and in the side or rear yard only for all other uses.

#### **Section 107: Design Standards – All Uses**

- (a) Overall Form. Buildings shall be clustered along existing or proposed roads. Open space shall be used to preserve natural and environmental resources identified in the comprehensive plan. New construction shall be sited so as to best preserve natural and historic resources, natural vistas and existing topography. Greenbelt open space shall be designed to follow natural features whenever possible and to maintain an agricultural, woodland or countryside character. New development shall be distinguished from the peripheral, greenbelt open space by a well-defined edge in keeping with the traditional development pattern of the town.
- (b) Block Design. New lots shall be designed in a grid or modified grid pattern of blocks and interconnecting streets and alleys, defined by buildings, landscaping, pedestrian ways and sidewalks, and adapted to the topography and unique natural features of the tract. Blocks should be rectilinear, modified rectilinear, or another distinct geometric shape, except where topographic or other conditions necessitate a more amorphous configuration.
  - (1) Maximum block length:  
Blocks with lots up to 20,000 square feet: 500 feet.  
Blocks with lots greater than 20,000 square feet: 800 feet long, provided mid-block footpaths are provided.
  - (2) Alleys shall be permitted to bisect blocks.
- (c) Lot Design. Lots shall have frontage onto a street or a street and an alley. In general, in developments where lot sizes vary considerably, the smaller lots should be located closer to the existing town, with larger lots on the perimeter.
  - (1) Lots abutting common greens, squares or parks shall be provided with sidewalks along their abutting lot lines.
  - (2) Lot areas and widths shall vary at random in order to eliminate the appearance of a standardized subdivision. No more than two lots in a row shall have the same width. Lots shall vary by not less than five-foot increments.

- (d) Street Design. Street layout shall take into consideration internal open space areas, gateways, and vistas. Both street and pedestrian linkages to the existing town are recommended where possible.
- (1) A minimum of two connections with the existing public street system rated as at least a collector street shall be provided where possible. Connections giving access to collectors with existing sidewalks or trails shall be required where practicable.
  - (2) Use of cul-de-sacs or other streets with a single point of access shall be minimized.
  - (3) To calm traffic speeds, the use of “T” intersections, where vehicles must stop and turn to the right or left rather than proceeding forward in a straight line, are encouraged. At least 25% of all intersections within the subdivision shall take this form, unless other traffic calming measures, such as traffic islands or circles, are employed.
  - (4) Street trees shall be planted along all streets in conformance with Section 215.
- (e) Alleys. Where provided, alleys shall be private streets or easements either dedicated to a homeowners association or as common access easements across the rear portions of lots.
- (1) Minimum easement width: 22 feet. A 5-foot utility easement shall be provided along the alley frontage of all adjacent lots and may overlap the alley easement; No fences shall be permitted within this easement.
  - (2) Minimum paved alley width: 10 feet. Parking shall be prohibited on either side of the paved cartway of the alley.
  - (3) Alley Lighting. Security lighting shall be provided on all garages or on poles adjacent to parking areas to provide alley lighting. Lighting fixtures and poles shall be of consistent architectural style and shall complement the predominant architectural theme of the subdivision. Light fixtures shall fully shield the light source and shall be designed and directed so as to eliminate glare onto adjacent properties and roadways. Use of motion sensors or other timing devices to minimize lighting when not needed is recommended.
- (f) Exterior Lighting. Exterior lighting shall fully shield the light source and be designed and directed so as to eliminate glare onto adjacent properties and roadways. Lighting fixtures and poles shall be of consistent architectural style and shall complement the predominant architectural theme of the project.
- (g) Outdoor Storage and Service Areas. No outdoor storage shall be permitted unless the Administrator determines that such storage is customarily required and integral to the use and that such storage will be adequately screened from all property lines. Any service area shall be located and designed to minimize its visibility from off-site.
- (h) Pedestrian Access. Every effort shall be made to provide a safe and convenient pedestrian connection to the downtown.

- (i) Signs. The location, dimensions and design of any proposed signage shall be consistent with the character and materials of existing signs in the historic district. Signage plans shall be provided with the special use permit application.

### **Section 107.1: Design Standards – All Special Exception Uses**

#### (a) Parking.

- (1) At least twenty percent (20%), but no more than fifty percent (50%) of the required parking shall be paved with reinforced grass “paver block” or similar porous paving material to minimize the visual impact of the parking area and maximize the pervious area.
- (2) Any portion of a parking lot constructed of porous pavement, up to a maximum of 50% of the entire parking area, and any sidewalks or trails not providing direct access between the principal building and the parking lot may be included as part of the required open space area.

#### (b) Building Character.

- (1) Existing Structures. All exterior changes shall be compatible in architectural style, scale and materials with the existing structure and with the historic character of the town. Existing buildings with historic or architectural value on the site must be adaptively re-used to the greatest extent possible.
- (2) New Structures. The architectural design of all new buildings and structures shall be compatible in architectural style, scale and materials with the historic character of the town and shall avoid a monolithic appearance.
- (3) Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval as part of the special exception application.

### **Section 107.2: Additional Standards for Certain Special Exception Uses**

Additional standards set forth below shall apply to certain specific uses permitted with a special use permit in this ordinance. These are intended to serve as the minimum standards for these uses, and are not intended to substitute for other applicable provisions of this ordinance or for additional conditions that may be imposed in connection with special exception approvals. All special exception uses shall also be subject to the design standards of Section 107 and 107.1.

#### (a) College or University

- (1) Minimum Parcel Size: Ten (10) acres, with safe and reasonable access to a state-maintained road.
- (2) Maximum Gross Floor Area: 20,000 square feet in any one building and 80,000 square feet of total floor area.
- (3) Maximum Number of Students: 300; provided, however, that no more than 20% of all students shall be boarders.

- (4) Minimum Setback - Parking & Lighted Areas: 40 feet from the side and rear property line.
- (5) Recreation uses customarily incidental and subordinate to the principal use shall be permitted in the open space and may include: swimming pools and related facilities, unlighted tennis and other sports courts, unlighted equestrian facilities, picnic areas, and passive recreation facilities, but not a golf course. The hours of operation for any outdoor recreational facilities shall not exceed 7:00AM to 9:00 PM.

(b) Conference Center or Corporate Retreat.

- (1) Minimum Parcel Size: Twenty-five (25) acres, with safe and reasonable access to a state-maintained road.
- (2) Minimum Setback – Buildings, Parking & Lighted Areas: 250 feet from the side and rear property line.
- (3) Permitted Recreation Uses: Recreation uses customarily incidental and subordinate to the principal, but not a golf course, use shall be permitted in the open space and may include: swimming pool and related facilities, unlighted tennis and other sports courts, unlighted equestrian facilities, picnic areas, and passive recreation facilities. The hours of operation for any outdoor recreational facilities shall not exceed 7:00AM to 9:00 PM. (Amended 5/12/2006)
- (4) Maximum Guest Rooms: 60. No more than 15 guest rooms shall be located in a single building.
- (5) Permitted Conference, Meeting and Banquet Facilities. Conference, meeting and banquet facilities designed to accommodate no more than 500 persons at any one time shall be permitted.
- (6) Permitted Dining Facilities. A full-service restaurant providing meal service to conference attendees and guests, but not to the general public, shall be permitted as an accessory use.
- (7) Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the Zoning Administrator, who may impose conditions regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety and welfare matters.
- (8) No products shall be sold on-site except for those that are clearly incidental and integral to permitted training programs and seminars.

(c) Corporate Office

- (1) Minimum Parcel Size: Twenty-five (25) acres, with safe and reasonable access to a state-maintained road.
- (2) Minimum Setback – Buildings, Parking & Lighted Areas: 250 feet from the side and rear property line.
- (3) Maximum Gross Floor Area- All Buildings: 20,000 sq. feet
- (4) Maximum number of employees, trainees, and business visitors: 150 per day.

- (5) Permitted Recreation Uses: Recreation uses customarily incidental and subordinate to the principal use, but not a golf course, shall be permitted in the open space and may include: swimming pools and related facilities, unlighted tennis and other sports courts, unlighted equestrian facilities, picnic areas, and passive recreation facilities. Hours of operation for any outdoor recreational facilities shall not exceed 7:00AM - 9:00 PM. (Amended 5/12/2006)
- (6) The corporate office may include facilities to accommodate associated training programs, seminars and related activities.
- (7) Permitted Dining Facilities: On-site food service for employees, trainees, and business visitors, but not restaurant facilities open to the general public.
- (8) No products shall be sold on-site except for those that are clearly incidental and integral to the training programs and seminars.

(d) Country Club.

- (1) Minimum Parcel Size: Ten (10) acres, with safe and reasonable access to a state-maintained road.
- (2) Minimum Setback – Buildings, Parking & Lighted Areas: 250 feet from the side and rear property line.
- (3) Permitted Recreation Uses: Recreation uses customarily integral to a country club shall be permitted in the open space and may include: swimming pool and related facilities, unlighted tennis and other sports courts, but not a golf course, picnic areas, and passive recreation facilities. Hours of operation for any outdoor recreational facilities shall not exceed 7:00AM - 9:00 PM. (Amended 5/12/2006)
- (4) Golf courses shall meet the standards of Section 107.2(g).
- (5) Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the Zoning Administrator, who may impose conditions regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety and welfare matters.

(e) Country Inn.

- (1) Parcel shall have safe and reasonable access to a state-maintained road.
- (2) Minimum Setback – Buildings, Parking & Lighted Areas: 40 feet from the side and rear property line.
- (3) Maximum Guest Rooms: 20. No more than 6 guest rooms shall be located in a single building.
- (4) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.
- (5) Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the Zoning Administrator, who may impose conditions regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety and welfare matters.

(f) Cultural Center, Non-Profit

- (1) Parcel shall have safe and reasonable access to a state-maintained road.
- (2) Maximum Total Gross Floor Area: 40,000 square feet.
- (3) Minimum Setback - Parking & Lighted Areas: 40 feet from the side and rear property line.

(g) Rural Resort (Added 5/12/2006)

- (1) Minimum Parcel Size: 250 acres, with safe, reasonable access to no more than two state-maintained roads. This access limitation shall not preclude an additional access for emergency vehicles only.
- (2) Minimum Lot Width: 225 feet
- (3) Minimum Setback – All active recreation areas, parking and lighted areas: 250 feet from the corporate limits of the Town. Minimum setbacks for all other property lines shall be fixed in accordance with the approved special exception plat.
- (4) Minimum Yard, Front, Side and Rear: No less than 375 feet from the corporate limits of the Town. Existing accessory buildings within such yards shall be permitted in support of agricultural and recreational uses. Minimum yards for all other property lines shall be fixed in accordance with the approved special exception plat. Accessory structures other than buildings may be permitted in required yards in accordance with the provisions of Sections 181 and 182.
- (5) Maximum Building Height: 35 feet. For purposes of this subsection, “Building Height” shall be defined as follows: The vertical distance to the highest point of the roof for flat roofs; and, to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ten (10) feet distance from the front lot line, or from the average finished grade at the front of the building in all other cases. The front of the building shall be defined as the building façade which faces the primary site access.
- (6) Roads/Access: Access shall comply with the following standards: Minimum 18-foot paved private access drive flanked by 3-foot wide grass shoulders. The paved area shall consist of 2” of paving over a 4” base.
- (7) Parking: Except as otherwise modified by this article, parking and loading shall be provided as required by Article XVI.
- (8) Landscaping/Buffering/Screening: Landscaping, buffering and screening shall be provided in accordance with the requirements of Sections 211.1 and 211.2.
- (9) Nature and Maximum Size of Use: Rural resort with conference and meeting facilities, restaurant, spa and recreational amenities not to exceed the following:
  - (i) 200,000 gross square feet non-residential floor area, containing:
    - \*120-room accommodations (lodging units) for overnight guests
    - \*160-seat restaurant
    - \*26,000 square foot spa
    - \*11,000 square feet of conference and meeting space;
  - (ii) accessory buildings of up to 27,500 gross square feet, supporting the resort’s recreational and agricultural uses;
  - (iii) public utility buildings of up to 2,000 gross square feet, which shall be excluded from calculating the Maximum Floor Area Ratio and Maximum Lot Coverage (below), and

- (iv) Recreational amenities.
- (10) Temporary Special Events: Temporary special events shall be permitted only as approved in the special use permit approved for the rural resort in accordance with the provisions of Section 172.1.
- (11) Maximum Floor Area Ratio: 0.02 Notwithstanding any other provision of this ordinance, for the purposes of this limitation, "Gross Floor Area" shall be calculated as follows: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. For purposes of this section, cellar is defined as that portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.
- (12) Maximum Lot Coverage: 3.55%, based on gross acreage.
- (13) Minimum Open Space: A minimum of 75% of the gross lot area shall be open space meeting the requirements of this subsection.
  - (i) Open space shall be configured to include all major floodplains, very steep slope land areas of 5,000 contiguous feet or more and wetlands located on the property. Additional land as needed to meet minimum open space requirements shall be designated as open space and shall be selected to add to the visual amenities of the rural resort and to minimize the impact of the resort facilities on surrounding areas and shall incorporate historic resources, prime agricultural soils, floodplain areas, wetlands, steep slopes, existing tree cover and other environmentally sensitive resources to the greatest extent possible.
  - (ii) Recreational uses customarily incidental and subordinate to the rural resort permitted in the open space area shall be predominantly passive in nature, but may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, ball fields, children's play equipment and passive recreation facilities, provided that no building other than barns or stables may exceed 5,000 square feet of gross floor area. Driveways, trails and parking areas supporting these facilities may also be located in the open space area. Under and above-ground public utility facilities approved in accordance with section 61 shall be permitted provided that all installations are designed to minimize land disturbance within the open space to the greatest extent practicable.
  - (iii) Notwithstanding the foregoing subparagraph (ii), uses in major floodplains, very steep slope land areas of 5,000 contiguous square feet or more and wetlands shall be limited to uses allowed in the open space area as provided in subsection (ii) above, except that the following restrictions shall apply:
    - \*No swimming pools shall be permitted.

\*Impervious surfaces installed within regulated floodplains shall not exceed the area limitations set forth in Article XVII, Part II and shall not be located within the floodway.

\*Within steep slope land areas of 5,000 contiguous square feet or more containing very steep slopes, facilities and uses shall be limited to passive recreation uses such as trails for non-motorized use and picnic uses and minor utilities as approved under Section 61 as amended as of the date of the facility or installation is proposed.

\*Within very steep slopes, to the maximum extent feasible: (i) excavation, grading and other land disturbance for such passive recreation use shall be minimized, and (ii) development shall be planned and executed so as to preserve natural landforms and minimize disturbance to soil geology, hydrology and environmental features.

(h) School, Public or Private

- (1) Minimum Parcel Size: Ten (10) acres, with safe, reasonable access to a state-maintained road.
- (2) Maximum Number of Students: 300; provided, however, that no more than 20% of all students shall be boarders.
- (3) Minimum Setback - Parking & Lighted Areas: 40 feet from the side and rear property line.
- (4) Permitted Recreation Uses: Recreation uses customarily incidental and subordinate to the principal use shall be permitted in the open space and may include: unlighted playing fields, unlighted tennis and other sports courts, and passive recreation facilities, but not a golf course. The hours of operation for any outdoor recreational facilities shall not exceed 7:00AM to 9:00 PM.

**Section 107.3 Exceptions to Additional Standards**

The additional standards contained within Section 107.2 may be modified by Special Use Permit procedures set forth in Article V provided that the application satisfies the public purpose of those standards to an equivalent degree.