ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-413, 3-400 AND 5-606
EXPANDING THE AUTHORITY FOR MODIFICATIONS TO FRONT YARD SETBACKS

WHEREAS, it is appropriate to amend the Zoning Ordinance regarding the front setback requirement for continuing care facilities; and

WHEREAS, Fauquier County seeks to reduce the front yard setback requirement for those uses identified in the Fauquier County Comprehensive Plan, including continuing care facilities, within specific areas in which reduced front setbacks are encouraged; and

WHEREAS, on January 31, 2013, the Planning Commission held a public hearing on the proposed amendment and unanimously recommended approval; and

WHEREAS, adoption of the attached amendments to Sections 2-413 and 5-606 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 14th day of March 2013, That the amendments to Sections 2-413 and 5-606 regarding the front setback requirement for continuing care facilities be, and are hereby, amended as follows:

2-413  
Reserved.

Reduction in Front-Yard Requirements

With respect to the one (1) or more lots lying between other lots (a) in the same block, and (b) within a distance of 600 feet on each side, and (c) there are existing buildings on the other lots with front yards less than the front yard required for the district, the Zoning Administrator may grant exemption under the procedures of Part 4 of Article 13 authorizing the erection of buildings on such intervening lots with such front yard(s) as will, in the opinion of the Zoning Administrator, produce the most satisfactory overall design of the development and the most appropriate manner of use of the land that is involved; provided that no front yard shall be authorized hereunder that is less than the front yard of the nearest of such existing buildings.

PART 4  
3-400  USE REGULATIONS

The requirements in the chart below and the following footnotes pertaining thereto are established as indicated.
FOOTNOTES:

16. A reduction in the front yard setback for commercial buildings any building may be approved by the Zoning Administrator in conjunction with site plan review and/or zoning approval, by the Board of Supervisors when approving a special exception, or the Board of Zoning Appeals when approving a Special Permit provided that the approving authority finds that:

A. the setback provided is consistent with older, established buildings in the immediate area; OR

B. the setback is consistent with any design guidelines or requirements established by the Comprehensive Plan, if any such guidelines or requirements exist;

And provided further, that,

C. sufficient area is provided to accommodate construction requirements, including drainage; and

D. sufficient area is provided to accommodate a full streetscape along the street, to include sidewalks and street trees, where appropriate.
Additional Standards for a Continuuing Care Facility

1. In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods, thereby creating an institutional setting and changing the area’s character and social structure.

2. The location of such a use shall be restricted to parcels located within the boundaries of a Service District where public water and sewer is available.

3. No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

4. No such use shall be established in any area until the Fauquier County Emergency Coordinator has determined that adequate emergency medical service and fire protection is available in short response time.

5. The location for such use should be convenient to shopping, social, educational and cultural uses.

6. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Social Services, the Virginia Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.

7. No structure used for or in conjunction with such use shall be located closer than 50 feet to any side or rear lot line.

8. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

9. All off-street parking and loading areas shall be effectively screened.

10. The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner which minimizes the impact of the development on the neighborhood and the County. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area. The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forestal land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and treelines, stone walls, open fields within the public viewedshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.