

Basic Terms & Conditions of ACE Deed of Easement

1. **Restriction on Division.** If a parcel is less than 100 acres, it shall not be divided. If a parcel is between 100 and 200 acres, it may be divided once, however, one of the residual parcels must be ≥ 100 acres. For parcels greater than 200 acres, it may be divided into as many lots as possible provided the average lot size is 100 acres, plus one additional lot for the balance of land left under 100 acres. For example, a 345 acre tract could be divided into four lots: 3 of ≥ 100 acres each and the last for any balance of land leftover less than 100 acres.

2. **Number and Type of Allowed Structures.** The following number and types of structures may be built or maintained on each 100 acre parcel of the Property:
 - (a) _____ single-family dwelling(s) or dwelling unit(s), which shall not exceed an aggregate of 6,500 square feet of above-ground enclosed living area per parcel without Grantees' prior review and written approval, which approval shall take into consideration the impact of the size, height and siting of the proposed dwelling(s) on the scenic and other conservation values of the Property. Such dwelling(s) shall not individually exceed 4,500 square feet of above-ground enclosed living area per parcel without Grantees' prior review and written approval, which approval shall take into consideration the impact of the size, height and siting of the proposed dwelling(s) on the scenic and other conservation values of the Property. The dwelling(s) currently existing on the Property shall be counted in the number of permitted dwellings and in the permitted aggregate square feet of above-ground enclosed living area;

 - (b) non-residential outbuildings and structures commonly and appropriately incidental to dwellings permitted above, that are sized appropriately to serve as amenities to single-family residential use, and that are neither designed, equipped nor furnished for sleeping or cooking (such as outbuildings, swimming pools, decking detached from the single-family dwelling units, gazebos, garages, and tool sheds), provided that the aggregate footprint of non-residential outbuildings for each permitted dwelling shall not exceed 2,500 square feet in ground area unless prior written approval shall have been obtained from Grantees that a larger footprint is permitted considering the purpose of this Easement and the scale of the proposed outbuilding in relation to the surrounding area. Additionally, all non-residential outbuildings shall be located near such dwellings. For the purpose of this paragraph, "near" means within 200 feet of such dwelling, unless prior written approval shall have been obtained from Grantees that a greater distance is permitted considering the purpose of this Easement and the scale of the proposed outbuilding in relation to the surrounding area;

3. **Size of structures.** No farm building and farm structure shall exceed a structural footprint of four thousand five hundred (4,500) square feet unless prior written permission for a greater footprint is obtained from each Grantee.

4. Commercial and industrial uses prohibited. In general, no industrial or commercial uses shall be conducted on property except for: (a) farming and agricultural; (b) forest management; (c) temporary or seasonal activities that don't permanently alter the physical appearance of the Property; and (d) activities that are conducted within permitted buildings that don't materially alter the external appearance.
5. Protection of Mountain Resources. If the parcel is eligible for points in the evaluation process under section A.1-108(C)(1) for mountain protection, the deed of easement shall prohibit establishing all primary and accessory structures and other improvements, provided that one or more farm buildings or agricultural structures may be permitted within the mountain overlay district with the prior written approval from each grantee.
6. Mandatory Stream buffers. If the parcel is eligible for points in the evaluation process under section A.1-108(C)(8) for adjoining or containing perennial stream(s), the deed of easement shall provide for a stream buffer at least thirty-five (35) wide from the top of each bank of any perennial stream, as that term is defined in Chapter 17, Water Protection, of the Albemarle County Code. At a minimum, the deed of easement shall provide that within the stream buffer, there be:
 - (a) no livestock, except
 - (i) during times of drought or other emergencies,
 - (ii) for stream crossings, or
 - (iii) for watering at limited access points;
 - (b) no buildings or other substantial structures constructed;
 - (c) no timber harvest(s); and
 - (d) no plowing, cultivation, filling, dumping, or other earth-disturbing activity,except as may be reasonably necessary for the limited permitted activities set forth in the deed.
7. Other Restrictions. A parcel is also subject to various standard restrictions including:
 - (a) no significant accumulation of trash, junk and toxic waste;
 - (b) no display of billboards, commercial signs and advertisements; and
 - (c) no grading, blasting, earth removal or any significant alteration of the topography.