

## ARTICLE 5

### ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

#### PART 0

#### 5-000

#### GENERAL PROVISIONS

#### 5-001

#### Purpose and Intent

1. There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given district. These uses as described may be allowed to locate within certain designated districts under the controls, limitations and regulations of an administrative permit, special permit, or special exception.
2.
  - A. The Zoning Administrator shall issue administrative permits under the provisions of this article if it is determined that the proposed use meets the standards set forth in this article.
  - B. The BZA shall issue special permits under the provisions of this Article when it determines that such use will be compatible with the neighborhood in which it is to be located.
  - C. The Board shall issue special exceptions under the provisions of this Article when it concludes that such action will not be incompatible with existing or planned development in the general area.
3. While the same standards shall be applied in the evaluation of the impact and compatibility of uses proposed under both the special permit and special exception provisions of this Article, the issues involved in special permits under consideration by the BZA involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole.
4. Notwithstanding anything in the Zoning Ordinance to the contrary:
  - A. When an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.
  - B. Where any use requiring special permit approval by the Board of Zoning Appeals pursuant to Article 3 of this Ordinance is proposed on a property with a recorded non-common open space easement pursuant to Section 2-700, such application shall be

reviewed as a special exception for approval by the Board of Supervisors.

C. (Deleted)

5. The BZA and Board shall stipulate, where appropriate, conditions and restrictions in the granting of special permits and special exceptions respectively to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standards contained herein; or where that cannot be accomplished, to deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.
6. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the standards contained hereinafter.
7. The Board or BZA may impose a condition that specific uses allowed by right on a property subject to a special use permit or a special exception shall not be commenced unless:
  - A. authorized by an amendment to the issued special use permit or special exception; or
  - B. the property owner elects to void his permit or special exception through delivery of a written notarized statement of relinquishment to the Zoning Administrator.

This limitation shall be included as a condition upon each issued special use permit or special exception.

**5-002**

**Authorization**

1. In consideration of an application filed with the Zoning Administrator, the Zoning Administrator, the BZA and the Board may authorize the establishment of those uses that are expressly listed respectively as administrative, special permit uses and special exception uses in a particular zoning district provided, however, that no such permit shall be required for a use allowed as a permitted use in such district.
2. No administrative permit use, special permit use or special exception use shall be authorized unless such use complies with all the applicable standards of this Article 5 and all other applicable requirements of this Ordinance.

**5-003**

**Limits on Authority**

1. Neither the Zoning Administrator, BZA nor the Board shall have the authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which an

administrative, special permit or special exception is required, and any such modification, variance or waiver shall ipso facto nullify the action of the BZA or Board in issuing, respectively, any special permit or special exception hereunder. The discretion of the Zoning Administrator, BZA and Board shall be limited to determinations with respect to the standards applying to the use or purpose covered by the applicant.

2. This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which an application is made for a variance on an allegation of hardship.
3. The jurisdiction of the Zoning Administrator, BZA and the Board, with respect to any use or purpose for which such body is authorized to issue, respectively, administrative permits, special permits and special exceptions, shall be confined to the consideration of the question of conformity to the provisions of this Ordinance.
4. The BZA and Board shall issue respectively, the special permit or special exception applied for, subject to whatever conditions and restrictions are deemed necessary and appropriate under the provisions of Section 007 below, provided that so conditioned and restricted all applicable requirements of this Ordinance are met.

**5-004**

**Status of Administrative Permit Uses, Special Permit Uses and Special Exception Uses**

1. Any use for which an administrative permit is granted by the Zoning Administrator, special permit is granted by the BZA or a special exception is granted by the Board, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed in accordance with Section 007 below, shall be deemed to be a permitted use on the lot for which it was approved.
2. Once a special permit or special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity or relocated unless an application is made for a new administrative permit, special permit or special exception; except that the BZA and the Board may specifically waive or modify requirements for obtaining additional permits for the enlarging, extending, increasing in intensity or relocation of previously approved special permit or special exception uses in unusual cases when the change is not significant.

**5-005**

**Establishment of Categories**

For the purpose of applying specific conditions upon certain types of administrative, special permit and special exception uses and for allowing such uses to be established only in those zoning districts which are appropriate areas for such uses, all administrative, special permit and

special exception uses are divided into categories of associated or related uses as hereinafter set forth in this Article 5.

5-006

**General Standards for Special Permits and Special Exception Uses**

In addition to the special standards set forth hereinafter for specific uses, all special permit and special exception uses shall also satisfy the following general standards:

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.
3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.
4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.
5. Adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.
6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.
7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and

appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

**5-007**

**Conditions and Restrictions**

1. The BZA and the Board respectively, in granting special permits or special exceptions, may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Ordinance.

Conditions may include, but need not be limited to the following:

- A. The hours of operations.
- B. Access to the subject property.
- C. Protection of surface and groundwater.
- D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
- E. Adequate sewer and water supplies.
- F. Sound limitations as needed to ensure peaceful enjoyment of neighbors.
- G. The location, size, height, design of building, walls, fences, landscaping and buffer yard.
- H. Covenants and/or homeowners association for maintenance of applicable restrictions.
- I. Timing or phasing of development.
- J. Utilities underground.
- K. Control of smoke, dust and odor.
- L. Bonding as required to ensure standards are met and plans are implemented.

2. The Zoning Administrator may apply similar conditions to the approval of an administrative permit, but only to the extent that such condition is necessary in order to secure compliance with specific standards set forth for the use.

5-008

**Time Limitations, Extensions, Renewals**

In addition to the time limit set forth in this Article, the BZA and the Board, respectively, may require as a condition to the issuance of any special permit or special exception, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator, or that it may be periodically renewed by the body granting such approval. The procedure of granting an extension or renewal shall be as presented in Section 012 below. A time limit may only be placed by the Zoning Administrator on an administrative permit to the extent the specific standards for that use authorize such limits for a particular use.

5-009

**Application for Administrative Permit, Special Permit or Special Exception**

1. An application for an administrative permit, special permit or special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement must file with the application a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
  - 1.1 Proposals that include residential uses shall not be considered for AP, SP or SE applications when such proposals rely on pending ZOTAs or zoning map amendments. Relevant zoning map amendments or zoning text amendments shall be approved by the Board before any related application may be filed.
2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete and shall be accompanied by those submission requirements set forth in Section 011 below, such specific information as may be required for a given category or use, and such additional information as may be required by the BZA or Board. The application shall be accompanied by a fee established in accordance with the provisions of Section 13-107. No application shall be deemed to be on file with the County until all required submissions and payments have been presented.
3. The Zoning Administrator shall refer the application to any agency or review body as may be specified for a particular Category or use or as deemed appropriate by the Zoning Administrator. Such referral will be made expeditiously upon filing of the application. The

Zoning Administrator will take action necessary to see that the advertising requirements of Section 13-111 are met for hearings conducted in connection with this Section. For those administrative permits where the standards for the use specify special notice requirements, the Zoning Administrator will take the action necessary to see that such notice requirements are met.

4. Application for a special permit shall be filed not later than thirty-five (35) calendar days prior to the date of the BZA meeting at which it will first be placed on the agenda. At that meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110.
5. Application for a special exception shall be submitted not later than sixty (60) calendar days prior to the first Planning Commission meeting at which it may be considered. An application is considered officially filed if the Department accepts it after review. At the first meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. Failure to act at this time, unless tabled with the concurrence of the applicant or unless a longer period of time is required to allow for VDOT review of such applications pursuant to 24 VAC 30-155-40 and §15.2-2222.1, shall be deemed action to recommend approval.
6. The Board shall hold a public hearing on all applications for special exceptions in accordance with the provisions of Section 13-110, at its earliest regularly scheduled meeting for which the notice requirements of Section 13-111 can be met following the date of Commission action on a recommendation concerning such applications.
7. The Board shall render a decision on all applications for special permits and special exceptions not later than at its body's second regular monthly meeting following the hearing. The BZA shall render a decision on all applications for special permits within 90 days of the date a complete application was filed with the County. This time limit may be extended by either body, through the consent of the applicant, and if comments or reports have not been received from other agencies and/or review bodies (other than the Commission) which are either specified for a particular category or use, or are deemed necessary by the BZA or Board.
8. The Zoning Administrator shall render a decision on all applications for administrative permits within 30 days of a complete submission.

5-010

**Section Deleted**

## 5-011.1

### **Submission Requirements for Special Permits**

All applications for special permit shall be accompanied by the following items in addition to those items that may be listed for a particular category in parts that follow:

1. Explicit statement of proposed use and description of such, to include:
  - A. Description of type of operation.
  - B. Hours of operation.
  - C. Estimated number of patrons/clients/patients/pupils, etc.
  - D. Proposed number of employees/attendants/teachers, etc.
  - E. Qualifications and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
  - F. Estimate of traffic impact of proposed use.
  - G. Vicinity or general area to be served by the use.
  - H. A statement addressing each of the special standards for the particular use, if any such special standards apply.
2. A scale drawing(s) at a scale of not less than 1"=100' (1"=200' for residential development, major, in the Rural and R-1 zoning districts) showing:
  - A. Property lines.
  - B. Abutting streets with names or route numbers.
  - C. Location of all existing and proposed buildings or uses.
  - D. Highway entrance(s) and driveways.
  - E. Off-street parking and loading spaces, showing number of spaces provided.
  - F. Front, side and rear elevations of any proposed building.
  - G. Landscaping if applicable.
  - H. Sixteen (16) copies of such drawings shall be submitted on sheets not exceeding 30 x 42 inches.
3. A copy of the applicant's purchase agreement or sales contract if applicant is a contract owner.
4. Any other information requested by the BZA (not required as part of original submission).
5. A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301B of the Design Standards Manual.

## 5-011.2

### **Submission Requirements for Special Exceptions**

All applications for special exception shall be accompanied by the following applicable items in addition to those items that may be listed for a particular category in the parts that follow:

1. Fifteen (15) copies of an application on forms provided by the County, completed and signed by the applicant.
2. Fifteen (15) copies of a Conflict of Interest Statement provided by the County, completed and signed by the applicant.
3. Fifteen (15) copies of a plat drawn to a designated scale determined by consultation with the Director or his designated agent, containing the following information as applicable:
  - A. Boundaries of entire property, with bearings and distances on all boundary lot lines.
  - B. Total area of the property in square feet or acres.
  - C. Scale and arrow north.
  - D. Public right(s)-of-way, including names, route numbers and width.
  - E. Proposed means of ingress and egress to the property from a public street(s).
  - F. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line.
  - G. Where wells and/or septic fields are proposed, soils analysis/information indicating general feasibility of proposed use or indication that the subject property is served by public water and/or sewer. Where appropriate, a statement from the Health Department indicating that available facilities are adequate for the proposed use.
  - H. A map (3 inches by 3 inches) giving the general vicinity of the subject property.
  - I. Where applicable seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, limits of clearing, landscaping and screening, outside lighting, loud speaker, required and/or proposed improvements to public right(s)-of-way.
  - J. Seal and signature of person certifying the plat.
4. Fifteen (15) copies of a statement of justification to include the following as applicable:
  - A. Type(s) of operation(s).
  - B. Hours of operation.
  - C. Estimated number of patrons/clients/patients/pupils/etc.
  - D. Proposed number of employees/attendants/teachers, etc.
  - E. Qualifications of application and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
  - F. Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

- G. Vicinity or general area to be served by the use.
  - H. For other than residential development, description of building facade and architecture of proposed new building or additions
  - I. A statement that the proposed use conforms to the provisions of all applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
5. Fifteen (15) copies of the Fauquier County Parcel Identification Map with the subject property highlighted in red.
  6. OPTIONAL - Photographs of the property showing existing structures, terrain and vegetation.
  7. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.
  8. Where applicable, any other information as may be required by the provisions of Articles 4 and 5 or requested by the Board or Commission which may not be required as a part of the original submission.
  9. An application fee as provided for in accordance with Section 13-107.
  10. A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301B of the Design Standards Manual.

5-012

**Renewal or Extension of Uses Operating Under Special Permit, Special Exception or Administrative Permit**

1. Where a Special Exception, Special Permit or Administrative Permit is issued with a specific time frame for renewal or a specific time frame for expiration, the permit may be renewed or extended. The Zoning Administrator shall have the authority to renew and extend Administrative Permits and any Special Exceptions or Special Permits which specifically establish by condition renewal by the Zoning Administrator. The procedures for renewing and extending other Special Permits and Special Exceptions shall be the same as for the initial approval of the permit.
2. The application for an extension of a special permit or special exception shall be filed with the Zoning Administrator in accordance with the provisions of Paragraphs 1 and 2 of Section 009 above. The application shall be filed at least thirty (30) days prior to expiration for a permit to be renewed administratively by the Zoning Administrator, and by the regular filing deadline for permits to be

renewed by the Planning Commission/Board of Supervisors and Board of Zoning Appeals.

3. For those cases where the Zoning Administrator has the authority to approve the renewal or extension:
  - A. The Zoning Administrator shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a determination on whether the use still satisfies the applicable standards of this Ordinance. The Zoning Administrator shall also notify the applicable approving authority that request has been filed.
  - B. Upon a favorable finding, the Zoning Administrator shall issue an extension or renewal of the special permit or special exception for the period of time that may be specified for a particular category or use or that may have been specified by the BZA or the Board. Upon an unfavorable finding, the application shall be denied and such an action shall be subject to appeal in accordance with the provisions of Part 3 of Article 13.
4. For those cases where the BZA or Board have the authority to approve the renewal or extension, staff shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a recommendation on whether the use still satisfies the applicable standards of this Ordinance. The approval process for new applications shall be followed for such extensions.
5. All ordinances and regulations, in effect at the time an application for an extension is filed, shall apply to the use in the same manner as when a new special permit or special exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-013

**Section Deleted**

5-014

**Expiration of Permit if Use or Construction Not Commenced**

1. With the exception of public uses, whenever an administrative permit, special permit or special exception is issued, the activity authorized thereby shall be established or construction authorized shall be diligently pursued within one (1) year after the effective date of such permit or exception unless a longer period of time to establish the use has been approved as a condition of the permit. If the use or construction has not commenced within the required period, such administrative permit, special permit or special exception shall automatically expire without notice. Where an approval authorizes a specific category of uses that may be phased in

over time, if any portion of the use category is commenced within the one (1) year period, there shall be no time limit on the continued expansion or addition.

2. Once an activity authorized by an administrative permit, special permit or special exception has commenced, the permit shall expire at the date specified in the permit. If no date is specified in the permit, it shall expire only if the activity authorized by the permit ceases for a period of two (2) or more years. This expiration provision shall apply automatically without notice to all special permits and special exceptions, including those approved prior to adoption of this provision.
3. The BZA or Board may grant an extension of the time to commence a special permit and special exception because of the occurrence of conditions unforeseen at the time of granting the special permit or special exception, upon application by the original permittee for such extension. Application for such extension shall be made at least thirty-five (35) days prior to expiration for a permit to be renewed by the BZA and at least forty-five (45) days prior to expiration for a permit to be renewed by the Board. An application for extension shall be filed consistent with the requirements set forth in Section 5-009(1-2). The application shall include a statement setting forth the basis for the extension, and the Zoning Administrator may waive those submission materials deemed not necessary for the extension request. The BZA or Board shall approve or deny the renewal or extension at a public meeting.

5-015

**Revocation of an Administrative Permit, Special Permit or Special Exception**

1. An administrative permit, special permit or special exception, shall be revocable on the order of the Zoning Administrator, BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.
2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) days written notice of violation. The BZA or Board shall hold a hearing on the revocation of the permit or exception and shall give the applicant at least fifteen (15) days advance written notice of the hearing date.
3. Notice of revocation of an Administrative permit shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or

operator of such activity shall close operation of the activity forthwith. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within two working days of the date upon which the appeal is received. Within one working day after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.

4. The foregoing provisions shall not be deemed to preclude the use of the other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

**5-016**

**Contesting a Special Exception Decision**

Every action contesting a decision of the Board granting or failing to grant a special exception shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body.

**PART 1**

**5-100**

**CATEGORY 1 RESIDENTIAL USES**

**5-103**

**Standards for Residential Uses**

In addition to the standards set forth in Section 5-006 above, all residential uses shall satisfy the following standards:

1. Single Family Detached Dwellings (C-1 and CV)
  - a. Within the C-1 zoning district, a single family detached unit may only be constructed on a lot existing as of January 1, 2004, and only by approval of a special permit. Lots created by subdivision after January 1, 2004, may not be developed with single-family residential dwellings.
  - b. Residential uses allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.
  - c. Single family uses shall be subject to the use regulations set forth in Part 4 of Article 3 for conventional single family residential development in the R-4 zoning district.

**5-104**

**Standards for an Administrative Permit for an Accessory Dwelling Unit**

1. No more than one accessory dwelling unit shall be located on a lot, and no dwelling units other than the principal single-family dwelling and the accessory dwelling unit shall be located on any one lot.

2. An accessory dwelling unit shall be built only on the same lot as the residence of the owner of the lot.
3. Accessory dwellings may be attached to a principal structure, located within the principal structure or accessory structure as an apartment, or built as a stand-alone building.
4. Any external entrances for an accessory dwelling unit located within a principal dwelling unit shall be located on the side or rear of the structure.
5. An accessory dwelling unit shall not be occupied by more than three (3) persons and shall not contain more than two (2) bedrooms.
6. Accessory dwellings shall contain no more than 800 square feet, except:
  - A. Where located in the RA or RC districts on a lot at least five acres in size, the unit may contain up to 1000 square feet.
  - B. Where located in the RA or RC districts on a lot at least five acres in size and where a legally existing dwelling unit built before 2013 is being converted to the accessory dwelling unit, the unit may contain up to 1400 square feet, or the square footage of the existing unit, whichever is less.
  - C. Where located solely within a basement, the accessory dwelling may occupy the entire basement.
7. For purposes of this provision, square feet shall be calculated as the sum of the total horizontal areas of all floors of the building, measured from the interior faces of exterior walls. Rooms with structural headroom of less than 6' 6" shall not be counted, nor shall garage space, provided the area of the garage does not exceed the counted floor area. Covered porches, balconies, etc. shall not be counted unless they are enclosed, but shall not exceed 50 percent (50%) of the area of the counted floor area.

5-105

**Section Deleted**

5-106

**Standards for Duplex Dwellings**

1. Such a structure shall not be located on a lot smaller than twice the minimum lot size for conventional developments in the zoning district wherein the lot is located.
2. In any sensitive situation or those involving any possible detriment to the character of an existing community or subdivision, approval shall not be granted unless it can be assured that such problems shall not result. In a location where such a use is otherwise appropriate,

conditions may be necessary and shall be imposed which will further preclude adverse impacts, such as the following:

Architectural features of the structure shall conform with the single family character of the neighborhood (e.g., no additional front door, no second garage).

5-107

**Administration and Standards for Manufactured Dwellings**

1. Administration

Upon receipt and acceptance of a complete application, the Zoning Administrator shall within 5 working days, by letter, notify adjacent property owners of the filing of the application, where and when it can be reviewed and the last date comments will be accepted for consideration.

2. Standards

- A. The applicant must be the owner of record.
- B. The main body (living area) of the structure shall be not less than twenty (20) feet in width as measured at the narrowest point.
- C. The side of the building most nearly parallel to the appurtenant street (including a fully enclosed garage, not a carport) shall be not less than thirty (30) feet.
- D. The tongue, trailer hitch and any other visible transportation appurtenances are removed.
- E. A foundation wall which forms a complete enclosure directly beneath the exterior walls shall be constructed in accordance with County Code requirements for foundations.
- F. The main roof shall have a pitch of not less than 2 1/2:12 and shall be covered with shingles of a type commonly used on site built dwellings.
- G. Exterior siding shall be of materials, colors and finishes commonly used on site built dwellings.
- H. Fenestration shall be rectangular and otherwise similar to that of conventional single family dwellings.

**PART 2**

**5-200**

**CATEGORY 2 RESIDENTIAL  
BUSINESSES**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

**Standards for Major Home Occupations**

1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
2. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including outside display of goods, or storage of equipment or materials in other than a fully enclosed structure. Trailers may be stored outside in conjunction with the home occupation provided such trailer meets all limitations of Section 6-102.12 and any such trailers are specifically authorized as part of the special permit approval.
3. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
4. Retail goods may be authorized for display, storage or sale on the premises provided the goods are:
  - a) hand-crafted items that have been produced on the premises,
  - b) items that have been substantially repaired on site, adding at least 100% of the value; or
  - c) items accessory to the main business and sold only to clients or customers utilizing the main business.
5. No more than two employees other than members of the household residing on premises, may be authorized on parcels less than five acres in size. No more than five such employees may be authorized for homes located on parcels at least five acres in size.
6. Off-street parking for the use shall be provided in the amount deemed necessary by the Board of Zoning Appeals. Parking shall not be located in any required front yard, except within an existing driveway.
7. All public contact related to such use shall be limited to a period between 7:00 a.m. and 8:00 p.m., unless specifically authorized otherwise by the BZA.
8. Signage shall be limited to that authorized by 8-601.3.

**Standards for Small Contracting Businesses**

1. The use shall be allowed only in the RA, RC, V, C-2, I-1 and I-2 districts, on parcels with a minimum lot size of five (5) acres.
2. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to such use shall be located not less than fifty (50) feet from any lot line.

3. Not more than five (5) persons shall be engaged in the on-site operation of the business.
4. Not more than five (5) vehicles in excess of 1½ ton and/or pieces of equipment shall be operated from the site or stored there overnight.
5. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
6. The area covered by all structures used in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
7. The area covered by any outdoor storage in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
8. All parking, loading and open storage shall be effectively screened from view.
9. No manufacturing, processing or assembly shall occur in conjunction with the home occupation.
10. A special permit for a small contracting business may only be issued for a period not to exceed one year, and each permittee shall apply at least 60 days prior to expiration annually to the Zoning Administrator for renewal of the permit, should a renewal be desired. Upon application for renewal, if the Zoning Administrator determines that all conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the Zoning Administrator finds that the permittee has not complied with each and every condition imposed, or in the event of changed conditions, the Zoning Administrator shall deny renewal of the special permit. If the permittee does not apply for the renewal, the permit shall expire at the end of the one year period.
11. Small Contracting Businesses include the following types of contracting uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.
  - A. Construction and/or repair of building, roads, fencing and utility lines.
  - B. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
  - C. Excavating.

D. Custom farming not in conjunction with a farming operation.

E. Landscaping Services and Contractors.

12. Such uses shall not be listed in Section 6-304 or similar thereto.

13. Signage shall be limited to that authorized by 8-601.3.

14. Site plan approval is required.

**5-203**

**Standards for Auto Repair Garages**

1. The use shall be allowed only in the RA, RC, RR-2, CV, I-1 and I-2 districts, on parcels with a lot size of 2 acres.

2. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

3. One non-resident employee is allowed.

4. No more than 6 vehicles shall be on the site at any one time for service. All vehicles shall be stored and all work shall be accomplished within an enclosed structure or within a completely screened area. In no case shall vehicles be stored in any required yard.

5. Retail goods may not be displayed, stored or sold on the premises, except parts to be installed as part of the repair operation.

6. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

7. All public contact related to such a use shall be limited to the period between 7:00 a.m. and 8:00 p.m.

8. Signage shall be limited to that authorized by 8-601.3.

9. Site plan approval is required.

**5-204**

**Standards for Sales of Antique/Classic Automobiles as a Home Occupation**

1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

2. No non-resident employees are allowed.

3. No more than 3 cars shall be inventoried for sale.

4. All automobiles shall be stored and any work on the automobiles shall be done indoors, within a completely enclosed structure.
5. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
6. All public contact related to such a use shall be limited to the period between 7:00 a.m. and 8:00 p.m.
7. No on-site advertising or signage allowed.

5-205

**Standards for Gunsmithing and the Accessory Sale of Firearms as a Home Occupation**

1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
2. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including outside display of goods, or storage of equipment or materials in other than a fully enclosed structure. For the purposes of this section, outdoor storage shall include storage in a trailer and/or open truckbed.
3. No non-resident employees allowed.
4. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No test firing of weapons shall occur on site.
5. All inventory stored on-site for accessory retail sales shall be stored in a safe or similar lockable container, approved for such purpose by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.
6. All public contact related to such a use shall be limited to the period between 8:00 a.m. and 6:00 p.m., and shall only be allowed by appointment.
7. No on-site advertising or signage allowed.

5-206

**Standards for Pet Grooming as a Home Occupation**

1. All public contact related to such a use shall be limited to the period between 7:00 a.m. and 8:00 p.m.
2. No more than two employees other than members of the household residing on the premises may be authorized.

3. Off-street parking for the use shall be provided in the amount deemed necessary by the Board of Zoning Appeals. Parking shall not be located in any required front yard, except within an existing driveway.
4. Signage shall be limited to that authorized by 8-601.3.

5-207

**Additional Standards for Family Day Homes**

1. A Family Day Home for four or fewer children shall be allowed with no zoning approval pursuant to Section 6-102(30).
2. Family Day Homes for five through 12 children meeting standards A through E below may be approved by the Zoning Administrator pursuant to an Administrative Permit as set forth in Section 5-009 of this Ordinance. Prior to approval by the Zoning Administrator, notification shall be sent by certified mail to the last known address of each adjacent property owner. If the Zoning Administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the Family Day Home otherwise complies with the standards below, the Zoning Administrator may issue the permit.
  - A. The Family Day Home shall be located within a single-family detached dwelling located on a lot at least 5,000 sq. ft. in size.
  - B. Drop-Offs and Pick-Ups of children shall occur between the hours of 6:00 a.m. and 9:00 p.m. except in an emergency situation.
  - C. Adequate space shall be provided for drop-off and pick-up of children in a manner that does not interfere with traffic circulation in the neighborhood, and drop-offs and pick-ups shall be staggered as necessary to address potential traffic issues on the neighborhood streets.
  - D. Dwelling units in which a Family Day Home is operated shall not be altered structurally or with respect to external decoration so as to be incompatible with surrounding dwellings, nor shall driveway and/or parking paving be expanded beyond that which is typical for the neighborhood. No outdoor lighting shall be added in conjunction with the Family Day Home operation, nor shall any signage be allowed.
  - E. Fencing and/or landscaping may be required to provide buffering between any outdoor recreation facility located within 25 feet of an adjoining residential property.
3. Family Day Homes where the Zoning Administrator has received a written objection from an adjoining neighbor notified pursuant to Section 2 above and Family Day Homes not meeting the requirements of A through E above, shall require approval of a



3. No Category 4 uses shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization or governmental agency.

**PART 5**

**5-500**

**CATEGORY 5 EDUCATIONAL USES**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

**5-501**

**Standards for All Category 5 Uses**

All off-street parking and loading areas, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard in all Residential and Rural District.

**5-502**

**Additional Standards for All Category 5 Uses Other than Pre-School/Day Care Center/Nursery School**

1. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in a Residential or Rural District, except where such use proposes to utilize an existing structure and the Board of Supervisors or the Board of Zoning Appeals find that the lesser setback will not cause an undue impact on adjoining properties because of the specific characteristics of the proposed school or adjoining property.
2. The site shall have minimum road frontage, as required for the site's zoning district, on a road designated as a major collector in the Comprehensive Plan, unless the Board of Supervisors or the Board of Zoning Appeals find 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.
3. All off-street parking and loading spaces, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard in all Residential and Rural Districts.

**5-503**

**Additional Standards for Pre-School/Nursery School, Child Day Centers and Child Care Facilities**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.

- B. That area outside the limits of the required front yard.
  - C. Only that area which is developable for active outdoor recreation purposes.
2. All outdoor recreation area shall be fully fenced.
  3. In the R-2, R-3, and R-4 zoning districts, such a use shall:
    - A. Serve no more than ten (10) children at any one time unless a location is served by a local collector street that is not internal to a platted subdivision or is served by a major collector street or higher and, the existing adjacent uses within 100 feet are not residential.
    - B. Operate only during the period from 6:00 A.M. until 9:00 P.M. unless the BZA determines the hours of operation will cause an adverse effect on the neighborhood. Upon such a finding the BZA shall impose more stringent hours of operation.
  4. In the I-1 zoning district the use must be associated with the principal use and 50% of the membership shall be from employees of the principal use.

5-504

**Additional Standards for Primary School, Secondary/Advanced Schools and Technical Schools (Indoor)**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
  - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades kindergarten through three (3) that may use the space at any one time, and
  - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades four (4) through twelve (12) that may use the space at any one time. Such usable outdoor recreation shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited in the same manner as paragraph 503.1.
2. All outdoor recreation areas for primary schools shall be fully fenced, unless waived by the Board with approval of a Special Exception.
3. The following standards shall apply to primary and secondary/advanced schools in residential zoning districts:
  - A. Minimum lot size shall be 5 acres, except that the Board of Supervisors may waive this requirement for a primary school

located in the Residential-Village District, when such serves less than fifty (50) students.

- B. All exterior lighting shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare.
4. The following additional standards shall apply to Technical Schools within the I-2 and I-1 Districts:
- A. No school serving children under the age of 10 shall be located in an I-2 area.
  - B. The Zoning Administrator may approve an Administrative Permit to allow a technical school which primarily has classes directly related to typical industrial uses, such as but not limited to carpentry classes, welding classes, etc. All other technical schools shall require special permit approval.
  - C. The approval authority shall determine that the nature of the proposed school considered in combination with its proposed location in the I-2 area and considered relative to the remainder of the uses existing or planned for the I-2 area is such that no conflict is anticipated to occur between the proposed school and the other I-2 uses.
  - D. No Heavy Industrial use classified under Section 3-317.5 has been approved within the adjoining I-2 zoned area.

**5-505**

**Additional Standards for Technical Schools (Outdoor)**

- 1. The minimum lot size requirements shall be five (5) acres.
- 2. In the consideration of an application for such a use, both safety and such factors as noise, vibration, dust and appearance will be taken into account and appropriate conditions imposed with respect thereto.

**5-506**

**Additional Standards for Dormitories, Etc. (See Item 7 of Section 3-305)**

- 1. Facilities accommodating more than 100 residents shall be located not less than 100 feet from any side or rear lot line.
- 2. Facilities must be sanctioned or operated by the educational institution which the facility serves.

**5-507**

**Additional Standards for Colleges/Universities**

- 1. The minimum lot size requirement is 5 acres.

2. Adjunct uses, such as but not limited to office, meeting and storage, may be approved as part of the Special Exception, subject to these additional limitations:
  - A. Adjunct uses are those uses connected to the main use, but not a necessary or essential part of the main use.
  - B. Adjunct uses must be operated and utilized by the same entity operating the College/University use.
  - C. Only adjunct uses specifically approved as part of the Special Exception shall be allowed.

**PART 6**

**5-600**

**CATEGORY 6 INSTITUTIONAL USES**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

**5-601**

**Standards for All Category 6 Uses**

No off-street parking or loading area shall be located within any required yard or within 25 feet of any lot line in or adjoining a Residential or Rural District.

**5-602**

**Additional Standards for Places of Worship**

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

**5-603**

**Additional Standards for Monastery, Retreat or Similar Religious Facilities**

1. No structure used for or in conjunction with the use shall be located within 100 feet of any lot line.
2. All parking and loading areas, swimming pools and tennis courts shall be effectively screened.
3. The minimum lot size requirement shall be ten (10) acres.

**5-604**

**Additional Standards for Residential Care Facilities**

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. In granting a permit for a residential care facility, a maximum number of residents shall be established. This limitation shall be based upon, but not limited to, the following considerations (as well as the standards set forth in Section 006 above).
  - A. The size of the structure and of the site.

- B. Location and size of other similar facilities in the neighborhood.
  - C. The density allowed and existing in the area.
3. In addition to the minimum lot size requirements of the zoning district in which located, the minimum lot area for a residential care facility shall be of such size that:
    - A. 300 square feet of usable outdoor recreation area shall be provided for each resident 17 years of age and younger.
    - B. 150 square feet of usable outdoor recreation area shall be provided for each resident 18 years of age and older.  
Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited in the same manner as Paragraph 503.1.

**5-605**

**Additional Standards for Medical Care Facilities, Minor or Major**

(Nursing facilities with less than 20 beds shall for the purpose of this Section be considered minor; others are major.)

1. No such use shall be established except on a lot fronting on, and having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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.
2. No structure used for or in conjunction with such use shall be located closer than 100 feet to any lot line in any Residential or Rural District.
3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
4. All off-street parking and loading areas shall be effectively screened in any Residential or Rural District.

**5-606**

**Additional Standards for a Continuing 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 viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.

5-607

**Additional Standards for Transitional Family Housing**

1. This use shall only be permitted: a) when located on the same site as a building used as a place of worship and as an accessory use to the main sanctuary; or b) when located on the same site as an office for a qualified §501-c non-profit organization that provides transitional housing services, and operated by such non-profit.

2. Minimum site area shall be 20 acres; multiple lots may be utilized to meet this requirement only if they are adjacent to each other and under the same ownership.
3. No more than 20 rooms and no more than 40 people shall be housed at the facility at any one time.
4. Residents of the facility shall be primarily families, shall be limited to no more than an eighteen month stay, and shall be required to participate in a structured program or classes designed to facilitate independent living.
5. Facilities shall be located within service districts or must have approval for adequate septic and well requirements by the Health Department.
6. The amount of parking required shall be determined based on the particular characteristics of the proposed site and use as part of the Special Exception process. Where possible, the parking spaces for the sanctuary shall be utilized to meet this requirement in order to avoid additional paving at the site.
7. Usable outdoor play space shall be provided for residents and screened from adjoining properties. The amount and location of the necessary open space shall be determined in conjunction with the permit approval.

**PART 7**

**5-700**

**CATEGORY 7 ADAPTIVE USES**

**5-701**

**Eligibility**

Adaptive Re-Uses shall be permitted only in:

1. Structures existing prior to 1940, or are independently listed, or are eligible for listing, on the National Register of Historic Places, subject to the standards set forth in Section 5-702.
2. For public safety buildings and primary and secondary school buildings, subject to the standards set forth in Section 5-703.

**5-702**

**Adaptive Uses of Historic Structures**

1. The following uses may be approved:
  - A. Retail shops
  - B. Art and Craft galleries, including Photographic Studios
  - C. Offices
  - D. Restaurants
  - E. Receptions
  - F. Tourist homes
  - G. Repair Service Establishments

- H. Furniture Repair, Cabinet Making, and Upholstery
  - I. Personal Service Establishments such as Barber/Beauty Shops
  - J. Single-Family and Multi-Family Residential Uses
  - K. Scholarly Research Center, but limited to fields of study linked to the property's historic use or by virtue of existing resources or collections found on the property.
2. Adaptive uses shall be permitted only in those instances in which the continuation of the existing use is physically or financially impossible or impractical, where the proposed use is not inconsistent with existing uses in the vicinity, and where the proposed use will not unduly interfere with the appropriate expectations of neighboring property owners based on the underlying zoning of their properties and the property for which the adaptive use is proposed.
  3. No proposed alteration to a structure or dependency containing an adaptive use shall materially alter the exterior appearance of the structure from its historical appearance.
  4. No off-street parking or loading space shall be located in any required side or rear yard that abuts a residentially zoned property. No more than three (3) parking spaces shall be located in any required front yard unless specifically provided for in granting the special exception based on a finding that such parking will not adversely affect the character of the historic structure.
  5. All off-street parking and loading areas shall be substantially screened with landscaping or architecturally compatible fencing, as described in the special exception.
  6. The approval by special exception of an adaptive use shall only occur (a) within an area designated as a service district or village in the Comprehensive Plan, or (b) be on a lot having direct 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 traffic safety.
  7. No goods or items associated with the adaptive reuse may be stored outdoors, but such goods or items may be displayed or offered for sale on the porch of any such historic structure.
  8. A thirty percent (30%) increase in the square footage of any historic structure shall be permitted in connection with the approval of the adaptive use thereof, and such additional square footage may take the form of an addition to such historic structure or to any accessory structure, or an additional accessory structure, so long as such addition or additional accessory structure otherwise meets all other applicable zoning and building code requirements and is of an architectural design that is compatible in size and appearance with the existing historic structure.

9. All alterations and additions to existing historic structures, all additional accessory structures, including signs, shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
10. Notwithstanding the residential density provisions found in Sections 2-308 and 3-401 of this Zoning Ordinance, not more than one (1) additional single-family dwelling unit may be established on a parcel hereunder in excess of the density otherwise permitted; and any remaining residential density available on any such property shall be reduced by one for each residential unit added under this adaptive use provision.
11. In the event of a fire or other property-related casualty affecting the historic structure for which an adaptive use is granted hereunder, the structure must be substantially restored to its condition prior to the casualty in order for the adaptive use to remain legally permissible. If such restoration is not completed within two years of the occurrence of such casualty, then the adaptive use permitted hereunder shall no longer be allowed and the special exception therefor shall be null and void.
12. All commercial activities permitted hereunder, and the structure or structures in which they are conducted, shall be subject to all applicable building code regulations, as well as applicable regulations promulgated by the Virginia Departments of Health and Transportation.
13. Floor area beyond the thirty percent (30%) authorized in number eight, above, may be approved by the Board of Supervisors as part of an adaptive use Special Exception where such additional square footage is entirely contained within a reconstructed historic structure on the property or within an historic structure relocated to the property, subject to all other standards in this section and these additional requirements:
  - a. Additional square footage in reconstructed or relocated buildings shall only be allowed on properties where an existing building is eligible and being approved for adaptive re-use by Special Exception.
  - b. All reconstruction shall comply with the United States Secretary of Interior's Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings.
  - c. A relocated structure shall only be authorized for Adaptive Re-use where the Board of Supervisors finds:

- i. the relocated building is historically related in time or function to the main structure;
- ii. the proposed relocation is likely to save an historic structure that may otherwise be lost;
- iii. the relocated structure that is dismantled is being rebuilt based on photographic and/or archival evidence of the structure in its original setting; and
- iv. the proposed siting of the relocated building on the new property will not overwhelm or otherwise detract from the historic character or context of the main historic building on the property.

5-703

**Adaptive Use of Public Safety Buildings and Primary and Secondary Schools**

- 1. Within Service Districts, all uses except Heavy Industrial shall be eligible Adaptive Uses. Outside Service Districts, eligible Adaptive Uses shall be limited to those uses allowed in the Rural, Residential, Commercial Village and C-1/Commercial Neighborhood Districts.
- 2. Such uses shall only be permitted in those instances in which the continuation of the existing use is impossible or no longer practical, and the uses allowed by the underlying zoning are also impossible or no longer practical.
- 3. The intent of these provisions is to provide flexibility in the use of buildings which possess unique design features because of their original use. In approving a special exception, the Board shall make a finding that the proposed use is the most appropriate given the prior use of the building and its original design.
- 4. Such uses shall be located with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan or such higher classification deemed necessary to support the size of the operation involved 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.
- 5. Proposed uses, including outdoor activities and storage, shall be located so that such can be effectively screened from all public streets and land located in any Residential or Rural Zoning District, and shall be so screened.
- 6. In cases where the proposed use is not compatible with the ultimate uses proposed for the property in the adopted

Comprehensive Plan, appropriate time limits shall be placed on the adaptive use by the BOS to ensure ultimate redevelopment of the property consistent with the Comprehensive Plan.

**PART 8**

**5-800**

**CATEGORY 8 TEMPORARY USES**

**5-801**

**Administration**

**Section Deleted.**

**5-802**

**Standards and Time Limits for Mobile Homes While Constructing a Dwelling**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. Such a temporary special permit shall be issued for a period no longer than would reasonably be required for construction of the proposed dwelling, generally not more than twelve months. The applicant shall submit a construction schedule which shall be monitored by the Administrator. Failure to comply with such schedule could result in revocation of the permit. The Administrator may approve such a permit for not more than a maximum of eighteen months, when he determines that additional time is warranted.
2. Such a use shall be allowed only on a lot where a single family detached dwelling is permitted by the provisions of this Ordinance, and for which a building permit has been issued for a permanent dwelling.
3. In addition to the requirements for a temporary special permit, a zoning permit may be obtained prior to locating a mobile home in accordance with the provisions of this Section.
4. Occupancy of such a temporary dwelling shall be allowed only if appropriate sanitary facilities are provided as approved by the Health Department and such occupancy shall terminate immediately upon completion of the dwelling on the same lot, but in no event shall the time exceed the limit set forth in Paragraph 1 above. The mobile home must be removed from the site not later than sixty (60) days following the expiration of the temporary special permit or the date that the permanent dwelling is ready for occupancy, whichever is earlier.
5. Additional conditions and requirements may be deemed necessary by the Zoning Administrator upon his review of a particular application for a temporary dwelling or mobile home, in which event he shall refer the request to the BZA for its action and such temporary permit shall be subject to all such conditions and requirements.

**5-803**

**Standards and Time Limits for Mobile Homes - Farm**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. All of the abutting properties within a radius of 500 feet of the mobile home must be actively used for agriculture, horticultural or forestry purposes.
2. The systems for sewage disposal and water supply to serve the mobile home must be approved by the Fauquier County Health Department.
3. The mobile home must be skirted so that the undercarriage is not visible and must be screened, landscaped or located so as to minimize visibility from a public highway and so as not to require a separate highway entrance. The Zoning Administrator shall specify the time within which any necessary screening must be approved, based on the current season, and if the screening required is not installed within the time required, the special use permit shall be automatically void and of no further force or effect.
4. At least one occupant of the mobile home shall be employed as a full-time farmer on a particular farm. The owner of the farm shall not occupy the mobile home.
5. A temporary special permit must be issued for a period not to exceed one year, and each permittee shall apply annually to the Zoning Administrator for a renewal of his permit, should he so desire. If the Zoning Administrator determines that all the conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the permittee has not complied with each and every one of the conditions imposed upon him, or in the event of changed conditions, the Zoning Administrator shall revoke the temporary special permit in accordance with the provisions of Section 5-015.
6. The applicant must be the owner of the farm on which the mobile home is to be located.
7. There shall be no tenant house available on the farm and no dwelling on the farm rented to a family without at least one member working full-time on the farm. Nothing in this Paragraph shall be construed to permit the owner of the farm to occupy the mobile home.
8. For the purpose of this Section, the term "farm" shall be defined as land used for the production of crops; the grazing or pasturing of livestock; the raising of hay for livestock, either for income producing equine pursuits or for the production of cattle to produce beef, milk and other dairy products; for the raising of poultry and sale of chickens and eggs; or for the growing of fruit; however, no such use shall qualify as a "farm" use unless the person conducting the same shall demonstrate annual gross sales or anticipated annual

gross sales of a minimum of \$10,000 or demonstrate sufficient need to justify one full-time farm employee.

9. In addition to the requirements for a temporary special permit, a zoning permit must be obtained prior to locating a mobile home in accordance with this Section.

5-804

**Standards and Time Limits for Carnival, Circus, Festival, Fair, Horse Show, Dog Show, Steeplechase, Music Festival, Turkey Shoot, Sale of Christmas Trees and other Seasonal Commodities, and other Similar Activities**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days in Residential and Rural Zoning Districts and one (1) year in Commercial and Industrial Districts.
2. All permitted activities in a Residential or Rural Zoning District shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.
3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival.
4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
5. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
6. In addition to the requirements of this Ordinance, a carnival, circus, sideshow, dog and pony show, trained animal show, menagerie, musical or entertainment festival, or any other show, exhibition or performance similar thereto, shall produce a County license therefore in accordance with the provisions of Chapter 3 of the Code.
7. No such use shall be permitted except on a lot fronting on, and having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

5-805

**Standards and Time Limits for Construction Office, Watchman Quarters and/or Equipment Shed**

In addition to the general standards set forth in Section 006 above, the following general standards shall apply:

1. An administrative special permit may be issued for a period not to exceed two (2) years.
2. An administrative special permit may be extended beyond its two-year limit by the Zoning Administrator based on a finding (in addition to other applicable standards) that the construction project is of sufficient scope and magnitude to warrant the continuation of such use(s) and that the applicant is making reasonable and steady progress towards completion of the project to which the use(s) is accessory. Application for such a permit shall be granted for a period not to exceed two (2) years, and may be renewed by similar action upon expiration, for successive periods not to exceed two years each.
3. A contractor's office, quarters for not more than two watchmen, and equipment sheds, including trailers and/or mobile homes used therefore, shall be allowed on or immediately adjacent to an active construction site to which they are accessory.
4. Such facilities shall not be located on the site earlier than thirty (30) days prior to commencement of actual construction, and shall be removed no later than twenty (20) days after completion of construction.
5. The area in the vicinity of such use(s) and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto adjacent properties or onto any public right-of-way.

5-805.1

**Standards and Time Limits for Occupancy of Recreational Vehicle While Repairing/Rebuilding after Casualty or Natural Disaster**

1. Residents of a single-family detached dwelling unit may be authorized to live in a recreational vehicle placed on the property only in cases where the home has been damaged or destroyed by a casualty such as fire or car accident or by natural disaster.
2. Occupancy shall be limited to the period that actual repairs/reconstruction are diligently proceeding to restore the house. Occupancy of the recreational vehicle/camper shall terminate immediately upon completion of the repairs to the dwelling on the property, but in no case shall occupancy exceed one (1) year.
3. Approval of the Health Department is required.

4. The recreational vehicle shall be parked outside of all required yards, or, where parked in an existing driveway, at least 10 feet from all property lines.

5-806

**Standards and Time Limits for Subdivision/Apartment Sales/Rental Office**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. An administrative special permit may be issued for a period not to exceed two (2) years.
2. An administrative special permit may be extended beyond its two year limit by the BZA based upon a finding (in addition to other applicable standards) that the construction and sales/lease of the project to which the office is incidental or progressing toward completion in a reasonable and steady manner. Application for such a permit (a temporary special permit when granted by the BZA) shall be made in accordance with Section 009 above, and shall be granted for a period not to exceed two (2) years, and may be renewed by similar action upon expiration for successive periods not to exceed two (2) years.
3. Such an office shall be used primarily for the purpose of the sales/and or rental of dwelling units in the subdivision or development wherein it is located.
4. Such an office shall contain no sleeping accommodations or kitchen facilities unless it is located in a permanent dwelling unit approved as part of the subdivision or apartment development.
5. Such an office shall continue only until the initial sale or lease of all units in the development is complete.

5-807

**Standards for Mobile Eating Establishments**

Mobile Eating Establishments may be located in the following areas:

- Parcels within Service Districts zoned C-1, C-2, C-3, BP, I-1, I-2, PCID, Marshall Town, PDMU or MU-Bealeton;
- Parcels outside Service Districts zoned CV or V;
- Parcels zoned RA or RC hosting Agritourism Events, non-profit fundraising events or facilities holding seasonal events, festivals, and like uses as determined by the Zoning Administrator;
- Parcels zoned RA or RC hosting Class A, B or C Events;
- County Park Facilities or Public Safety Facilities.

All mobile eating establishments shall be subject to the following Standards:

1. Parking shall be provided in conjunction with the use. An agreement certifying that adequate parking is available shall be furnished prior to approval of a Zoning Permit or an Administrative Permit if required.
2. The location of the mobile eating establishment and associated parking shall not impede traffic flow to other businesses on the same or adjacent parcels.
3. There shall be no drive-thru nor drive-in service. Food service shall be provided through a walk-up window (or similar) only.
4. Trash receptacles shall be provided on-site.
5. Restrooms shall be provided in conjunction with the use. An agreement certifying that facilities for public use are available shall be furnished prior to approval of a Zoning Permit or an Administrative Permit if required.
6. All required approvals from the Virginia Department of Health shall be furnished prior to the approval of a Zoning Permit or an Administrative Permit if required.
7. A Zoning Permit shall be required if the mobile eating establishment remains on-site no more than three (3) consecutive days at a time. The Zoning permit may only be issued for a period not to exceed one year, and each permittee shall apply at least 60 days prior to expiration annually to the Zoning Administrator for renewal of the permit, should a renewal be desired.
8. An Administrative Permit approval shall be required if the mobile eating establishment remains on-site more than three (3) consecutive days. The Administrative Permit may only be issued for a period not to exceed one year, and each permittee shall apply at least 60 days prior to expiration annually to the Zoning Administrator for renewal of the permit, should a renewal be desired.

**PART 9**

**5-900**

**CATEGORY 9 OUTDOOR RECREATION**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

**5-901**

**Standards for All Category 9 Uses**

1. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

**5-902**

**Additional Standards for Country Club/Golf Course, Public or Private**

1. The minimum lot size requirement shall be fifteen (15) acres.

2. No structure used in connection with the use shall be located closer than fifty (50) feet to any lot line.

5-903

**Additional Standards for Swimming/Tennis (Racquet) Facility, Public or Private**

1. The minimum lot size requirement shall be one (1) acre.
2. No building used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in any Residential District.
3. Only indoor facilities shall be allowed in the BP district.

5-904

**Additional Standards for Firing Range, Skeet or Trapshooting Facility (Indoor or Outdoor)**

1. The minimum lot size requirement shall be fifty (50) acres for outdoor facilities.
2. No structure used for or in conjunction with the use shall be located closer than 100 feet to any lot line.
3. The protection of adjacent properties will be assured by proper design, location and/or orientation of earthworks and firing line(s).
4. In the consideration of an application for such a use, both safety and noise factors will be taken into account and appropriate conditions imposed with respect thereto.
5. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and County laws.
6. Only indoor facilities shall be allowed in the BP district.

5-905

**Additional Standards for Baseball Hitting and Archery Ranges (Indoor or Outdoor)**

1. For indoor ranges, those in which all activities are located entirely within a building, the minimum lot size requirement shall be one (1) acre.
2. For outdoor ranges, those in which any or all activities are occurring outdoors, the minimum lot size requirement shall be three (3) acres. In addition, no outdoor activity associated with the use shall be located closer than one hundred (100) feet to any lot line.
3. Only indoor facilities shall be allowed in the BP district.

5-906

**Additional Standards for Camps and Recreation Grounds, Lodges and Resorts**

1. The minimum lot size requirement shall be twenty (20) acres.
2. No structure or campsite or athletic facility shall be located closer than 100 feet to any lot line.
3. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health requirements.
4. All parking and loading areas, swimming pools and tennis courts shall be effectively screened.

5-907

**Additional Standards for Tent Campground**

1. The minimum lot size requirement shall be twenty (20) acres.
2. Travel trailers and other residential vehicles are not allowed.
3. The only permanent structure allowed for residential use will be occupied by the resident owner or manager.
4. The facility shall have direct access by means of a travel-way twenty (20) feet in width to a road currently maintained by the State.
5. No structure or campsite shall be located closer than 100 feet to any lot line.
6. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health requirements.
7. Density shall not exceed one (1) campsite per acre.

5-908

**Additional Standards for Recreational Vehicle Park**

1. Camping units are permitted within a Recreational Vehicle Park, provided the park shall be designed for and predominantly used by recreational vehicles.
  - a. Camping Cabins shall not exceed ten (10%) of the total permitted campsites.
  - b. Camping Cabins shall not exceed six hundred (600) square feet.
2. At a minimum, electrical outlets shall be provided at each individual campsite. Central sanitary stations for the disposal of effluent shall be provided along with central toilet and shower facilities. These facilities shall be for the sole use of the patrons of the park.

3. The property shall have direct access to and a minimum of three hundred (300) feet of frontage on a road designated as a principal arterial (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. Accessory commercial uses are permitted, exclusively for the use of residents of the park (e.g., coin-operated laundry, convenience store, entertainment).
5. Density shall not exceed ten (10) campsites per acre.
6. Each campsite shall contain a minimum of 1,600 square feet.
7. No structure, campsite or athletic facility shall be located closer than 100 feet to any lot line.
8. No site plan shall be approved for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health department requirements. Required approvals from the Virginia Department of Health shall be provided to the County prior to the approval of any site plan for the use.
9. One permanent residential occupancy shall be permitted for the resident owner or manager only. No other persons shall reside in the park for a period exceeding sixty (60) days.
10. The minimum lot size requirement shall be twenty (20) acres.
11. Public water or a Central Water System designed to public standards shall be required.
12. Screening shall be provided in the form of an unbroken strip of open space a minimum of fifty (50) feet wide and planted with one large evergreen tree with an ultimate height of forty (40) feet or greater for every ten (10) linear feet, plus one medium evergreen tree with an ultimate height of twenty (20) to forty (40) feet for every five (5) linear feet, plus one large deciduous tree with an ultimate height of fifty (50) feet or greater for each thirty (30) linear feet where the property abuts residential uses or properties planned for residential use in the Comprehensive Plan. The use of existing vegetation can be used to satisfy this requirement.
13. Mobile homes shall be strictly prohibited.
14. Inoperable and junk vehicles including recreational vehicles shall be prohibited.
15. The use shall be located within a Service District or immediately next to a Service District on property under the same use as the property within the Service District. For the purpose of this Section

immediately next to a Service District shall not include properties located across a public street.

16. No portion of the recreational vehicle park use located outside of the Service District shall be connected to public sewer.

**5-909 (Section Deleted)**

**5-910 (Section Deleted)**

**5-911 Additional Standards for Drive-In or Outdoor Theater**

1. The minimum lot size requirement shall be five (5) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals find 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 or road usage.
3. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential District.

**5-912 Additional Standards for Golf Driving Ranges**

1. No structure used in connection with the use shall be located closer than 100 feet to any lot line.
2. The minimum lot size requirement shall be five (5) acres.

**5-913 Additional Standards for Commercial Hunting or Fishing Preserves**

1. Appropriate noise and safety buffers shall be provided depending on the nature and intensity of the use.
2. For bird shooting activities steel pellets shall be required when circumstances warrant.

**5-914 Additional Standards for Class A Spectator and Non-Spectator Field Events and Activities**

1. No Class A event or activity shall have more than fifty thousand (50,000) cumulative attendees per event. No Class A event or activity shall exceed three (3) days in length. No special exception shall be granted allowing more than nine (9) Class A events or activities on the property subject to the special exception in any one calendar year. Class A events in excess of nine per year or lasting more than three days shall require special permit approval for each event.
2. Sites eligible for Class A events and shall contain a minimum of 200 acres and have a minimum of 2,000 feet of frontage on a road

designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 200 acres or less than 2,000 feet of frontage upon findings that less restrictive standards do not negatively impact any other general or specific standards contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.

3. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. (Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.)
4. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or area for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.
5. No structure shall be located closer than 100 feet to any lot line.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class A event or activity. At least thirty (30) days prior to holding a Class A event the holder of the special exception for the property upon which a Class A event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office  
Virginia Department of Transportation  
Fauquier County Emergency Services Coordinator  
Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this ordinance, which pertain to limitations and exhibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.

8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of nonprofit, tax exempt organizations whose principal offices are located within the County. At least thirty (30) days prior to holding a Class A event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group association, partnership or corporation which is expected to conduct retail sales at the event.

5-915

**Additional Standards for Class B Spectator and Non-Spectator Field Events and Activities**

1. No Class B field event or activity shall have more than 5,000 cumulative attendees per event. No special exception shall be granted allowing more than twelve (12) events in any one calendar year. No Class B event shall exceed three (3) days in length. Class B events having greater than 5,000 attendees or in excess of twelve (12) events per year or lasting more than three (3) days shall require special permit approval for such event.
2. Sites eligible for Class B events and activities shall contain a minimum of 100 acres and have a minimum of 500 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals find 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. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 100 acres or less than 500 feet of frontage or upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
3. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. (Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.)
4. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and disciplines of Triathlon, Pentathlon and Decathlon.

5. No structure shall be located closer than 100 feet to any lot line.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class B event or activity. At least thirty (30) days prior to holding a Class B event the holder of the special exception for the property upon which a Class B event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office  
 Virginia Department of Transportation  
 Fauquier County Emergency Services Coordinator  
 Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.
8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least thirty (30) days prior to holding a Class B event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

5-916

**Additional Standards for Class C Spectator and Non-Spectator Field Events and Activities**

1. No Class C field event or activity shall have more than 1,000 cumulative attendees per event and no Class C event shall exceed three (3) days in length. Class C events that have more than 1,000 attendees or last more than three days shall require special permit approval for each event.
2. Sites eligible for Class C events and activities shall contain a minimum of 50 acres and have a minimum of 300 feet of frontage on a road designated by the County 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. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 50 acres or less than 300 feet of frontage upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in

Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.

3. No structure shall be located closer than 100 feet to any lot line.
4. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.
5. Deleted.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class C event or activity. At least thirty (30) days prior to holding a Class C event the holder of the special exception for the property upon which a Class C event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office  
Virginia Department of Transportation  
Fauquier County Emergency Services Coordinator  
Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.
8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least thirty (30) days prior to holding a Class C event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

5-917

**Additional Standards for Golf Practice Facility in the Rural Agriculture Zone**

1. The facility shall not be lighted.
2. In a Residential or Rural district, the facility shall have direct access to a road designated as a major collector (or higher) in the

Comprehensive Plan unless the Board of Zoning Appeals 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.

3. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts, shall be complied with by the holder of the special permit.
4. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted for the participants of the site.
5. No structure shall be located closer than 100 feet to any lot line.
6. The minimum lot size shall be twenty-five (25) acres.
7. The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirement which will ensure the minimal impact on the use of the surrounding area and uses.

**5-918**

**Standards for Team Recreation Sports**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. Minimum acreage required for team recreation sports is five (5) acres.
2. Access shall be on a rural minor street or greater as shown in the Comprehensive Plan, fully paved section, and a highway entrance permit is required from the Virginia Department of Transportation, provided however, the Zoning Administrator may waive the requirement for the fully paved section of the road, should she determine that the waiver will not negatively impact health & safety.
3. Setback from adjoining dwellings shall be at least three hundred (300) feet unless written authorization is obtained from adjoining property owner(s). If written authorization is obtained, then the minimum setback is fifty (50) feet.
4. Parking shall not be in any required front yard or within fifty (50) feet of any side or rear lot line.
5. A minimum setback of one hundred (100) feet is required from any streambed.
6. The hours of operation shall be limited to the hours between 8:30 A.M. to 8:30 P.M.; and further restricted as applicable to daylight hours.

7. All grass areas used for parking and recreation shall be free of all trash, properly maintained, and mowed to a maximum length of four (4) inches.
8. Administrative permits shall be valid for a period of three (3) years, and may be renewed at the end of each three (3) year period for continued use.
9. Field use shall be limited to teams involving youth, eighteen (18) years old and under.
10. Notification shall be sent to all property owners adjacent to the proposed use. Said notice shall include a description of the property under consideration, the proposed use of the property, a statement that a copy of the proposed plan can be reviewed at the Department of Community Development, and that comments concerning the proposed use can be made to the Zoning Administrator.
11. The maximum acreage permitted on the site to be used for team recreation sports shall be ten (10) acres.
12. The team recreation field(s) shall be used for practice fields.
13. No lights, concession stands, buildings, dugouts, bleachers, or amplified sound shall be permitted on site.

5-919

**Minimum Standards for Paintball Recreation Fields**

1. The minimum lot size requirement shall be 24 acres.
2. No structure shall be closer than 100 feet to any lot line.
3. No area where paintballs are discharged shall be located within 300' of any lot line or 500' from any adjoining residential property, provided that a lesser setback may be permitted by the Board of Supervisors upon a determination that the lesser setback in combination with other elements of the site design provides adequate protection to adjoining properties and rights-of-ways.
4. A 20' high nylon mesh screen shall be installed around all play areas and shall be removed when the play area is not being utilized, at the end of each day. The height of the screen may be lowered to no less than 10' by the Board of Supervisors upon a determination that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs.
5. All parking and spectator areas, structures and play areas shall be effectively screened.
6. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site.

7. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be utilized by users of the site, safety procedures, type of compressed air fuel to be utilized on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the special exception application. All Safety procedures shall be reviewed and approved by Emergency Services. All activities shall be in compliance with National Paintball League standards.
8. The hours of operation shall be limited to 8:30 a.m. to 8:30 p.m., and further restricted as applicable to daylight hours.
9. No lights or amplified sounds shall be permitted.
10. The facility shall have direct 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.
11. The facility shall be secured at the close of business each day.
12. The applicant shall include the proposed number of persons to be on the site in the application information.
13. All equipment and objects utilized in the paintball activities shall be removed from the site within 90 days of the discontinuance of the paintball use.

5-920

**Additional Standards for Outdoor Sports/Activity Centers**

1. The facility shall have direct 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.
2. Uses/activities, including accessory uses, shall be limited to those uses and the scale specifically approved as part of the Special Exception; if an activity is not explicitly approved as part of the Special Exception, it is not allowed.
3. In no case shall the following be authorized pursuant to an Outdoor Sports/Activity Center Special Exception:
  - a. Camping and camp fires;
  - b. Sale or consumption of alcoholic beverages;
  - c. Discharging of firearms on-site.
4. Competition, sporting events and exhibits are allowed if specifically authorized by the Special Exception, but shall be limited so that such activities remain accessory to the recreational use of the property.
5. All activities shall occur a minimum of 200 feet from any property line adjoining a residentially zoned property and 100 feet from all

other property lines. More substantial setbacks may be required with approval of the Special Exception where determined necessary to protect impacts to adjoining properties.

6. All parking, outdoor storage and service areas shall be located a minimum of 100 feet from all property lines and shall be screened from view from the street and residences on adjoining properties.
7. No outdoor lighting shall be allowed; the hours of operation shall be limited to daylight hours.
8. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be utilized by users of the site, and safety procedures shall be provided for review in conjunction with the Special Exception application.
9. No amplified sounds shall be permitted.
10. A noise assessment and remediation plan shall be submitted with any application involving uses that generate mechanical noise. The assessment and plan shall demonstrate that the use will be able to comply with the noise limitations set forth in Article 9 of this Ordinance.
11. A land disturbance assessment and remediation plan shall be submitted with any application involving uses that involve ongoing land disturbance. The plan shall demonstrate that the use will be operated in a manner that all erosion and sedimentation will be controlled on an ongoing basis.
12. The facility shall be secured at the close of business each day.
13. If the proposed facility includes recreational uses that are listed separately under Article 3 of the Zoning Ordinance, the Special Exception standards in Article 5 for such individual uses shall also apply to the Outdoor Sports Facility.

**PART 10**

**5-1000**

**CATEGORY 10 RECREATION AND AMUSEMENT**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

**5-1001**

**Standards for All Category 10 Uses**

1. Such uses shall be conducted in completely enclosed, air-conditioned, soundproofed buildings; however, this requirement shall not apply to private clubs where deemed not necessary by the Board or BZA.

**5-1002**

**Additional Standards for Private Clubs**

1. No building shall be located closer than 100 feet to any lot line in or abutting a Residential or Rural District.
2. Off-street parking and loading areas shall be located no less than 25 feet to any property line in or abutting a Residential or Rural District, and when located within such district, shall be effectively screened.

**5-1003**

**Additional Standards for Indoor Sports/Activity Centers**

1. The approval authority may place restrictions on accessory uses as appropriate for good zoning practices.
2. One parking space per two persons of maximum occupancy load plus one spot per employee shall be provided. If events are planned, the approving authority should consider increasing the required parking.
3. When located in the C-1 Zoning District, Centers 5,000 square feet or less are permitted by Administrative Permit if they are not located within a shopping center that has been approved by Special Permit or Special Exception.

**PART 11**

**5-1100**

**CATEGORY 11 PUBLIC AND QUASI-PUBLIC USES**

**5-1101**

**Additional Submission Requirements**

In addition to the submission requirements set forth in Section 001 above, all applications for Category 11 public uses shall be accompanied by a statement by an official or officer of the governmental body who shall be present giving the exact reasons for selecting the particular site as the location for the proposed facility, including any alternatives considered.

**5-1102**

**Standards for All Category 11 Uses**

In addition to the standards set forth in Section 006 above, the following standards shall apply:

1. For public uses, it shall be concluded that the proposed location of the special permit/special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. In or abutting the Rural and Residential District, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

**5-1103**

**Additional Standards for Penal/Correctional Facility**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be one hundred (100) acres.

2. The facility shall have direct 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.
3. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential or RR-2 District, nor within 100 feet of such property in a Rural District (except for the Large Lot District).

**5-1104**

**Additional Standards for Arena/Stadium**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be one hundred (100) acres.
2. The road frontage requirement shall be 300 feet on a road designated as an arterial (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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.

**5-1105**

**Additional Standards for Libraries and Public Safety Facilities**

The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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.

**5-1106**

**Additional Standards for Fairgrounds**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be ten (10) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.
3. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property in a district permitting residential uses unless the Board of Zoning Appeals, or the Board of Supervisors, finds that a lesser setback is such that it will not cause an undue impact on neighboring properties.

5-1107

**Additional Standards for Museum**

1. Only existing historic structures or sites may be utilized as museums in the Village, Residential-1, Residential-2, Residential –3 and Residential-4 Zoning Districts.
2. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.
3. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity, located within the existing historic structure and conducted for the participants of the site.

The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirements which will ensure the minimal impact on the use of the surrounding area and uses.

**PART 12**

**5-1200**

**CATEGORY 12 COMMERCIAL RETAIL USES**

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

5-1201

**Additional Standards for Antique Shops Less than 3,000 Square Feet**

The following standards apply to antique shops located in Residential and Rural Districts:

1. Any building so used shall have the exterior appearance of a single family dwelling and shall be the bona fide residence of the proprietor.
2. There shall be no outdoor display of goods or merchandise.
3. Off-street parking and loading areas shall be located no closer than twenty-five (25) feet to any property line and shall be effectively screened.
4. The lot shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Zoning Appeals 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.

5-1202

**Additional Standards for Retail Sales Establishment and Shopping Center in the C-1 District**

1. The development contributes to creation of a neighborhood-scaled, pedestrian oriented character.
2. Building/Shopping Center up to 100,000 Square Feet in Size: may only be approved by Special Exception provided that in addition to the general standards of Section 006:
  - A. No individual building footprint shall exceed 15,000 square feet.
  - B. No individual building size shall exceed 25,000 square feet.
  - C. The amount of first-floor space shall not exceed 50,000 square feet.
  - D. Buildings facing public streets shall be primarily at least 25 feet in height, including some buildings with two functional stories.
  - E. Any historic structures located on the property, as determined by the Board, shall be preserved and incorporated into the proposed development.

5-1203

**Additional Standards for Retail Sales in Conjunction with Category 13 through 17 Uses**

1. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 5,000 square feet in area, including outdoor area involved in the use, if appropriate).

**PART 13**

**5-1300**

**CATEGORY 13 COMMERCIAL BUSINESS AND PERSONAL SERVICES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

**5-1301.1**

**Additional Standards for Kennels in the Rural and Residential Districts**

1. Minimum Lot Size:
  - a. RA/RC/RR-2 – 2 acres
  - b. R-1 – 20 acres
  - c. For kennels comprised solely of cats, the minimum lot size may be reduced by the BZA/Board in conjunction with approval of a Special Permit or Special Exception upon a finding the larger lot size is not needed to protect the health, safety and welfare of neighbors.
2. Maximum Number of Dogs: Any kennel conducting Commercial Breeding shall have no more than 30 breeding females and 50 total breeding animals. For purposes of this provision, any dog 6 months or older not spayed or neutered shall be considered a breeding dog.

3. All animals shall be confined to a structure or within a fenced area.
4. The following minimum setbacks shall apply to all structures for the confinement, care or breeding of animals, as well as fenced areas where animals are contained and non-building structures utilized for training or other activities:
  - a. R-1: 200 feet from all property lines. For kennels comprised solely of cats contained entirely indoors, this setback may be reduced by the BZA/Board in conjunction with approval of a Special Permit or Special Exception upon a finding the lesser setback is not needed to protect the health, safety and welfare of neighbors.
  - b. RA/RC/RR-2: 200 feet from any property line adjoining a residential zoning district and 100 feet from all other property lines. These setbacks may be reduced by the BZA/Board in conjunction with approval of a Special Permit or Special Exception when all animals are kept entirely indoors in soundproofed structures or where the extent and character of the use is such that the BZA or Board find that the 100 foot setback is not needed to protect the health, safety and welfare of neighbors.
  - c. All Districts: 110 feet from the centerline of all streams and 100' from the edge of a 100-year floodplain.
  - d. The setback provisions in this paragraph shall not apply to any structures or fenced areas existing in a legally non-conforming kennel or approved by Special Permit for a kennel prior to January 12, 2017.
5. Animal confinement areas and runs shall be constructed and maintained so that there will be no emission of odor or noise detrimental to other properties in the area. In the R-1 district all facilities shall be completely enclosed and soundproofed, except the permit approval may allow for outdoor exercise areas where animals are accompanied.

6. All animal waste and run-off or discharge containing animal waste shall be captured and disposed of in a manner that controls odors and protects the environment. A waste management plan detailing the amount of waste projected and the specific means for managing the waste shall be provided with the application for review and approval. In no case shall the plan allow on-site burial of waste. If on-site composting of the animal waste is proposed, the plan shall include detailed information about the proposed location and design of the composting facility, proposed monitoring and testing to assure the composting is reaching the temperatures necessary to destroy pathogens, and the plans for utilization of the final composted material. In no case shall composting be allowed for cat waste.
7. If dead animals are proposed to be buried on-site, the application shall specifically identify on the Special Permit/Special Exception the location for burials.

**5-1301.2**

**Additional Standards for Kennels in Commercial Districts**

1. Kennels shall be limited to those providing only boarding, grooming, training and Pet Shops. No Commercial Breeding facilities are allowed.
2. Facilities shall be completely enclosed and soundproofed, except the permit approval may allow for outdoor exercise areas where dogs are accompanied. Animal confinement areas and dog runs shall be constructed and maintained so that there will be no emission of odor or noise detrimental to other properties in the area. No outdoor areas shall be allowed within 100 feet of a floodplain or 110 feet of a stream.
3. All animal waste and run-off or discharge containing animal waste shall be captured and disposed of in a manner that controls odors and protects the environment. A waste management plan detailing the amount of waste projected and the specific means for managing the waste shall be provided with the application for review and approval. The plan shall also address disposal of dead animals. In no case shall the plan provide for on-site burial or composting.

**5-1302**

**Additional Standards for Veterinary Clinics**

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
2. In a Residential or Rural District, the facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

**5-1303**

**Additional Standards for Funeral Homes**

1. All such facilities shall be on land fronting on and with direct access to a road designated as a major thoroughfare (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.
2. Driveways and/or service drives shall be provided with direct but limited access to such major thoroughfare (1 above) for the forming of funeral processions so as not to impede traffic in the area.

**5-1304**

**Additional Standards for Farm Supply and Service Establishments**

All such facilities shall be on land fronting on and with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

**5-1305**

**(Section Deleted)**

**5-1306**

**Additional Standards for Offices in Rural and Residential Districts**

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.
2. No retail or wholesale sales or storage shall be conducted on the premises.
3. Buildings so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.
5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
6. Office hours shall be limited to the period between 8:30 a.m. and 8:00 p.m., Monday through Saturday. Offices may open at other times only for emergencies.
7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 a.m. and 4:00 p.m.

8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
9. Any such office with more than three employees, shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

**5-1306.1 Additional Standards for Drive-Through Facility in the BP District**

1. No such facilities shall be permitted for any eating establishment.

**5-1306.2 Additional Standards for Eating Establishments and Eating Establishments, Fast Food in the BP District**

1. No single “eating establishment” or “eating establishment, fast food” shall exceed 2,000 gross square feet in size.

**5-1307 Additional Standards for Rental of Portable Toilets**

1. Servicing of portable toilets and trucks shall occur in areas completely screened from the public and accomplished without impact to adjacent properties. Service areas shall be water tight and all waste effluent properly disposed.
2. Current contracts for waste disposal shall be kept filed with the Fauquier County Zoning Department.
3. All trucks shall be licensed and inspected annually by the State Health Department.

**5-1308 Additional Standards for Sex Offender Treatment Providers**

1. A special permit shall be required for those providers who offer counseling services which require licensure as a sex offender treatment provider pursuant to *18 VAC125-30-10*, as amended. Such services shall not be authorized at locations in proximity to residential neighborhoods, schools, playgrounds, and other locations that potentially pose undue accessibility to children.

**5-1309 Additional Standards for Event Facilities**

Any facility hosting events of more than 75 people, per event, shall require Special Permit approval. The following standards shall apply:

1. Events shall occur entirely indoors on any lot adjoining a residential unit.
2. Events shall end no later than 10:00 p.m. on any lot adjoining a residential unit.
3. The Board of Zoning Appeals may waive or modify the above standards upon a finding that the specific proposal will not impact adjoining residents.

**PART 14**

**5-1400**

**CATEGORY 14 MOTOR VEHICLE  
RELATED USES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

**5-1401**

**Additional Standards for Motor Vehicle Washes and Auto Service Stations**

1. Such uses shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
2. An applicant for a motor vehicle wash to be served by a public water system shall present a statement by the water system operator that sufficient water capacity is available.
3. When located in a C-3 Zoning District:
  - A. Such uses shall be an integral design element of a site plan for a shopping center containing not less than 30,000 square feet of gross floor area.
  - B. Such uses shall have no separate and exclusive curb cut access to the abutting highway.
  - C. Service stations shall not include any ancillary use such as vehicular or tool rental and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - D. Service stations shall not be used for the performance of major repairs and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof. In addition, in no event shall any one abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

**5-1401.1**

**Additional Standards for Vehicle Storage, Indoor**

1. When located within the C-1 zoning district, an Administrative Permit is required if the use is limited to existing structures. All

newly proposed structures, or expansions to existing structures, shall require approval of a Special Permit. When located within the C-2, C-3 and I-1 zoning districts, an Administrative Permit is required whether the use is limited to existing structures or within newly constructed expansions or structures.

2. All motor vehicles shall be stored indoors.
3. All motor vehicles stored at the facility shall be in operable condition, properly licensed and registered as being garaged in Fauquier County.
4. Car shows organized by the proprietor may be held at the site and adjoining parking area no more than twelve (12) times per calendar year for a duration not to exceed one (1) day. Car shows may utilize outdoor parking areas and shall only be held during daylight hours.
5. Minor repairs, maintenance and detailing may be performed only on stored vehicles indoors by the vehicle's owner or the proprietor. Minor repairs and maintenance may include changing oil and other fluids (which shall be properly disposed of), changing spark plugs, belts, fuses, lights, changing or repairing tires and batteries and similar activities.
6. Major car repairs must be performed off-site including, but not limited to, engine and transmission replacement, and body repair involving paint work.
7. Vehicles stored at the site may be sold from the property by the individual owning the vehicle. All private sales from the site shall be by appointment only.
8. Within the C-1 District, any façade of such facility shall incorporate at least 10% glass on the façade at street level, or less if the amount proposed is determined to be sufficient by the Zoning Administrator that pedestrian interest is satisfied, so that some of the vehicles in the storage facility are visible to pedestrians.

#### 5-1402.2

#### **Additional Standards for Junkyards**

1. Such use shall be located with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan or such higher classification deemed necessary to support the size of the operation involved 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.
2. No storage shall be located in any required yard.

3. Such a use shall be located so that it can be effectively screened from all public streets and land located in any Residential or Rural Zoning District and shall be so screened.
4. Parking and loading areas shall be provided in accordance with the provisions of Article 7 and shall be suited to the type of business conducted (i.e., wholesale vs. retail).

5-1403

**Additional Standards for Automobile Sales, Rental and Service Establishments and Truck and Heavy Equipment Sales, Rental and Service Establishments**

1. Outdoor storage, parking and display areas shall be permitted only on the same lot as the ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
2. The outdoor area devoted to storage, loading, parking and display of automobiles shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
3. Notwithstanding the limitations set forth in Section 2-504, outdoor storage and display areas that are located on the ground and are open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet if approved as part of the special permit.
4. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.
5. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface unless the Board of Zoning Appeals finds that the particular use is such or designed in a manner that it will not cause an undue impact on neighboring properties.
6. All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the performance standards as to glare of the zoning district in which such facility is located. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
7. In the BP zoning district, the use shall be limited to rental only.
8. In the I-1 district, automobile rental may be approved by administrative permit; automobile sales require special permit approval.

5-1404

**Additional Standards for Farm Equipment Sales, Rental and Service Establishments**

1. Such uses shall satisfy the same standards as set forth in Section 1403 above.
2. In addition, notwithstanding the definition for Farm Equipment Sales, Rental and Service Establishments found in Section 15-300 of this Ordinance, as part of special permit approval for such use, the minor mechanical service and body work of automobiles, trucks and heavy equipment may be allowed as an accessory use, subject to the following:
  - A. All service activities shall be conducted indoors.
  - B. The accessory service of heavy equipment is limited to equipment with tires or with rubber tracks.
  - C. The outdoor storage area for automobiles, trucks and heavy equipment awaiting repair shall be limited to those existing paved areas on the subject property, only within designated parking spaces, and shall be entirely screened from view from adjacent residential uses and any public or private streets.
  - D. All those restrictions and requirements as the Board of Zoning Appeals deems appropriate.

5-1405

**Additional Standards for Mobile Home Sales, Rental and Service Establishments**

1. Such uses shall satisfy the same standards set forth in Section 1404 above.
2. In a Mobile Home Park Zoning District, such a use may be conducted only in conjunction with, and on the same site with, a mobile home park. Further, the number of units located on the site for the purpose of sales, service or storage (unoccupied) shall not exceed ten (10) percent of the approved mobile home spaces in the park, or five (5) mobile homes, whichever is greater.

5-1406

**Additional Standards for Automobile Dealer Inventory Storage**

1. Storage shall be limited to new passenger cars, pickup trucks, sport utility vehicles. Used, previously owned, and damaged cars shall not be permitted.
2. On-site maintenance and mechanical work shall not be permitted.
3. The lot shall be completely screened from view of adjacent properties.

5-1407

**Motor Vehicle Impoundment, Towing Business**

1. Storage of vehicles may not occur in any required yard.
2. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.
3. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface unless the Board of Zoning Appeals finds that the particular use is such or designed in a manner that it will not cause an undue impact on neighboring properties.
4. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
5. Impoundment areas shall be fenced.
6. When located in the C-1 and C-2 zoning districts:
  - A. Impoundment areas shall be limited to the temporary storage of no more than ten (10) vehicles per property.
  - B. Impoundment areas shall be located and/or buffered to be entirely screened from view from the adjoining properties and streets.
7. When located in the I-1 and I-2 Districts, and temporarily storing more than thirty (30) vehicles:
  - A. Impoundment areas shall be limited to the temporary storage of no more than ten (10) vehicles per acre.
  - B. Impoundment areas shall be located and/or buffered to be entirely screened from view from the adjoining properties and streets.

5-1408

**Vehicle Transportation Service Establishments**

1. Such use shall be located with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan or such higher classification deemed necessary to support the size of the operation involved unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the use is such that it will not cause an undue impact on neighboring properties or adversely affect safety of road usage.
2. Outdoor vehicle storage areas shall not be lighted at any time, except for necessary security lighting.

**PART 15**

**5-1500**

**CATEGORY 15 WHOLESALING AND  
PROCESSING**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

**5-1501**

**Additional Standards for Auction Establishments in Rural Zoning Districts**

1. The minimum lot size requirement shall be three (3) acres.
2. The road frontage requirement shall be 200 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

**5-1502**

**Additional Standards for Commercial Storage and Processing of Bulk Agricultural Products in Rural Zoning Districts**

1. The minimum lot size requirement shall be five (5) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.

**5-1503**

**Additional Standards for Livestock Exchanges**

1. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.
2. An arena to be utilized for Livestock Business may be approved as part of a Livestock Exchange. The arena may be utilized for other events specifically involving livestock, if such other events are specifically authorized as part of the Livestock Exchange special permit. Any such arena shall be set back a minimum of 100 feet from all property lines, except that the Board of Zoning Appeals may reduce the setback to 50 feet upon a finding that a lesser setback is adequate given the specific layout of the arena and types of adjoining uses.
3. The storage of trucks and trailers unrelated to Livestock Exchange business may be approved as part of a Livestock Exchange special permit. Any area approved for storage of trucks and trailers shall be clearly designated on the special permit plan and shall be appropriately screened.

5-1504

**Additional Standards for Outdoor Auctions for Automobiles, Trucks, Heavy Equipment, Farm Equipment, Boats, Recreational Vehicles and Trailers**

1. Minimum lot size of ten (10) acres.
2. Auctions may be held only from 8 a.m. until 7 p.m.
3. 100-foot landscape buffer from all rural and residential districts.
4. All outdoor storage areas shall be completely fenced and screened from adjoining rural and residential districts.

5-1505

**Additional Standards for Self-Storage Facilities in the CV District**

1. The minimum lot size shall be four (4) acres.
2. All proposed storage facilities shall be set back a minimum of 200 feet from all public streets. This setback shall be measured from the right-of-way.
3. The overall use on the entire site shall be limited to a maximum of 30,000 square feet.
4. All buildings to be used as a self-storage facility shall be set back a minimum of 50 feet from residentially zoned properties.
5. Exterior garage bay doors shall be located to the side or rear of the building and shall not face existing or proposed public streets.
6. All new structures shall be compatible with the character of the surrounding village with respect to the following items:
  - a. Exterior architectural features including all signs;
  - b. General design and scale; and
  - c. Texture, material and color.

**PART 16**

**5-1600**

**CATEGORY 16 LIMITED INDUSTRIAL**

**5-1601**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

1. Such uses shall generally be conducted in completely enclosed buildings with any outdoor storage completely screened from view from all property lines.
2. Retail sales connected with such uses shall be ancillary to the primary use and shall not occupy more than five (5) percent of the gross floor area.
3. Such a use shall not significantly reduce, impede or conflict with neighboring agricultural operation(s).
4. Open space shall be provided for such uses in the amounts shown for the following zoning districts:
 

Agriculture	95%
Conservation	95%

5. Such uses shall be separated from all property lines a distance appropriate to the size and type of use.
6. Direct access to a State maintained road shall be adequate to the size and type of such use. In no case shall such road be designated as less than a major collector in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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.
7. The minimum lot size for such uses shall be shown for the following zoning districts:
 

Agriculture	100 Acres, except as allowed by 5-1602 below.
Conservation	150 Acres
8. New structures shall be compatible with the character of the surrounding area, as viewed from streets and surrounding properties with respect to the following features:
  - A. Exterior architectural features including all signs;
  - B. General design, scale and arrangements;
  - C. Texture, material, and color;
  - D. The relation of features 1, 2 and 3 above, to similar features of buildings and structures in the immediate surroundings;
  - E. The extent to which the building or structure would be harmonious with or incongruous to the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of the new buildings or structure in relationship to existing buildings and structures and to the setting thereof.
9. Such a use shall not be defined as a heavy industrial use (see Section 1703).

**5-1602**

**Additional Standards for Blacksmith Shops Approved by Special Permit in the RA District:**

1. Minimum Lot Size: 50 Acres
2. Maximum Employees: 12

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1701

**Additional Standards for Industrial Use Described in Paragraph 3-317 in Rural Zoning Districts**

- 1. Outdoor activities and storage in conjunction with such uses shall be effectively screened.
- 2. No retail sales connected with such use shall be conducted on the premises.
- 3. Such a use shall not substantially reduce, impede or conflict with agricultural operations conducted in the vicinity.
- 4. Open space shall be provided for such uses in the amounts for the following zoning districts:

Agriculture	95%
Conservation	95%

- 5. Such uses shall be separated from all property lines in distance of not less than one hundred (100) feet.
- 6. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals 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. Such alternative access shall be to a road designated in the Comprehensive Plan no lower than rural minor collector or urban local.
- 7. The minimum lot size requirement shall be two hundred (200) acres.
- 8. New structures shall be compatible with the character of the area.

5-1701.1

**Additional Standards for Industrial Use Described in Paragraph 3-317.2 (more than one acre used), in Rural Zoning Districts**

- 1. This use shall be authorized in the RA district only for redevelopment of properties previously approved by the County through special exception for airport use. Two such properties exist in the County: Hartwood Airport and the Warrenton-Fauquier Airport (which is primarily zoned Industrial).
- 2. The Board may approve such use only upon a finding that the activity associated with the proposed industrial use is no more impactive to the surrounding area than was the prior airport use.

3. All activities shall be screened entirely from view from streets and adjoining properties.
4. Contractor's Storage Yards shall not be allowed.

5-1701.2

**Additional Standards For Contractor's Offices, Shops, and Material Storage Areas in C-1 and CV Districts**

1. On lots with building(s):
  - a. Any outdoor material storage yard associated with the use shall be located at the rear of such buildings, and such area shall not occupy an area larger than the area of the building(s).
  - b. If any portion of the outdoor material storage yard is visible from a street or an adjacent residential property, it shall be completely screened from view from such street or property by a solid board-on-board privacy fence, or brick or stone wall, and supplemented by vegetation.
  - c. Buildings housing contractor's offices and shops shall be designed to be compatible with other surrounding uses.
2. On lots without buildings:
  - a. Any outdoor material storage yard shall be completely enclosed with a solid board-on-board privacy fence, or brick or stone wall, and supplemented by sufficient vegetation, so that any stored materials and/or equipment are completely screened from view from any street and adjacent residential property.
  - b. Such enclosed storage area shall be set back anywhere from 10 to 25 feet from the front property line, with the specific setback requirement to be determined by the Zoning Administrator, based on the preservation of existing vegetation within the possible setback area and compatibility with the character of the street.
  - c. The required setback area shall be landscaped, to include street trees.
3. In no case shall an outdoor material storage yard exceed one (1) acre in size. The Zoning Administrator may require that the size of any storage area be less than one (1) acre upon making a determination that a larger storage area at the proposed location would diminish the existing pedestrian

oriented character of the street upon which it is located or would have undue impact on an adjoining residential property.

4. All required screening and associated required landscaping shall be maintained by the contractor and/or property owner.

**5-1701.3**

**Additional Standards for Contractor's Offices, Shops, and Material Storage Areas in C-3 Districts**

1. All equipment and materials shall be contained entirely within a building.
2. Buildings housing such uses shall be compatible with other surrounding uses.

**5-1701.4**

**Additional Standards for General Industrial Uses in the BP District**

1. No outdoor storage of materials, equipment and vehicles shall be allowed except for fleet vehicles.

**5-1702**

**Additional Standards for Sawmills in Rural Zoning Districts**

1. No exception issued for sawmill operation shall exceed two (2) years. Such exceptions may be extended in accordance with the provisions of Section 012 above for successive periods of not more than two (2) years each.
2. Sales shall be limited to wood sawn from logs on the site.
3. No structure and no storage of lumber, logs and timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a sawmill shall be located closer than 400 feet to any lot line.
4. The hours of operation shall be established by the Board, and shall not extend into the period between 8:00 P.M. and 8:00 A.M.
5. Such use shall have direct access to a state maintained road adequate to the size and type of the mill.
6. The minimum area involved with the mill operation, including structures, storage and loading, shall not exceed five (5) acres.
7. The Board may require such screening, planting, fencing, preservation of trees, entrances, design of structures or any other requirement which will ensure the minimal impact of the use on the surrounding uses.

**5-1703**

**Additional Standards for Heavy Industrial Uses**

1. Heavy industrial uses shall include:
  - A. Junkyards.
  - B. Ammonia, bleaching powder or chlorine manufacture.
  - C. Asphalt mixing plant.
  - D. Bag cleaning establishment.
  - E. Blast furnace.
  - F1. Boiler works.
  - F2. Composting facilities.
  - G. Concrete mixing or batching plant.
  - H. Distillation of coal, wood or bones.
  - I. Distillation of turpentine or varnish.
  - J. Emery cloth manufacture.
  - K. Fertilizer manufacture.
  - L. Fireworks or explosives manufacture or storage.
  - M. Fish canning, curing, grinding or smoking.
  - N. Garbage incineration other than in municipal plants or incidental to the operation of hotels, eating establishments and dwellings.
  - O. Glue, size or gelatin manufacture.
  - P. Grinding, cooking, boiling, rendering or storage of slaughterhouse refuse or animal refuse or rancid fats or refuse of dead animals.
  - Q. Iron, steel or copper works for foundries.
  - R. Lime, cement, gypsum or plaster of Paris manufacture.
  - S. Manufacture of concrete or mortar.
  - T. Petroleum or asphalt refining or manufacture.
  - U. Pyroxylin of charcoal or coal.
  - V. Pulverizing of charcoal or coal.
  - W1. Recycling facilities.

- W2. Smelting of iron.
  - X. Soap manufacture.
  - Y. Stockyards.
  - Z. Sulphuric, nitric or hydrochloric acid manufacture.
  - AA. Tanning, curing or storing of raw hides or skins.
  - BB. Tetraethyl lead precipitate or liquid manufacture.
  - CC. Vinegar manufacture.
  - DD. Wool pulling and scouring.
  - EE. Yeast plants.
  - FF. Any other similar use which in the opinion of the Zoning Administrator might be injurious or noxious by reason or odor, fumes, dust, smoke, vibration, noise, toxic or hazardous materials, or other cause.
  - GG. Any industrial use which may exceed any one of the following:
    - (1) Consumption of more than 10,000 gallons of water in any one day or more than 150,000 gallons in any consecutive thirty day period excluding facilities for which approval is required under 15.2-2232, Code of Virginia, as amended.
    - (2) Discharge of more than 10,000 gallons of wastewater in any one day or 150,000 gallons in any consecutive thirty day period, excluding facilities for which approval is required under 15.2-2232, Code of Virginia, as amended.
    - (3) Generation of more than an average 100 cubic yards per day of solid waste of any sort in any thirty day period for disposal at a public landfill.
2. Each applicant for a heavy industrial use shall provide with his application an evaluation (by a person or firm qualified to make such evaluations) that indicates how the proposed use can be made to comply with the applicable performance standards in Article 9.
  3. The Board may, in approving a special exception for a heavy industrial use, establish additional yard requirements, transitional yards, screening and other standards that, in the opinion of the Board, will affect compatibility with the surrounding community.

4. Significant groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.
5. The facility shall have direct 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.
6. The following additional standards shall apply to heavy industrial uses in the I-1 district:
  - a. No heavy industrial use shall be approved in the I-1 district on properties adjoining residential uses.
  - b. No heavy industrial uses involving significant truck traffic shall be located where traffic may impact residential neighborhoods or where the truck traffic will conflict with general traffic within the industrial development.
  - c. No heavy industrial use shall be approved unless all environmental impacts of the use are fully mitigated.

5-1704

**Additional Standards for Explosives Storage in the RA, RC, I-1, I-2 and BP Zoning Districts**

1. Except as modified below, the County adopts and incorporates herein the Virginia Statewide Fire Prevention Code as it relates to the storage of explosives and fireworks.
2. Approval Process:
  - a. Storage of explosives in amounts under 100 pounds may be authorized by an Administrative Special Permit.
    - 1) Prior to issuing a permit, the Zoning Administrator shall seek the advice and counsel of the Fire Marshal and the Sheriff.
    - 2) No permit shall be issued for storage of high explosives or low explosives in quantities of fifty pounds or more unless the applicant is licensed by the Bureau of Alcohol, Tobacco, and Firearms and the Fauquier County Fire Marshal.
  - b. Storage of explosives in amounts greater than 100 pounds shall be authorized by special exception.
  - c. Neither a permit nor a special exception is required to store small arms ammunition, the possession and storage of not more than fifteen pounds of commercially manufactured sporting black powder, twenty pounds of smokeless powder, or under 10,000

small arms primers for hand loading of small arms ammunition for personal consumption.

- d. Neither a permit nor a special exception is needed to store ammunition, low explosives, black powder, and ammunition components for retail sale by a licensed retailer of firearms with a fixed place of business in the County other than his home.
3. All high explosives and low explosives in quantities of fifty pounds or more shall be stored in Type 1 or Type 2 magazines.
4. Magazine setbacks from all property lines shall be in a minimum of that distance required to unbarricaded public highways with traffic volume less than 3,000 vehicles per day as set forth in the Virginia Statewide Fire Prevention Code.
5. Storage must be in compliance with all applicable Federal and State regulations.
6. Any person storing any high explosive or low explosives in quantities of fifty pounds or more shall file with the Board of Supervisors annually a Certificate of Insurance which shows that the applicant has adequate liability insurance which liability insurance shall in no case be less than One Million (\$1,000,000.00) Dollars combined single limit for bodily injury and property damage.
7. An eight (8) foot chain link fence or a six (6) foot chain link fence with three (3) strands of barbed wire around the top shall be provided on all four sides of a Type I magazine, so as to fully encircle a Class I magazine installation. The fence shall have a gate equipped with case-hardened locks and clasps.
8. Any person storing any high explosive or low explosives in quantities of fifty pounds or more shall be required to obtain an annual inspection by the State Fire Marshal and shall file annually with the Zoning Administrator a copy of the permit issued by the State Fire Marshal as well as the permit issued by the Bureau of Alcohol, Tobacco, and Firearms.

**5-1705**

**ADDITIONAL STANDARDS FOR AN ABATTOIR**

1. Any structure or loading or unloading area associated with the use shall not be located within 50 feet of any property line which is in a Rural District, or within 100 feet of any property line which is in a Residential District.
2. All animals awaiting processing are to be housed within a fully enclosed structure.
3. All inedible offal, meat that is not food, condemned material and refuse of the meat processing shall be refrigerated and stored in the

interior of a fully enclosed structure until time of pick up or final disposal.

4. All loading and unloading areas for animals shall be screened from adjoining properties.
5. Humane bedding shall be provided for animals housed over 24 hours.
6. Proper disposal of all bedding materials shall be required.
7. All animals that shall remain onsite for up to 12 hours are to be supplied food and water.
8. Proper ventilation of all holding areas shall be provided.

**5-1706**

**Section Deleted.**

**PART 18**

**5-1800**

**CATEGORY 18 AGRICULTURE**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

**5-1801**

**Standards for All Category 18 Uses in Rural Zoning Districts**

As agriculture is the preferred use in these districts (see Section 3-503), consideration relating to compatibility with neighboring uses shall emphasize uses in the vicinity of a proposed Category 17 special permit use.

**5-1801.1**

**Additional Standards for Equestrian Instruction**

1. The minimum lot size requirement shall be five (5) acres.
2. No building associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.
3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

**5-1801.2**

**Additional Standards for Horse Shows**

1. The minimum lot size requirement shall be five (5) acres.
2. No building shall be located closer than 100 feet to any lot line.
3. No riding ring or arena shall be located closer than 100 feet to any lot line, provided the Board of Supervisors may waive this setback requirement upon a finding that the location of the ring or arena will not negatively impact adjoining property owners.
4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

5-1802

**Additional Standards for Dairy Farm, Cattle Feed Lots and Swine Farms**

1. The minimum lot size requirement shall be twenty-five (25) acres.
2. Such use shall be conducted only in accordance with a permit issued by the State Water Control Board, unless the SWCB has denied jurisdiction of same, in writing.
3. Adequate protection of the bodies of water into which such a use drains shall be ensured using, as a guide, the Agricultural Best Management Practices Handbook issued by the State of Virginia, and reflecting the distance and topography between such a use and downstream water supply impoundments and withdrawal facilities.

5-1803

**Additional Standards for Greenhouses (more than 10,000 square feet), Wholesale Only, in Rural Zoning Districts**

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.

5-1804

**Additional Standards for Plant Nursery/Greenhouse, Retail Sales, in Rural Zoning Districts**

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. Off-street parking, loading and outdoor storage areas shall be effectively screened.
4. No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

5-1805

**Additional Standards for Distillation of Industrial Alcohol (Ethanol) in Conjunction with a Farming Operation**

1. All such ethanol shall be used on the farm upon which it is produced.
2. The Air Pollution Control Board shall be given the opportunity to comment on applications for such uses.

5-1806

**Additional Submission Requirements for Class B Biosolids Storage Facility**

In addition to the submission requirements set forth in Section 011 above, all applications for special exceptions for biosolids storage facilities for Class B biosolids shall be accompanied by the following:

1. Copies of submission to the State Health Department or Department of Environmental Quality for the proposal.
2. Copies of Certificate of Insurance.
3. A statement authorizing Fauquier County to sample biosolids when desired.

**5-1807**

**Additional Standards for Class B Biosolids Storage Facility**

1. Applicable approvals substantiated by documents called for in paragraph 1806.1 above. No activities addressed for such State certificates and approvals except in full compliance therewith.
2. Unless specifically reduced by the Board, for good cause shown, no such facility shall be located closer than 300 feet to any lot line or closer than 1000 feet to any land not in an Agriculture, Conservation or I-2 zoning district.
3. Unless specifically reduced by the Board, for good cause shown, the highway entrance to such a facility shall be located not more than 1000 feet from a major collector, on a secondary road with pavement not less than 20 feet.
4. Proof that the insurance has been obtained covering the proposed activities sufficient to protect the public from damage and injury resulting from the hauling, storage or application of sludge. The sufficiency of such insurance shall have been previously approved by the Board.
5. Verification that the applicant has sufficient land in Fauquier County available upon which to apply to holding capacity of the storage facility within a period of ninety (90) days.

**5-1808**

**Submission Requirements for Land Application of Class B Biosolids**

All applications for administrative special permits for such uses shall be accompanied by the following: (amendments for additional lands shall not require 3 and 4 below).

1. Written application setting forth:
  - A. the name, telephone number, and address of the applicant;
  - B. A brief description of the applicant's business;
  - C. A description, by Parcel Identification Number, and by number of acres of the property on which the biosolids are applied;

- D. the name and location and mailing address of the owner/lessee of such property;
  - E. general schedule of the rates of biosolids application which the applicant intends to apply;
  - F. the name, address and telephone number of the person including all subcontractors, who will or may spread or apply the biosolids to that particular property;
  - G. a plan or map, drawn to scale of 1:200 or 400, showing the land area to be covered by the application, and actual fields (labeled with # and acreage); to which biosolids will be applied, and an insert map showing the location of the land area in relation to the surrounding area;
  - H. the time period to be covered by the permit, not to exceed five (5) years.
2. A copy of the appropriate No Discharge Certificate or Biosolids Use Permit.
  3. The applicant shall submit, at the time of each application, proof of liability insurance in the aggregate amount of \$1,000,000.00 covering all losses and claims arising out of hauling or land application of biosolids, and all other activities performed under the permit. Such insurance shall be maintained in force and effect through the term of the permit.
  4. A map indicating the route(s) of the transporting vehicles to and from the application site which shall be approved by the Zoning Administrator as constituting the most safe route(s) taking into account the travelway, surface, geometric design and traffic volumes.
  5. Copy of the property owners consent statement when the owner is not signatory to the request for land application of Class B Biosolids.
  6. A statement signed by the property owner(s) authorizing representatives of Fauquier County access anywhere on the owner(s) land for the purpose of inspecting the land application process.

5-1809

**Additional Standards for Land Application of Class B Biosolids**

1. All land application shall be accomplished in accordance with the Special Conditions of the Department of Environmental Quality certificate or regulations of the Virginia Department of Health as submitted with application. All solids or other wastes shall be so deposited that no harmful components can reach state waters by natural or other means.

2. All vehicles on public roads used in the transportation of Class B Biosolids for land application in Fauquier County shall be in conformance with all Commonwealth of Virginia Department of Environmental Quality (DEQ) requirements and all other State and Federal requirements.
3. Notice shall be given in writing to the Zoning Administrator at least 48 hours prior to applying Class B Biosolids to a permitted area. A separate notice is required for each permit amendment. Copies of adjacent property owner(s) consent when the otherwise required buffer is not to be maintained shall be filed with the Zoning Administrator 24 hours before land application of biosolids occurs on any particular field within a permitted area. Any change in the spreading location from the above notice will be given by 9:00 A.M. on the day spreading is to occur.

**5-1810 Deleted.**

**5-1810.1 Administrative Permits for a Farm Winery**

1. The following uses and activities may be allowed at a FARM WINERY through approval of an Administrative Permit by the Zoning Administrator, subject to the use limitations in Section 6-402 and 6-403; and subject to the regulations below:
  - A. A Farm Winery may be permitted to operate in the Normal Course of Business during Extended Business Hours from 6:00 p.m. to 8:00 p.m. during the months of May through August, and 6:00 p.m. to 7:00 p.m. during the month of September.
  - B. In addition to the activities or events described in Section 6-401(9), one Special Event per calendar month may be authorized; provided that such Special Event shall not exceed 150 invitees or ticketed attendees (or if less, the occupancy limits referenced in Section 6-402.6 of this Ordinance.
2. The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Winery:
  - A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
  - B. The procedure for approval shall be that specified in Section 5-009, except that the Zoning Administrator shall be required to render a decision on the application within 45 days rather than the 30 days specified in Section 5-009.8.

- C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
  - D. The process for reissuance shall be the same as for the initial approval.
  - E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten (10) days following such transfer.
  - F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the decision to not reissue an Administrative Permit.
  - G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Section 13-600 of the Zoning Ordinance.
  - H. Each calendar day of any multi-day event shall be counted as a separate Special Event under the Zoning Ordinance.
3. The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:
- A. No uses shall be granted by Administrative Permit if the Farm Winery is on a lot less than 11 acres in size.
  - B. Foods other than Light Accompaniments, including meals, may be served at a Special Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food

Cart; and (ii) in no case shall food be provided which results in a Farm Winery having to be licensed as a “Food Establishment” under the Code of Virginia or which requires a “Temporary Food Establishment Permit” from the Health Department.

- C. No uses shall be granted by Administrative Permit if the parcel on which the Farm Winery is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered “direct access to a public street” unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement’s servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement’s servient estate.
  - D. No outdoor uses shall be granted by Administrative Permit if the proposed Special Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.
  - E. The Closing Time for any Special Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
  - F. Notwithstanding the limitations set forth for Special Exceptions in Section 5-1810.2, a Farm Winery with an approved ABC permit as of July 12, 2012, which meets the limitations herein for Administrative Permit approval, except for (a) the 11 acre minimum size requirement of 5-1810.1(3)(A) and/or (b) the “direct access” requirement of 5-1810.1(3)(C), may apply for Special Exception approval of the uses set forth in 5-1810.1(1).
4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
- A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
  - B. The consistency of requested Special Event sizes with:
    - i. The capacity of access roads to accommodate the expected vehicular traffic, including road designation on the Rural Road Classification Map 10.1 in the Comprehensive Plan;
    - ii. The road safety based on factors such as sight distances, road surfaces, road width and shoulder width;
    - iii. The designed capacity of the entrance;
    - iv. The designed capacity of the Farm Winery’s septic system, as approved by Health Department; provided that no Special Events may have a number of attendees in excess of the

- approved capacity of the Farm Winery's septic system, as approved by the Health Department; and
  - v. The availability and location of parking facilities.
- C. The size of the Farm Winery property;
  - D. The distance of the Farm Winery's proposed Special Event locations to the nearest non-Farm Winery residences;
  - E. The effect of headlight glare from Special Event traffic on neighboring residences;
  - F. The effect of noise on residents in the surrounding areas;
  - G. The capacity of the Farm Winery's event facilities to accommodate the number of proposed attendees;
  - H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
  - I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety or welfare of the public.

The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.

**5-1810.2 Special Exception For Farm Winery Special Events**

Additional Special Events may be allowed at a Farm Winery only pursuant to this Section 5-1810.2 by approval of a Special Exception by the Board of Supervisors, subject to the following:

1. Special Events granted by Special Exception shall meet the standards and use limitations for Farm Winery uses in Sections 6-402 and 6-403;
2. Special Events granted by Special Exception shall further meet the standards and use limitations set forth in Sections 5-1810.1(3);
3. The standards for consideration of an Administrative Permit as set forth in Section 5-1810.1(4) shall apply to Special Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that Special Event.
4. A Special Exception for one or more Special Events shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated in the

Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety or welfare of the public, or the owners of adjacent or proximate properties.

5. A Special Exception shall not be granted for any Special Event unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership.
6. A maximum of 18 Special Events per calendar year may be approved, with up to 200 attendees per Special Event, except that for Farm Winery properties over 50 acres in size, up to 24 Special Events per calendar year may be approved, with up to 250 attendees per Special Event, as well as one additional Special Event per calendar year of up to 500 attendees. Such maximum number of Special Events shall be inclusive of any Special Events authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section 6-401. No more than two (2) Special Events, whether approved by Administrative Permit or by Special Exception, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section 6-401.
7. The Special Exception holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services and traffic control for all Special Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services and sanitary issues:
  - a. Sheriff's Office
  - b. Virginia Department of Transportation
  - c. Emergency Services Coordinator
  - d. Health Department
8. The initial Special Exception permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that specified in Section 5-009. The Special Exception may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special Exception, of citations for violations of the Zoning Ordinance, or any state or federal law or regulation.
9. The Special Exception shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the

event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

5-1811

**Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts**

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. All birds shall be penned or confined to the site.

5-1812

**Additional Standards for Adaptive Use on Non-Common Open Space**

1. Adaptive use shall be permitted only in structures existing prior to 1940, or structures that are independently listed or are eligible for listing on the National Register of Historic Places.
2. Adaptive use may be approved by the Board only for the following uses and only up to the levels specified:

<u>Use</u>	<u>Maximum Size that May Be Approved By the Board</u>
Business or Professional Office	6 employees
Receptions	24/year with maximum 35 attendees plus 18/year with maximum 200 attendees or, if over 50 acres, 24/year with maximum 250 attendees plus one event up to 500 attendees
Tourist Homes	12 guests
Artisan’s Workshop and Studio	6 employees
Cottage Industry	6 employees

3. Adaptive uses shall be permitted only in those instances in which the continuation of the existing use is physically or financially impossible or impractical, where the proposed use is not inconsistent with existing uses in the vicinity, and where the proposed use will not unduly interfere with the appropriate expectations of neighboring

property owners based on the underlying zoning of their properties and the property for which the adaptive use is proposed.

4. The scale of any Adaptive Use shall be limited by the Board such that it is clearly subordinate to the agricultural activities occurring on-site and does not interfere with the ongoing use of the property for agricultural purposes.
5. No proposed alteration to a structure or dependency containing an adaptive use shall materially alter the exterior appearance of the structure from its historical appearance.
6. No off-street parking or loading space shall be located in any required side or rear yard that abuts a residentially zoned property. No more than three (3) parking spaces shall be located in any required front yard unless specifically provided for in granting the Special Exception based on a finding that such parking will not adversely affect the character of the historic structure.
7. All off-street parking and loading areas shall be substantially screened with landscaping or architecturally compatible fencing, as described in the Special Exception.
8. A 10% increase in the square footage of any historic structure shall be permitted in connection with the approval of the adaptive use thereof, and such additional square footage may take the form of an addition to such historic structure or to any accessory structure, or an additional accessory structure, so long as such addition or additional accessory structure otherwise meets all applicable zoning and building code requirements and is of an architectural design that is compatible in size and appearance with the historic structure.
9. All alterations to existing historic structures shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
10. In the event of a fire or other property-related casualty affecting the historic structure for which an adaptive use is granted hereunder, the structure must be substantially restored to its condition prior to the casualty in order for the adaptive use to remain legally permissible. If such restoration is not completed within two years of the occurrence of such casualty, then the adaptive use permitted hereunder shall no longer be allowed and the Special Exception therefor shall be null and void.
11. All commercial activities permitted hereunder, and the structure or structures in which they are conducted, shall be subject to all applicable building code regulations, as well as applicable regulations promulgated by the Virginia Departments of Health and Transportation.

12. Signage shall be limited to that specifically authorized by the Special Exception, which in no case shall exceed that allowed under Article 8 of this Ordinance.

5-1813

**Additional Standards for Farmers' Markets**

1. The minimum lot size shall be five (5) acres outside of a service district and two (2) acres inside a service district.
2. Such a use shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that frontage on a public road with a lesser designation will not cause an undue impact on the neighbors and adversely affect safety or road usage.
3. Sales shall be limited to agricultural products, value added agricultural products, and accessory goods directly related to the culture, care, use of, or processing of agricultural products, such as pottery, baskets, garden accessories, baked goods, and floral supplies. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed. No more than 10% of products for sale (based on display area) shall be accessory goods.

Notwithstanding the prohibitions against eating establishments within the RA district contained elsewhere in this Ordinance, the serving of ice cream for on or off-site consumption may be authorized by the Board of Supervisors in conjunction with Special Permit and/or Special Exception approval for a Farmers' Market, subject to the following limitations:

- a. The subject property shall contain a minimum of one hundred (100) acres and shall have frontage on a major collector (or higher) street, as designated in the Comprehensive Plan;
- b. The square footage devoted to the sale and serving of ice cream (including any covered porch area) shall not exceed 7.5% of the total gross floor area of the building in which it is located. In addition, any outdoor area devoted to seating shall not exceed 5% of the total gross floor area of the building.
- c. The hours of operation for the sale and serving of ice cream shall be limited to those times within the approved hours of operation for the overall farmers' market.
- d. In no case shall drive-through facilities be permitted.
- e. No food or drink other than ice cream and pre-packaged drinks shall be served on-premises, and such shall be produced from dairy products produced on-site or by a dairy operation under the same ownership or control as the farmers' market.

- f. Prior to Board approval of any farmers' market to include ice cream sales, the applicant shall complete a detailed assessment of on-site septic and water availability sufficient to demonstrate the ability to meet all Health Department requirements on-site, including provisions for food service as well as required restroom facilities for the public.
4. At least 75% of the products for sale (based on display area) shall be produced within the Potomac and Chesapeake (upper and lower) watershed areas. The remainder of products for sale shall be produced within the U.S. Any products produced outside of Fauquier County shall display their location of origin.
5. Agricultural activities such as pick-your-own, corn mazes, hayrides, pumpkin patches or other similar activities may be held in conjunction with a farmer's market to the extent approved as part of the special permit and/or special exception.
6. A single new structures may be utilized for a Farmer's Market, not to exceed the following size limits:
  - 2,500 sq. ft. on parcels less than 50 acres in size;
  - 4,500 sq. ft. on parcels 50 acres to 99.9 acres in size;
  - 7,500 sq. ft. on parcels 100 acres or more in size.

Existing agricultural structures on the parcel may be converted to a farmer's market use, regardless of size or number, if the Board determines the location, accessibility, and visibility of these structures is appropriate to this use. All structures shall meet the setback regulations of the Zoning District. In addition, any structure over 2,500 sq. ft. shall meet the following additional setbacks:

- 500 feet from any adjoining lot zoned Residential;
- 50 feet from any adjoining lot zoned Rural;
- 500 feet from any existing residential unit other than that of the property owners.
7. All new structures shall be designed with an agricultural character.
8. No parking or loading area shall be located within 25 feet of any lot line.

5-1814

**Additional Standards for Petting Zoos in the R-A District**

1. Petting zoos shall only be allowed as an accessory use to an agricultural use. This condition may be waived by the Board of Zoning Appeals when it finds that the proposal is consistent with

surrounding agricultural uses and fosters education about the use of agricultural animals.

2. Not more than one animal unit per two acres shall be allowed on the property.
3. The minimum lot size shall be 20 acres.
4. All structures, including holding and display areas, shall be located a minimum of 100 feet from any property line.
5. Parking areas shall be located 50 feet from adjoining Rural or Residential Districts and shall be screened from adjoining properties.
6. Petting zoos shall not be open to the public before 9:00 a.m. or after thirty minutes before sunset.
7. Any retail sales shall be accessory and incidental to the permitted activity. Retail structures shall not exceed a total of 600 square feet in area.
8. All such uses shall be subject to and operated in compliance with all other applicable Federal and State regulations.
9. Petting zoos shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals 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.
10. The property is limited to one dwelling unit for the owner or caretaker which shall only be allowed if a residence could otherwise lawfully be constructed on the property.
11. The property shall be managed according to a controlled grazing plan adequate to maintain grasses and legumes for grazing and to minimize erosion. Such plan must accompany any application for a Special Use Permit. Thereafter, the current plan shall be made available to the Zoning Administrator upon request.
12. Outdoor amplified music and sound is prohibited.
13. Special Events are subject to Fauquier County Zoning Ordinance Section 3-309(16).
14. A hand sanitation facility shall be located near any place where food is dispensed and at each exit.

5-1815

**Additional Standards for Abattoirs in the RA District**

1. The minimum parcel size for the use is 100 acres, unless the Board of Supervisors finds that a smaller parcel may be appropriate based on the location and scale of a proposed facility. In no case shall the acreage be reduced to less than 25 acres.
2. Any structure associated with the abattoir operation or loading/unloading area associated with the use shall be set back at least 200 feet from any property line adjoining a rural or residential district unless the Board of Supervisors finds that a reduction/increase in this separation is needed to prevent harm to adjoining properties.
3. All structures under roof associated with the abattoir use shall be limited in size to no more than 50,000 square feet or one (1) percent of the total project acreage, whichever is less.
4. The abattoir operation is limited to poultry and livestock, such as cows, hogs, sheep, goats and beefalo.
5. The area used for slaughter must either be:
  - a. Within a fully enclosed, ventilated, and temperature controlled structure; or
  - b. Screened from neighboring properties and public roads.
6. All such uses shall be inspected by the U. S. Department of Agriculture and the Virginia Department of Agriculture and Consumer Services. With the exception of a defined number of custom exempt days as specified in the Special Exception application, such inspections shall be undertaken at all times.
7. The applicant shall submit a Sanitation Standard Operating Procedures (SSOP) and a Hazard Analysis & Critical Control Points (HACCP) plan for review with the Special Exception application.
8. The abattoir use shall have direct access to a public road designated as a minor 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.
9. During the review of the Special Exception application, the applicant must present a plan for waste disposal management. The applicant may dispose of solid waste either through a licensed rendering facility or on-site composting.
10. On-site composting of solid waste shall be done in accordance with DEQ regulations. Once the composting process is complete, the finished product shall be kept/spread on the subject property. The

location for the composting shall be specified and evaluated as part of the SE process.

11. All liquid waste shall be directed to appropriately-sized storage tanks, and the storage tanks pumped and contents hauled by a licensed rendering facility. The adequacy of the tanks to handle the liquid waste shall be maintained at all times. The applicant is required to maintain a contract with a licensed rendering facility. The SE application shall include plans for secondary spill containment, should such be necessary.
12. The abattoir operator shall obtain, and continue to maintain, all required local, state and/or federal permits and have the facility inspected as required by those permits. Copies of all permits and certifications shall be provided to the Zoning Administrator annually.

**5-1816**

**Additional Standards for Storage or Disposal of Nonagricultural Fill Materials Not Generated on the Farm in Conjunction with an Agricultural Operation**

**5-1816.1**

For parcels equal to or less than 10 acres in size:

1. A no-fee Administrative Permit shall be required to allow up to 100 cubic yards of nonagricultural fill material to be placed on the subject parcel(s) within a one year period. If the amount of nonagricultural fill material exceeds 100 cubic yards within a one year period, a Special Exception approval, in accordance with Section 5-1816.2, shall be required.
2. The storage, or disposal, of nonagricultural fill materials shall not be located within 100 feet of a property line, well or the edge of a stream unless a permit has been obtained to construct an embankment within or near a stream.
3. The nonagricultural fill material must be used only to support an agricultural purpose and the applicant shall provide an Agricultural Affidavit attesting to that agricultural purpose.
4. The applicant shall demonstrate that the nonagricultural fill material is the only available option to improve the existing agricultural operation. The applicant shall demonstrate that the soil productivity ratings of the imported fill material are equal to, or better, than the existing agricultural soils on the subject parcel(s).

**5-1816.2**

For parcels greater than 10 acres in size:

1. Special Exception approval shall not be required unless the amount of nonagricultural fill material brought to the parcel(s) exceeds 200 cubic yards within any 24 hour period OR if the amount of fill material brought to the parcel(s) exceeds 4,200 cubic yards within a one year period.

2. The storage, or disposal, of nonagricultural fill materials shall not be located within 100 feet of a property line, well or the edge of a stream unless a permit has been obtained to construct an embankment within or near a stream.
3. The nonagricultural fill material must be used only to support an agricultural purpose and the applicant shall provide an Agricultural Affidavit attesting to that agricultural purpose.
4. The applicant shall demonstrate that the nonagricultural fill material is the only available option to improve the existing agricultural operation. The applicant shall demonstrate that the soil productivity ratings of the imported fill material are equal to, or better, than the existing agricultural soils on the subject parcel(s).
5. The following items shall be required prior to the issuance of the required land disturbing permit:
  - a.) A grading plan indicating the location and amount of fill to be placed on the subject parcel(s);
  - b.) An erosion and sedimentation control plan;
  - c.) A land disturbing permit application.

**PART 19**

**5-1900**

**CATEGORY 19 EXTRACTION**

**5-1901**

**Additional Submission Requirements**

In addition to the submission requirements set forth in Section 001 above, all applications for Category 19 special exception uses shall be accompanied by the following items:

1. A drawing at a scale of one inch equals 660 feet, submitted in six copies on sheets not larger than 30 inches by 42 inches, showing the following items for the tract upon which the development is proposed and all the land within 2000 feet of such tract:
  - A. Property lines (from tax records).
  - B. Names of current owners (from tax records).
  - C. Current uses (delineating uses within parcels upon which different uses are conducted, e.g., pasture, woodland, cropland, residential, etc.).
2. A schematic plan of the proposed use and a narrative explanation of the applicant's development proposal indicating:
  - A. The uses, facilities, and equipment to be located on the tract in connection with the proposed use.
  - B. Proposed roads (including surfacing) and entrances to state roads.

- C. The general location of the items listed in A and B above.
  - D. Reclamation plan.
3. Documented proof that all performance standards can be met.

5-1902

**Standards for All Category 19 Uses**

In addition to the general standards set forth in Section 006 above, the applicable standards used shall also be subject to the following performance standards:

- 1. No blasting shall be permitted except in conjunction with a permit for stone quarrying.
- 2. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the Board may further limit such blasting vibration where in its opinion, the density of population in the area warrants additional protections.
- 3. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.
- 4. The peak overpressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130) decibels at any occupied structure not on the subject property.
- 5. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.
- 6. Significant groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.

5-1903

**Standards for Category 19 Uses in Rural Zoning Districts**

In addition to the general standards set forth in Section 006 above and in this Part, all Category 19 special exception uses located in Rural Zoning Districts shall satisfy the following standards:

- 1. The minimum lot size requirement shall be 10 acres.
- 2a. No exception issued for such a use shall exceed five (5) years. Such exceptions may be extended in accordance with the provisions of Section 012 above for successive periods of not more than three (3) years each.

- 2b. Notwithstanding anything contained in the preceding section, after the initial five year period, an applicant may request and the Board of Supervisors may grant, an extension for a period of greater than three years, including an indefinite period. If such an extension is granted, the holder of the special exception shall submit to the Board once every three years thereafter, a report documenting that the use of the property as approved by the special exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use, with all of the requirements and standards of this Ordinance and with all conditions of the special exception that were designated in issuing the same. If at any time the Board determines that the use of the property is not in compliance, it may initiate action to revoke the special exception in accordance with Section 5-015 above.
3. Sales and distribution shall be predominantly of materials extracted on-site.
4. No activity, use, facilities, equipment, structure or storage, with the exception of offices, shall be located within 300 feet of any lot line.
5. Offices, including only those buildings devoted solely to office/administrative uses, shall be located not less than 100 feet from any lot line.
6. All operations shall be limited to the period between 8:00 A.M. and 8:00 P.M. or such period as established by the Board.
7. Such use shall have direct access to a state maintained road adequate to the size and type of use.
8. The Board may require such screening, planting, fencing, preservation of trees, construction of berms, entrances or other requirement which will ensure the minimal impact of the use or the surrounding uses including the use of public roads in the vicinity.

**PART 20**

**5-2000**

**CATEGORY 20 PUBLIC UTILITIES**

**5-2001**

**Additional Submission Requirements**

1. In addition to the submission requirements set forth in Section 011 above, all applications for Category 20 uses shall be accompanied by the following:
  - A. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
  - B. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the

location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

2. A special exception application for a private individual sewage treatment system which discharges into an open ditch or water shall also include the following:
  - A. Proof of notification of all landowners within 1 mile downstream.
  - B. Proof that no inground system is possible.
  - C. Location of all existing and/or proposed buildings on the property shall be shown on the plat.
  - D. Location of all existing and/or proposed wells shall be shown on the plat.
  - E. Location of all recorded easements on the property shall be shown on the plat.
  - F. Proposed location of discharge point shall be shown on the plat.
  - G. Proposed location of the treatment unit shall be shown on the plat.
  - H. Proposed easement locations (if needed) shall be shown on the plat.
  - I. Setbacks of proposed treatment units and discharge points to wells, property lines and other discharge points (if applicable) shall be shown on the plat.
  - J. Location of any public or private water intakes within 1 mile downstream of discharge point shall be shown on the plat.
  - K. Location of any public swimming areas within 1 mile downstream of the discharge point shall be shown on the plat.
  - L. Location of any springs 100 feet upstream and 1,500 feet downstream of discharge point shall be shown on the plat, with labels identifying any that are used as a water supply source.
  - M. Describe proposed treatment unit(s), including manufacturer and function of the components of the treatment unit(s) in the statement of justification.
  - N. Identify anticipated Maintenance and Monitoring service provider in the statement of justification.
  - O. Indicate type of discharge point (all-weather stream, intermittent stream or dry ditch) in the statement of justification.

## 5-2002

### **Standards for All Category 20 Uses**

In addition to the general standards set forth in Section 006 above, all Category 20 special permit and special exception uses shall satisfy the following standards:

1. Category 20 special permit and special exception uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located in Part 4 of Article 3. However, such requirements may be established in the conditions under which such a special permit or special exception is granted.

2. No land or building in any district other than the Industrial Districts shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.
3. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.
4. If the proposed location of a Category 20 use is in a Residential District there shall be a finding that there is no more suitable site available for such use in a Commercial or Industrial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.
5. A special exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging sewage treatment system is the only alternative for the repair. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.
6. For those failed non-residential sewage systems located in a Commercial or Industrial District, which are to be replaced with a private individual sewage treatment system that discharges into an open ditch or water, an increase in the failed system capacity is allowed with approval of a Special Exception, subject to the following standards:
  - a. The new system processes less than 1,000 gallons per day.
  - b. The system meets all necessary requirements of the Virginia Department of Health and/or the Virginia Department of Environmental Quality, and shall be properly permitted by such.
  - c. The system has a permanent maintenance and monitoring agreement from a Virginia State licensed laboratory or business to do maintenance and monitoring. Proof of such agreement shall be provided to the Zoning Administrator prior to commencement of construction of the new system.
  - d. Copy of any findings and/or results of all maintenance and monitoring activities, as required by the Virginia Department of Health and/or the Virginia Department of Environmental

Quality, shall be provided to the Zoning Administrator within thirty (30) days of their published results.

7. Notwithstanding 5-2002.5 and 5-2002.6, above, a private individual sewage treatment system which discharges into an open ditch or water may be approved in the RA/Rural Agriculture zoning district for a farm supply establishment where the standards listed below are met:
  - a. The system is operated under the control of a Class III, or higher, wastewater operator which holds a current permit licensed in the State of Virginia.
  - b. The system processes less than 1,000 gallons per day.
  - c. The Board finds such system to be the only viable option for the particular site.
  - d. In approving such a system, the Board may establish conditions including but not limited to use, maintenance, testing and reporting.
  - e. The system has a permanent maintenance and monitoring agreement from a state licensed laboratory, company, or business to do maintenance and monitoring in the state and county.

**PART 21**

**5-2100**

**CATEGORY 21 TRANSPORTATION**

**5-2100**

**Additional Submission Requirements**

In addition to the submission requirements set forth in Section 001 above, all applications for Category 21 uses shall be accompanied by the following items:

1. All such applications for uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act, adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.
2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, state or local statutes, ordinances, rules or regulations applicable thereto.
3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be impacted by the anticipated noise.
4. In the case of airports, drawings shall be presented showing imaginary surfaces for the facility prepared in accordance with

Federal Aviation Administration regulations. A noise contour map may be required by the Board.

**5-2101**

**Standards for All Category 21 Uses**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. All maintenance, repair and mechanical work shall be performed in enclosed buildings, except in the I-2 District.
2. All areas for outdoor storage and all equipment, machinery and facilities not included within an enclosed building shall be effectively screened.
3. All facilities shall be located and designed so that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
4. Structures to be used by aircraft shall be located a minimum distance of 200 feet from any adjoining rural, residential or commercial zoning district, or 75 feet from any adjoining industrial district.

**5-2102**

**Standards for Incidental Category 21 Uses**

An airport and/or runways may be utilized for uses that are minor in area and extent and not normally associated with an airport, when the following standards are met:

1. The proposed use shall be transportation related.
2. The proposed use shall utilize existing facilities at the airport.
3. The proposed use shall be clearly incidental relative to the primary airport use, utilizing substantially less area, with activities occurring less frequently, and with lesser impact in terms of traffic, noise, utilities and other land use impacts.
4. Uses shall be limited to hard-surface runways only.

**5-2103**

**Additional Standards for Motor Freight Terminals in the I-1 Zoning District**

1. Motor Freight Terminals shall be permitted in the I-1 Zoning District by approval of an Administrative Permit provided that the following standards are satisfied:
  - a. The maximum area occupied by the use is ten (10) acres.
  - b. The property shall have direct access to and a minimum of three hundred (300) feet of frontage on a road designated as a principal arterial (or higher) in the Comprehensive Plan, provided further that all truck traffic ingress/egress to the use

occurs on said road. Ingress/egress to other roads/streets is prohibited.

- c. All outdoor storage of trucks and trailers shall be clearly delineated on the Site Plan and completely screened from view from all public streets and rights-of-way.
  - d. No more than fifty (50) trucks and trailers shall be stored on-site.
  - e. A one hundred foot (100) landscape buffer shall be provided where the use adjoins rural and residential districts.
  - f. Such use shall not significantly reduce, impede or conflict with neighboring uses.
  - g. Retail sales connected with the use shall be prohibited.
  - h. The use shall be located and designed so that vehicular circulation shall not conflict with traffic movements on adjacent streets, service drives, driveways and/or parking areas.
  - i. The traffic generated by the use shall not cause an undue impact on neighboring properties or adversely affect safety of road usage.
  - j. All outdoor areas used for parking and storage shall be constructed and maintained with an all-weather dustless surface.
  - k. The property shall be located within a Service District.
2. A Special Exception is required for all Motor Freight Terminals that do not satisfy the standards outlined above.

## **PART 22**

### **5-2200**

### **CATEGORY 22 INTERMENT USES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

#### **5-2201**

#### **Standards for All Category 22 Uses**

(Note: Interment uses include facilities for humans and animals.)

1. All uses shall comply with applicable provisions of the Code of Virginia (see especially Chapter 3 of Title 57).
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment be made in any facility for the disposal of the dead within fifty (50) feet of a street line or twenty-five (25) feet of a side or rear property line.
3. All uses shall comply with the performance standards specified for the zoning district in which located.

**PART 23**

**5-2300**

**CATEGORY 23 FLOODPLAIN USES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

**5-2301**

**Standards for All Category 23 Uses**

1. No such use shall cause an increase in the level of flooding or velocity of flood waters.
2. No such use shall create a potential hazard of debris subject to movement by flood waters which might cause damage downstream.
3. The John Marshall Soil and Water Conservation District shall be given the opportunity to comment on such uses.
4. The applicant shall have obtained and shall present evidence attesting any applicable approvals by State and Federal authorities concerning such a use.
5. Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
6. Special exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in (a) unacceptable or prohibited increase in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local law or ordinances.
7. Special exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be necessary to provide the applicant with reasonable use of the parcel of land in question, taken as a whole.
8. The Zoning Administrator shall notify the applicant for a special exception in writing, at the time of filing, that the issuance of a special exception to construct a structure below the one hundred (100) year flood elevation (a) will increase risks to life and property, and (b) will result in increased premium rates for flood insurance.
9. A record of the above notification as well as all special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

**PART 24**

**5-2400**

**(SECTION DELETED)**

5-2401

(SECTION DELETED)

PART 25

5-2500

**STANDARDS FOR APPROVING A  
WAIVER OF LOT SIZE, WIDTH OR  
FRONTAGE REQUIREMENTS**

This part provides the flexibility to enable shopping center and industrial park developments with individually owned lots. The Board may approve a special exception for the waiver (in whole or in part) of minimum lot size, minimum lot width and/or minimum street frontage requirements set forth in Part 4 of Article 2 and Part 4 of Article 3, in the Commercial and Industrial Zoning Districts if it determines that a reduction in or waiver of such requirement(s) would not violate the general standards set forth in Section 006 above or the following additional standards.

1. The applicant shall demonstrate that all remaining regulations will be satisfied.
2. The proposed development shall create lots for use by not less than three separate businesses not in common ownership.
3. Not more than two entrances to public streets may serve such a development. These entrances shall serve as common access to all the lots in the development.
4. The deeds to the lots to be created by the proposed development shall contain provisions to ensure appropriate access to all such lots and maintenance of all elements to be held and/or used in common.

PART 26

5-2600

**STANDARDS FOR APPROVING A  
DECREASE IN THE OPEN SPACE  
REQUIREMENT**

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 are 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. 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 easement will protect the land for use as agriculture or open space to at least the same extent as a non-common open space easement.

**5-2601.1**

**Standards for a Reduction of Non-Common Open Space Inside Service Districts**

The percentage of the gross site area required as non-common open space may be reduced or eliminated by the Board provided that:

- 1. All floodplains, historic resources and steep slopes in excess of twenty-five percent (25%) are placed in a single parcel and within an easement(s) prohibiting the development of these areas in the future. The easement(s) shall require these areas be placed in common open space should the property be redeveloped in the future.
- 2. The resulting development pattern is in conformance with the Land Use Map/Service District Plan of the Comprehensive Plan.

**PART 27**

**5-2700**

**STANDARDS FOR REDUCTION OF COMMON OPEN SPACE**

**5-2701**

**Standards for Reduction of Common Open Space as Permitted by Paragraph 2-406**

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

- 1. The required amount is not necessary in order to establish neighborhood open space for useable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent opens space, parks, schools or similar land uses.
- 2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.

**PART 28**

**5-2800**

**(SECTION DELETED)**

**PART 29**

**5-2900**

**STANDARDS FOR WAIVING STREET  
REQUIREMENTS**

**5-2901**

**Standards for Waiving Requirement for Public Streets for Rural or Residential Subdivisions**

1. The Board may grant a special exception to permit the construction of private streets and/or a reduction in easement width within a rural or residential subdivision where the following standards are met:
  - a. The Comprehensive Plan does not provide for a public street in the approximate location of the proposed private street(s).
  - b. The proposed private street is a dead-end street and will neither serve through traffic nor intersect the state highway system in more than one location unless the Village Plan of the Comprehensive Plan allows for a through private street.
  - c. The proposed private street(s), based upon anticipated traffic generation volume, would adequately serve the lots to be developed.
  - d. The proposed private street(s) would provide sufficient emergency vehicle access to the subdivision.
  - e. The proposed private street(s) includes adequate provisions for continuing maintenance and repair of the street(s) by the property owners or a homeowners association.
  - f. The easement width may be reduced for a proposed private street if the applicant can demonstrate that road, drainage, and all necessary grading can be constructed in a lesser easement and if there is no future development potential.

**5-2902**

**Standards for Reduction of the Private Street Construction Standard**

1. The Board can make a finding that a reduced construction standard is acceptable. However, the Board may require that the private street have a two (2) inch bituminous surface course if any of the following conditions apply:
  - a. The proposed private street has a slope greater than seven (7) percent.
  - b. The proposed private street crosses water.
  - c. The proposed private street is located in environmentally sensitive areas such as floodplains and seasonally wet soils.

**STANDARDS FOR WAIVING THE  
REQUIREMENT FOR CENTRAL  
SANITARY SEWER**

5-3000

**Standards for Waiving the Requirement for Central Sanitary Sewer**

The Board may grant a special exception to waive the requirement for connecting to a municipal or non-municipal sanitary sewer system where the following standards are met:

1. The development is located within an area in which the Fauquier County Water and Sanitation Authority formally refuses in writing to extend sewer service or the applicant demonstrates to the Board that the provision of municipal sanitary sewer or non-municipal central sanitary sewer is not technically or financially feasible in the area to be served; and
2. Where the proposed subdivision lots are to be on individual septic fields, the applicant includes with the special exception application a soils report demonstrating that the development will not degrade groundwater resources or impair any watershed, and that the proposed subdivision will meet all requirements of the Health Department and the Subdivision Ordinance for development on individual septic fields. The applicant shall provide sufficient data to demonstrate that the development will not jeopardize the safety of present or future water supplies and information regarding the topography, soil type and condition, surface and subsurface drainage condition, water table, history of failures of septic systems in adjacent areas, and the extent of septic system development in the area; or
3. Where the proposed subdivision lots are to be served by a non-municipal central sewer system, the applicant has demonstrated that:
  - a. The site characteristics are such that all necessary health department and other governmental approvals can be obtained.
  - b. The development will not degrade ground water resources or impair any watershed.
  - c. The applicant has sufficient financial resources and a business plan to ensure the successful operation of the system for a period of at least ten years, and that the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.
  - d. A special exception is obtained for the private treatment facility in accordance with Section 5-2000.

**PART 31**

**5-3100**

**STANDARDS FOR WAIVING THE  
REQUIREMENT FOR A CENTRAL  
WATER SUPPLY SYSTEM**

**5-3100**

**Standards for Waiving the Requirement for Municipal or Non-Municipal Central Water Supply System**

The Board may grant a special exception to waive the requirement for connecting to a central water supply system to permit the construction of a privately-owned non-municipal central water system or individual wells on individual lots where the following standards are met:

1. The Fauquier County Water and Sanitation Authority refuses in writing to operate the proposed system or the applicant demonstrates to the Board that the provision of a municipal or non-municipal central water system is technically or economically infeasible; and
2. The applicant demonstrates that the proposed central water system or individual wells on individual lots will not adversely impact present or future water supplies of surrounding properties. This demonstration will be based on the results of hydrogeological testing as required in Chapter 18 of the Subdivision Ordinance.
3. Where a non-municipal central water system is proposed, the applicant has sufficient financial resources and a business plan to ensure the successful operation of the system for a period of at least ten years, adequate provisions will be made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

**PART 32**

**5-3200**

**STANDARDS FOR APPROVAL OF A USE  
NOT OTHERWISE ALLOWED**

**5-3201**

**Standards for Approving a Long-Standing Use**

1. Such use shall have existed continuously since prior to May 21, 1981. The applicant shall provide documentation to establish this fact to the satisfaction of the Board of Supervisors.
2. This approval shall not be available to dwelling units or signs.
3. Upon approval of such Special Exception, the use shall be subject to the standards set forth in Section 10-101 for non-conforming uses, and any additional conditions established by the Board in approving the Special Exception.
4. Any use approved as non-conforming through this process shall subsequently secure the required site plan, zoning and building permits, if required under current regulations.

5. No special exception approved for such use shall initially be granted for a period greater than five years.

**5-3202**

**Standards for Approving a Use Pursuant to an Erroneous County Approval or Act**

1. Such use shall not otherwise qualify as a non-conforming use pursuant to Article 10 of the Zoning Ordinance.
2. Such use shall have been established pursuant to a special exception, special permit, site plan or zoning permit approved in error by Fauquier County because the use or some characteristic of the use approved was not allowed under the County regulations in place at the time of approval.
3. Such use shall not otherwise qualify for approval under other provisions of the current Zoning Ordinance, either because the use itself is not allowed or because a required standard for the use cannot be met.
4. The applicant shall have relied in good faith on the approval, incurring extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the County approval.
5. Upon approval of such Special Exception, the use shall be subject to the standards set forth in Section 10-101 for non-conforming uses, and any additional conditions established by the Board in approving the Special Exception.

**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. Taxidermisty shop
  - q. Farm equipment sales, rental and service
  - r. Contractors offices, shops and material storage yards completely within a 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.