

*The number of lots that may be created from a parcel is based on a Sliding Scale.*

lot may be developed with a dwelling and its customary accessory structures (garages, sheds, etc.), but otherwise is limited to the agricultural uses listed in Section 3-318 of the Fauquier County Zoning Ordinance. The requirement for non-common open space only applies to lots that were a minimum of 30 acres in size on May 20, 1986. Non-common open space is protected through an easement that is required to be placed on the property at such time as other lots are created from the original parcel. (See Section 2-406.6 of the Zoning Ordinance for details on the triggering of easement requirements.) The easement has a minimum of 25 years; after the 25 years, it is possible to seek removal or modification of the easement, but the standards for doing so are very specific and include providing replacement non-common open space at another location. (See Section 2-700 of the Zoning Ordinance for details on the easement requirements.)

## FAUQUIER COUNTY

### Department of Community Development

ZONING & DEVELOPMENT SERVICES

29 Ashby Street  
Suite 310

Warrenton, Virginia 20186  
Phone: 540-422-8220  
Fax: 540-422-8231

Additional information available online at  
[www.fauquiercounty.gov](http://www.fauquiercounty.gov)

# Sliding Scale Zoning in the Rural Districts



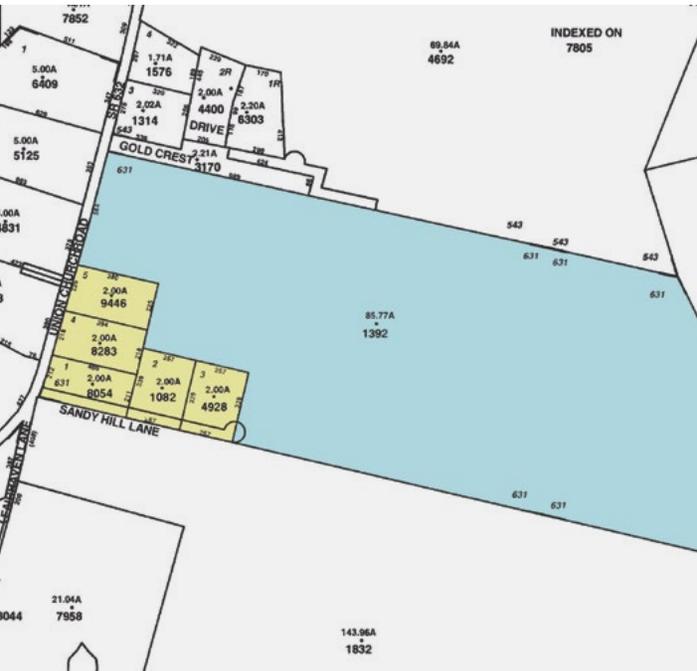
FAUQUIER COUNTY

Department of Community  
Development

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Fauquier County’s adopted Comprehensive Plan aims to concentrate development, including residential development, inside the County’s nine Service Districts (Marshall, New Baltimore, Warrenton, Opal, Bealeton, Catlett, Midland, Calverton and Remington) while preserving the areas outside the Service Districts primarily for agricultural purposes.

The County’s two main rural zoning districts – RA-Rural Agriculture and RC-Rural Conservation – are structured to support this overall goal. While residential development is allowed in the RA and RC districts, it must be clustered on a relatively small part of a lot so that the majority of the property is left in a single parcel large enough to support agricultural use. The number of lots that may be created from a parcel is based on a **Sliding Scale**. The large residue parcel is called **Non-Common Open Space**.



## Sliding Scale

In the RA and RC zoning districts, the number of additional lots that can be created from a lot is calculated using a Sliding Scale, where the number of lots allowed is based on the size of the parent parcel. The parent parcel is the parcel of record as of May 21, 1981 from which the current lot was created. The actual sliding scale for the RA and RC districts is shown in the table below.

Size of Parent Parcel on May 21, 1981 (Acres)	Number of Lots Permitted
0-9.99	1 +1 lot for a family transfer only
10-19.99	2
20-34.99	3
35-54.99	4
55-79.99	5
80-104.99	6
105-129.99	7
130-154.99	8
155-179.99	9
180-204.99	10
205 & above	11 +1 lot for each additional 50 acres

### How many new lots can I create?

To answer this question, it must first be determined whether or not the parcel to be divided existed as of May 21, 1981. If the parcel was created after May 21, 1981 from another parcel, deed research is done to find the parent parcel that existed on May 21, 1981, and the total number of lots allowed is based on the size of the parent parcel with the current parcel receiving a proportionate share of the parent parcel’s density. These parent parcel and proportionate share rules

mean that two existing 10 acre parcels may have different abilities to be divided.

For example:

1. Parcel A contains 10 acres. Research shows that Parcel A was created in 2005 from a 200 acre parcel. The 200 acre parent parcel gets a density of 10 based on the chart. Since the existing 10 acre lot contains 5% of the original 200 acre property’s area, it gets 5% of the density, or 5% of 10 density, which equates to 0.5 density. Therefore, the 10 acre lot cannot be divided, as a minimum density of 2 is required to support the existing lot plus one additional lot.
2. Parcel B also contains 10 acres. However, research shows that Parcel B existed as a 10 acre lot since the 1970s. Therefore, on the critical date of May 21, 1981, it also contained 10 acres. Based on the chart, this lot gets a density of two, which allows it to be divided to create one new lot plus the residue lot.

## Non-Common Open Space

The non-common open space rule also affects the ability to divide a rural property. Non-common open space is not actually “open space” as most people think of open space; the non-common open space remains private property. Recall that the rules for subdividing rural properties require that new lots be clustered and that 85% of the original lot be left in a single parcel. This parcel containing the 85% of original land area is the non-common open space lot. The non-common open space