

**5-703 Agricultural Rural (AR) District Cluster Option.**

(A) **Purpose.** The purpose of the Agricultural Rural (AR) District Cluster Option is to provide for residential single-family detached development in the AR-1 and AR-2 districts that addresses conservation design standards, accommodates rural economy uses and ensures the form and character of residential development is consistent with the open character of the rural economy uses.

(C) **General Requirements.** The requirements established in the following sections set forth the general and specific standards for development under the AR District Cluster Option.

(1) **General.** A landowner may exercise the residential cluster option:

- (a) In the AR-1 district: on a site consisting of a minimum of 30 contiguous acres.
- (b) In the AR-2 district: on a site consisting of a minimum of 60 contiguous acres.

For the purposes of this section, contiguous land ownership is not broken by a road or a public or private right-of-way or easement.

(2) **Density/Clustering.** Under this AR cluster option, the residential development on the site shall be clustered according to the provisions of this section, and the maximum number of lots shall be:

- (a) AR-1 district: 1 lot per 10 acres, including the Rural Economy Conservation Lands lot.
- (b) AR-2 district: 1 lot per 20 acres, including the Rural Economy Conservation Lands lot.

Accessory dwelling units and guest houses shall not be counted as dwelling units in the density calculation.

**(3) Rural Economy Conservation Lands.**

A minimum percentage of the site shall consist of Rural Economy Conservation Lands, subject to a conservation easement precluding further subdivision, as follows:

- (a) AR-1 district: 70 percent.
- (b) AR-2 district: 85 percent.

**Residential Cluster and Rural Economy Conservation Lands Standards.** The two elements of the residential cluster option are (1) the residential cluster and (2) the Rural Economy Conservation Lands lot. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, simultaneously with the analysis and site planning required to be undertaken to comply with Section 6-2000 (Conservation Design). Development of the residential cluster and the Rural Economy Conservation Lands shall comply with the following standards.

**(1) Residential Clusters.** Clusters and lots within clusters shall comply with the following standards, except as exempted by Section 5-703(C)(1)(e).

- (a) Number of Lots in Cluster(s). Residential cluster(s) shall consist of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if:
  - (i) There will be fewer than 5 lots on the entire site that is to be developed under the cluster option;
  - (ii) In the AR-1 district, the area of the site is less than 50 acres; or
  - (iii) It is demonstrated that a cluster of fewer

than 5 lots will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas.

(b) **Number of Clusters.** Multiple clusters shall be required where the total number of lots on a site is greater than 25. A single cluster shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where:

- (i) It is demonstrated that multiple clusters will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas; and
- (ii) None of the clusters contains fewer than 5 lots, unless allowed as provided in Section 5-703(C)(1)(a) above.

(c) **Dimensional Standards of Lots Within Cluster(s).**

- (i) The area of any individual residential cluster lot shall not exceed 3 acres, except common open space owned by an HOA may exceed the 3 acre maximum lot size.
- (ii) There is no minimum lot size for a residential lot in the cluster(s).
- (iii) Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.
- (iv) The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.

- (d) **One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.
- (e) **HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided within the DDA, created pursuant to Section 6-2000.

(2) **Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.

(a) **Allowed Uses on Rural Economy Conservation Lands.** The following uses are allowed on the Rural Economy Conservation Lands:

- (i) The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-2000 (RSCOD) and Section 5-1508 (Steep Slope Standards).

The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5-600:

1. One single-family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density

allowed on the site under the clustering option.

2. Permitted Agriculture, Horticulture and Animal Husbandry Uses.
3. Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.
4. Permitted Group Living uses (except co-housing and rooming houses).
5. Permitted Conference and Training Center uses.
6. Agricultural Cultural Center and Fairgrounds. uses.
7. Permitted Commercial Uses.
8. Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.
9. Easements and improvements for drainage,
10. Passive open space.
11. Communal sewer systems and septic systems.
12. Communal water supply systems, wells, and other water supply systems.
13. HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.

(3) **Cluster Development Relationships.**

- (a) **Visual Compatibility.** The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights-of-way and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or tree lines.

that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the cluster, or placing lots and buildings at the far edge of a field or pasture as seen from a public right-of-way or other cluster so that the view remains defined by an open and rural character.

- (b) **Contiguity of Rural Economy Conservation Lands.** The Rural Economy Conservation Lands lot shall be designed to maximize, to the extent feasible, the contiguity of such lands with other Rural Economy Conservation Lands off-Site.

(E) **Utility Requirements.**

- (1) **Water.** Residential lots may be served with individual wells or by communal water supply systems. Such wells and water supply systems or their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.

- (2) **Wastewater.** Residential lots may be served by communal sewer systems or by septic systems. Such systems and their components may be located on or off the individual lot, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.

- (F) **Fire Protection.** The residential cluster shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have an all-weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection as determined by the Director of Building and Development.

- (C) **Roads.** The residential cluster lots may be served by a private access easement with gravel road surfaces that comply with standards contained in the Facilities Standards Manual.

- (H) **Ownership and Maintenance of Rural Economy Conservation Lands.** The primary conservation areas and other lands on the Rural Economy Conservation Lands shall be owned and maintained in accordance with the provisions of Section 6-2008.

(I) **Homeowners' Association and Responsibilities.**

(1) The cluster development shall have an incorporated Homeowners' Association ("HOA") if any of the following areas or improvements are present within the cluster development. The HOA shall have the right and responsibility to maintain the areas or improvements.

- (a) Common areas within the cluster, if any, that are not part of the required Rural Economy Conservation Lands;
- (b) The Rural Economy Conservation Lands, if owned by the HOA;
- (c) Private roads, if any, within or serving the cluster development;
- (d) Any stormwater management ponds or areas;
- (e) Fire protection pond(s), dry mains, or other improvements;
- (f) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(2) Prior to approval of a record plat for subdivision for the cluster:

- (a) The landowner shall submit documents for the creation of the HOA to the Town for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.
- (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of first record plat for the property; and
- (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(I) **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation Lands.