

**PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE - SECTION 7-302**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 7-302 to allow the Board of Supervisors to modify certain private street requirements for streets serving lots created by large lot subdivision and family transfers. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. John Foote, Esquire, requested favorable consideration of the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes:* **Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling**  
*Nays:* **None**  
*Absent During Vote:* **None**  
*Abstention:* **None**

**ORDINANCE**

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 7-302 TO ALLOW THE BOARD OF SUPERVISORS TO MODIFY CERTAIN PRIVATE STREET REQUIREMENTS FOR STREETS SERVING LOTS CREATED BY LARGE LOT SUBDIVISION AND FAMILY TRANSFERS**

WHEREAS, on November 9, 2006, the Board of Supervisors initiated this text amendment; and

WHEREAS, on December 19, 2006, the Planning Commission conducted a public hearing on the proposed text amendment and, on January 25, 2007, forwarded the proposed text amendment to the Board of Supervisors unanimously recommending denial; and

WHEREAS, on March 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 7-302 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8<sup>th</sup> day of March 2007, That Section 7-302 be, and is hereby, amended as follows:

**7-302**

**Limitations**

**1.** ~~The following limitations shall apply unless modified by the Board in conjunction with a request for a special exception permit, site plan approval or subdivision plan approval provided the applicant can show that no other remedy is realistically feasible, that plausible alternatives~~

~~have been exhausted, that to not so modify the applicable limitation(s) would place an unreasonable restriction on the use of the property and that properties through which access is planned will not be unreasonably affected:~~

~~1~~A. All types:

~~A(1)~~ Private streets within a development shall be limited to those streets which are not required or designed to provide access to adjacent properties or the remainder of the tract being developed, or other streets, as determined by the Commission.

~~B(2)~~ The private street must connect directly to a state maintained street. In reviewing applications for a waiver of this limitation, the Board may consider as an additional factor in granting such waiver the development limitations which are imposed on the subject property because the proposed division is either (1) a family transfer pursuant to §2-39 of the Fauquier County Subdivision Ordinance, or (2) a large lot subdivision pursuant to §2-310 of this Ordinance provided that the parent property is subject to a conservation easement held by a body politic or a political subdivision of the State.

~~C(3)~~ The right-of-way must be a minimum of fifty (50) feet in width.

~~D(4)~~ Streets traversing lots - No private street shall be approved which traverses a lot except along the boundaries of such lot or except where the portions of the lot on either side of the new street satisfy the minimum requirements of this Ordinance for the creation of lots.

2B. Type II - No private street(s) shall serve more than seven (7) lots.

3C. Type III - Cannot be zoned Commercial or Industrial.

2. The Board may modify the foregoing limitations in conjunction with a request for a special exception permit, site plan approval or subdivision plan approval provided the applicant can show that no other remedy is realistically feasible, that plausible alternatives have been exhausted, that to not so modify the applicable limitation(s) would place an unreasonable restriction on the use of the property and that properties through which access is planned will not be unreasonably affected.