

**Department of Community Development
Staff Report**

MEETING DATE: September 9, 2021

REQUEST: A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to Amend the Approval Process for Places of Worship.

OUTSTANDING ISSUES: None identified.

RECOMMENDATION: On August 19, 2021, the Planning Commission voted unanimously to recommend approval of the text amendment.

Topic Description:

On June 10, 2021, the Board of Supervisors initiated a review of the Place of Worship provisions in the Fauquier County Zoning Ordinance.

The current definition does not address the accessory uses that would be considered incidental to a Place of Worship. Likewise, the approval process and standards do not address the size of the Place of Worship that could potentially generate a larger regional impact on the surrounding area. A more nuanced approach to Places of Worship is proposed, with clear definitions, additional standards and varying approval processes based on the Place of Worship type and potential impacts. Traditionally, ordinances allowing Places of Worship in residential and rural areas were enacted in the context of the smaller traditional church. Currently, there is one category for Places of Worship and all go through the Special Permit process. The proposed text amendment creates a Major and Minor category for Places of Worship to allow for additional review and opportunity for public input to address any regional impacts that might arise. The Minor Place of Worship would require a Special Permit. The Major Place of Worship would require a Special Exception.

Recently, Fauquier County has seen an increase in the number of applications for Places of Worship. There has also been a trend towards larger Places of Worship offering a variety of educational and social activities with sizeable membership. This trend to develop large Places of Worship that provide a variety of uses is being seen throughout the region, as well as across the nation. Typically, Places of Worship are located in the rural areas due to the available land that is more affordable. This trend becomes more prevalent with the large Places of Worship which require more land. The size and scope of services, as well as additional activities, proposed by some of these applications have the potential for larger more regional impacts.

The growing trends in size and numbers of large Places of Worship, as well as increased programming and regional membership draw, can cause substantially greater traffic impacts. Additionally, these large Places of Worship can become destination centers with dining facilities,

fitness centers, recreational facilities and entertainment activities. The size of the facility, congregation size and number of additional activities all directly affect the amount of parking needed and the amount of traffic generated by the use. Additional concerns with large Places of Worship include the impacts to quality of life, viewsheds, environmental resources and cultural resources. Particular attention needs to be paid to lighting and light pollution, land clearing, context, the appropriateness of scale, design and site placement, visibility, water and septic demand, fire suppression needs and access needs for the Department of Fire, Rescue and Emergency Management. The proposed text amendment changes the approval process for Place of Worship applications, allowing for additional review and opportunity for public input to address any regional impacts that might arise with large scale proposals.

Staff Analysis:

The existing Zoning Ordinance defines a Place of Worship as a public place of worship. A Place of Worship is allowed in the RC, RA, RR-2, V, R-1, R-2, R-3, R-4, C-1, C-2, C-3 and CV zoning districts. A Special Permit is required except in the CV district where a Special Exception is required, pursuant to Section 3-504.3. Standards for all Category 6 uses and Places of Worship are set forth in Section 5-600 and 5-601. The standards establish that parking and loading shall not be located within any required yard or within 25 feet of any lot line in or adjoining a Residential or Rural district. Additionally, any uses proposed in conjunction with Places of Worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

Definitions for Place of Worship and Approval Process

The text amendment proposes to divide Places of Worship into two categories, Minor and Major, and definitions have been provided for each. Currently, all Places of Worship require Special Permit approval. Additionally, Places of Worship in the CV district in larger new buildings require a Special Exception. Staff is proposing that all Places of Worship continue to require at least Special Permit approval and that more intensive operations, with potential for greater impacts, require Special Exception approval:

Additionally, definitions for *Place of Worship*; *Place of Worship, Minor*; and *Place of Worship, Major* are proposed. Places of Worship meeting the following thresholds are considered a *Place of Worship, Major*, and therefore require Special Exception approval:

1. Any Place of Worship and accessory buildings that are 10,000 square feet or greater;
2. Any Place of Worship with 300 seats or more; and
3. Any amendment to an existing Place of Worship, Minor that would increase the total square footage of the Place of Worship and accessory buildings to greater than 10,000 square feet.

Any Place of Worship not meeting any of the above thresholds is considered a *Place of Worship, Minor* and will continue to require Special Permit approval.

Additional Standards for Places of Worship, Major:

Minimum Lot Sizes

Staff reviewed Place of Worship definitions and standards in a number of surrounding jurisdictions. Additionally, staff reviewed the recent applications for Places of Worship in Fauquier County. The text amendment proposes a minimum lot size of 10 acres for a Place of Worship, Major in all zoning districts. A provision has been added to allow the Board of Supervisors to waive the minimum lot size requirement. There may be circumstances where the 10-acre minimum lot size may not be necessary. For instance, Places of Worship in a Service District would be connected to public utilities and not require the amount of space dedicated to septic and potable water and may not require as much screening as a Place of Worship in the rural lands. Additionally, this would provide an opportunity for existing Places of Worship to expand on their current property if they do not meet the definition of a Place of Worship, Major and do not meet the 10 acre minimum lot size.

Setbacks from Property Lines

The text amendment proposes that 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, unless the Board of Supervisors finds that the lesser setback will not cause an undue impact on adjoining properties because of the specific characteristics of the proposed Place of Worship or adjoining property. This additional standard will be in line with many other additional standards for other uses of similar scale in the County.

Direct Access to Major Collector

The text amendment proposes that 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 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. This additional standard will be in line with many other additional standards for other uses of similar scale in the County. The larger intensity and scale of a Place of Worship, Major would be more suited off a road designated as a major collector (or higher).

Screening of Parking and Loading Areas

The text amendment proposes that all off-street parking and loading areas be effectively screened in any Residential or Rural District. This additional standard will be in line with many other additional standards for other uses of similar scale in the County. Additionally, this will help to mitigate any visual impacts of large parking areas for larger Places of Worship in Rural or Residential areas.

Process:

The Board of Supervisors initiated this text amendment on June 10, 2021. The Planning Commission held a public hearing on August 19, 2021. There were no speakers on the proposed amendment. The Planning Commission voted unanimously to forward the text amendment to the Board of Supervisors with a recommendation of approval.