

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO CREATE THREE NEW ZONING DISTRICTS: MARSHALL - TOWN (M-T), MARSHALL - GATEWAY (M-G) AND MARSHALL - RESIDENTIAL (M-R) AND A ZONING MAP AMENDMENT TO REZONE PROPERTIES WITHIN A PORTION OF DOWNTOWN MARSHALL TO THESE THREE NEW ZONING DISTRICTS

and

A ZONING ORDINANCE TEXT AMENDMENT TO CREATE THE MARSHALL HISTORIC DISTRICT AND A ZONING MAP AMENDMENT TO INCLUDE THE BOUNDARIES OF THE MARSHALL HISTORIC DISTRICT (MHD)

WHEREAS, on January 13, 2011, the Fauquier County Board of Supervisors adopted the Marshall Service District Plan and amended it on April 9, 2015; and

WHEREAS, the Marshall Service District Plan is an element of the County's Comprehensive Plan required pursuant to Section 15.2-2223 of the *Code of Virginia*; and

WHEREAS, the adopted Marshall Service District Plan enumerates multiple actions for the County to take to implement the plan, including adoption of ordinances and implementation of programs and policies; and

WHEREAS, the implementation measures include the creation of a local historic district; the creation of a highway corridor overlay district and creation of new zoning districts for downtown Marshall and the southern gateway into Marshall; and

WHEREAS, pursuant to Sections 15.2-2284-2286 of the *Code of Virginia*, the County may amend the adopted Zoning Ordinance and Zoning Map; and

WHEREAS, pursuant to Section 15.2-2306 of the *Code of Virginia*, the County may create local historic and corridor districts; and

WHEREAS, the Board initiated work on new zoning for portions of downtown Marshall and the southern gateway of Marshall and the Planning Commission initiated work on a local historic district within Marshall resulting in a draft document known as "The Marshall Code;" and

WHEREAS, on February 9, 2017, the Board of Supervisors comprehensively initiated an amendment of the Fauquier County Zoning Ordinance and Fauquier County Zoning Map to allow consideration of the draft Marshall Code; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant the consideration of these amendments; and

WHEREAS, the Planning Commission held work sessions on the proposed Code on February 16, 2017; March 16, 2017; April 20, 2017; May 18, 2017; June 15, 2017; and July 20, 2017; and

WHEREAS, the Planning Commission held public hearings on the proposed Code on May 17, 2017; June 15, 2017; and July 20, 2017; and

WHEREAS, the Planning Commission unanimously recommended approval of the proposed map amendments and text amendments as set forth in the Marshall Code, 5th Draft, dated July 20, 2017, finding that (1) the proposed map amendments and text amendments were consistent with the County's adopted Comprehensive Plan as set forth in the Marshall Service District Plan; (2) the written criteria contained in the "Marshall Historic and Corridor District (MHCD) Historic Context, Building Inventory, Glossary of Terms, and Architectural Style & Type Guide" as prepared by staff and attached to the July 20, 2017, Planning Commission Marshall Code staff report (Criteria) were appropriate for determining which properties should be included within the historic district component of the Marshall Historic and Corridor District; and (3) the properties being included within the Marshall Historic and Corridor Overlay District either meet the Criteria or are parcels of land contiguous to streets or highways leading to or within the proposed historic component of the Marshall Historic and Corridor District; and

WHEREAS, on September 14, 2017, the Board of Supervisors held a public hearing on the proposed Marshall Code and directed staff to make additional changes to the draft; and

WHEREAS, the Board of Supervisors finds that the proposed map amendments and text amendments set forth in the Marshall Code, 6th Draft, dated September 25, 2017, are consistent with the Marshall Service District Plan; and

WHEREAS, the Board of Supervisors finds that the written criteria contained in the "Marshall Historic District (MHD) Historic Context, Building Inventory, Glossary of Terms, and Architectural Style & Type Guide" as prepared by staff and attached to the October 12, 2017, Board of Supervisors' Marshall Code staff report (Criteria) are appropriate for determining which properties should be included within the historic district component of the Marshall Historic District; and

WHEREAS, the Board of Supervisors finds the properties being included within the Marshall Historic District meet the Criteria; and

WHEREAS, the Board of Supervisors establishes that any development that has, on October 12, 2017, an approved Special Permit, Special Exception, a pending Site Plan or zoning permit application, or a future Site Plan or zoning permit application related to an approved Special Permit, Special Exception, shall be subject to the regulations in place on October 12, 2017, if that pending application is hereafter diligently pursued; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 12th day of October 2017, That the Board hereby approves the Marshall Code 6th Draft dated September 25, 2017, to include:

1. Amendment to the Fauquier County Zoning Map to revise zoning designations as shown on Map 1-1 Map 1 The Marshall Regulating Plan of the Marshall Code;
2. Creation of a local Historic District to include the boundaries and contributing structures as shown on Map 1-1 Map 2 of the Marshall Code;
3. Adoption of the entire Marshall Code, 6th draft, dated September 25, 2017, as an amendment to the Fauquier County Zoning Ordinance, with:
 - a. Elimination of the auto sales and service use from the Code by deleting the use from Section 2-7.1, elimination of the standards in Section 2-7.3(F), and elimination of the definition for “Auto Sales & Repair” from Section 4.
 - b. Staff is authorized to renumber all sections of the Code as necessary to incorporate the text into the existing Fauquier County Zoning Ordinance.

A Copy Teste



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