

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-332 AND 5-3200 TO ALLOW LIMITED COMMERCIAL USES IN RESIDENTIAL DISTRICTS FOR PROPERTIES THAT HAVE HISTORICALLY BEEN UTILIZED FOR COMMERCIAL USES

WHEREAS, certain properties in Fauquier County with residential zoning have historically been utilized for commercial purposes and contain commercial buildings; and

WHEREAS, uses allowed in commercial buildings located in residential districts are extremely limited under the existing Zoning Ordinance provisions; and

WHEREAS, because of the zoning limitations and the unique characteristics of such properties, it can be difficult to reuse some of these structures and properties; and

WHEREAS, the County seeks to provide more flexibility for such properties in a manner that protects the adjoining residential properties; and

WHEREAS, consideration of amendments to Sections 3-332 and 5-3200 would provide such flexibility and supports good zoning practice, convenience and the general welfare; and

WHEREAS, on June 9, 2016, the Fauquier County Board of Supervisors initiated an amendment to address these issues; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the proposed amendment, and on August 18, 2016, the Planning Commission held a public hearing and recommended approval of the proposed amendment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2016, That amendments to Sections 3-332 and 5-3200 as set forth below be, and are hereby, approved:

3-332 Approval of a Use Not Otherwise Allowed (Category 32)																			
	Site Plan	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	BP	I-1	I-2
1. Long-standing uses		SE	SE										SE	SE	SE	SE		SE	SE
2. Uses established pursuant to erroneous County approval or act	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE
<u>3. Properties historically utilized solely for commercial purposes</u>	X			<u>SE</u>	<u>SE</u>	<u>SE</u>													

5-3203 Standards for Approving Commercial Uses on Properties Historically Utilized Solely for Commercial Uses

1. Eligible properties are limited to those properties that have historically been utilized solely for either: 1) a legally approved commercial use; or 2) a legally established non-conforming use that has subsequently lost its non-conforming status because the use

ceased operations for a period of two or more years. The applicant shall provide documentation to establish this fact to the satisfaction of the Board of Supervisors.

2. Eligible properties are further limited to those properties already developed with a commercial building.
3. For purposes of #1 and #2 above, “commercial” shall mean commercial business uses and shall not include other non-business uses and buildings that are classified as commercial under the building code and shall not include agricultural uses or buildings.
4. Eligible properties are further limited to properties with frontage on an arterial street.
5. Eligible uses are limited to:
 - a. Meeting Halls for social, fraternal, civic, public and similar organizations
 - b. Technical School, Indoor
 - c. Theatre, indoor
 - d. Retail sales and rental
 - e. Farm supply establishment
 - f. Financial institutions
 - g. Business or Professional Office
 - h. Eating establishment
 - i. Eating establishment, fast food
 - j. Repair service establishment
 - k. Laundry/dry cleaners/laundromat
 - l. Furniture repair, cabinet making, upholstery
 - m. Barber/beauty shop
 - n. Carpentry, plumbing, electrical, printing, welding, sheet metal shops
 - o. Artisan’s workshop and studio
 - p. Taxidermistry shop
 - q. Farm equipment sales, rental and service
 - r. Contractors offices, shops and material storage yards completely within building or completely screened from view
 - s. Auto Repair
 - t. Vehicle Impoundment
6. A maximum 30 percent increase in the square footage of commercial structures existing at the time of initial approval shall be permitted in connection with the approval of the Special Exception.
7. No residential use shall be permitted on the property unless all commercial use authorized under this provision is abandoned.
8. No Special Exception shall be approved unless the Board of Supervisors finds that the property is not suitable for residential development.
9. Conditions shall be included to assure the proposed use relates appropriately to surrounding residential uses, to include but not limited to buffering, noise attenuation, lighting, hours of operation, etc.