

ORDINANCE

AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5 TO ALLOW SPECIAL EXCEPTION APPROVAL OF A REDUCTION IN NON-COMMON OPEN SPACE WHERE ANOTHER CONSERVATION EASEMENT ACHIEVES THE PURPOSE OF A NON-COMMON OPEN SPACE EASEMENT

WHEREAS, Section 2-406.2 of the Fauquier County Zoning Ordinance requires 85 percent of the gross site area be placed in a non-common open space easement in conjunction with division of rural lots; and

WHEREAS, the intent of the non-common open space requirement is to conserve large parcels for agricultural use within the County by requiring subdivision to be clustered on 15 percent of a parcel's land area; and

WHEREAS, the County has a significant inventory of land located within conservation easements pursuant to Section 10.1-1700 or 10.1-1009 of the *Virginia Code*, and seeks to encourage such conservation easements; and

WHEREAS, these alternative conservation easements frequently accomplish the same goal as a non-common open space easement; and

WHEREAS, requiring a non-common open space easement as a second easement on such properties may not provide additional benefit; and

WHEREAS, the County wishes to amend the Zoning Ordinance to allow Special Exception approval of a non-common open space reduction in cases where the Board determines that an alternative conservation easement on the property accomplishes the same goal as the non-common open space easement; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant this amendment; and

WHEREAS, the Fauquier County Board of Supervisors initiated this proposed amendment on August 11, 2016; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on the proposed amendment on September 15, 2016 and unanimously recommended approval; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of October 2016, That the following proposed amendment to Section 5-2601 be, and is hereby, recommended for approval:

5-2601 Standards for Reduction of Non-Common Open Space Outside Service Districts

The percentage of the gross site area required as non-common open space may be reduced by the Board provided that one of the following standards is satisfied:

1. The portion of the property on which the reduction is being requested does not contain natural resources, including prime agricultural and forestal lands; environmentally sensitive areas such as floodplains, steep slopes, rock outcrops and seasonally wet areas; predominant or unusual geologic features such as mountain peaks, caverns, gorges and areas critical to the existence of important types of flora and/or fauna as defined in Section 2-406.4 of this Ordinance; and provided further that all scenic and historic resources are protected.

OR

2. The property contains less than the minimum required non-common open space at the time of the requested reduction and the sole reason the property contains less than the minimum required non-common open space is due to a change in how the County calculates the minimum required non-common open space.

OR

3. Or the property is or will be placed within an open space or conservation easement authorized pursuant to either the Virginia Conservation Easement Act, Section 10.1-1009, et. seq., or the Open Space Easement Act, Section 10.1-1700, et. seq., of the Virginia Code and the Board of Supervisors determines that the alternative conservation easement will allow no future division of the property and will protect the land for use as agriculture or open space.

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*Paul S. McCulla
Clerk to the Board of Supervisors*