

MOTION: ANGRY

**October 5, 2021
Regular Meeting
Ord. No. 21-55**

SECOND: LAWSON

**RE: ZONING TEXT AMENDMENT #DPA2017-00018, DISTRIBUTION AND
FULFILLMENT CENTERS – COUNTYWIDE**

ACTION: APPROVED

WHEREAS, Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public; and

WHEREAS, by way of Resolution Number (Res. No.) 17-129, the Prince William Board of County Supervisors (Board) initiated a zoning text amendment on March 21, 2017, to amend the Prince William County Zoning Ordinance to add a use type and definition for distribution and fulfillment centers and include the distribution and fulfillment center use type in zoning districts, as appropriate; and

WHEREAS, this amendment creates new definitions related to distribution and fulfillment uses, establish design standards, and create a new overlay district to promote areas of the County that can best handle the impacts related to these new uses; and

WHEREAS, staff has drafted this amendment and recommends approval, as stated in the staff report; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on June 16, 2021, the merits of the above-referenced case were considered; and

WHEREAS, the Prince William County Planning Commission recommended approval of Zoning Text Amendment #DPA2017-00018, Distribution and Fulfillment Centers, with recommendations as stated in Res. No. 21-062;

WHEREAS, the Board duly ordered, advertised, and held a public hearing on October 5, 2021, at which time all interested members of the public were heard and the merits of the above-referenced County Code amendment were considered; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA2017-00018, Distribution and Fulfillment Centers.

October 5, 2021
Regular Meeting
Ord. No. 21-55
Page Two

ATTACHMENTS: Text Amendment
E-Commerce Overlay District Map

Votes:

Ayes: Angry, Bailey, Boddye, Candland, Franklin, Lawson, Vega, Wheeler

Nays: None

Absent from Vote: None

Absent from Meeting: None

ATTEST: _____

A handwritten signature in blue ink that reads "Andrea P. Madden". The signature is written in a cursive, flowing style.

Clerk to the Board

PART 100. – DEFINITIONS

Distribution and fulfillment center shall mean a facility where goods or products are stored on-site temporarily, for the purpose of delivery to a neighborhood retail and fulfillment center or residential property. Such facilities may include automated systems, office space, and a pick and pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory. Distribution and fulfillment center may include Warehousing and is not defined as Retail uses with an accessory delivery component.

Neighborhood retail and fulfillment center shall mean a facility which contains both a retail and a fulfillment component. Both components must be operated by the same user. Neighborhood retail and fulfillment centers may include the dispatching, coordination, preparation, routing of package pick-up and delivery, and parking of vehicles associated with the delivery of goods. Neighborhood retail and fulfillment is not defined as Warehousing, Distribution and fulfillment center, or Retail uses with an accessory delivery component.

~~Package, telecommunications, and courier service shall mean retail service facility for the dispatching, coordination, preparation and routing of package pick-up and delivery (items weighing under 100 pounds), or telephone message system.~~

Truck terminal shall mean any structure or land devoted principally to the servicing, fueling, repair, storage, sales and leasing of trucks as defined in Code of Virginia, § 46.2-100, or any of the above; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in the zoning district(s) where a truck terminal is allowed. Truck terminal is not defined as Warehousing, Distribution and fulfillment center, or Neighborhood retail and fulfillment center.

Warehousing shall mean an operation from a structure, or part of a structure, for storing goods, wares, commodities, and merchandise, whether for the owner thereof or for others, and whether it is a public or private warehousing operation but excluding self-storage centers. Warehousing shall include shipping to non-residential uses.

ARTICLE IV. – COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

PART 400. – GENERAL REGULATIONS

Sec. 32-400.27. – General provisions for distribution and fulfillment centers and neighborhood retail and fulfillment centers.

1. Distribution and fulfillment centers, outside of the E-Commerce Overlay District, shall meet the design standards of the E-Commerce Overlay District, except when located in a M/T, Industrial/Transportation District.

2. Neighborhood retail and fulfillment centers shall meet the following design standards:

- a. A minimum percent of the gross floor area of the use shall be devoted to the on-site display of goods for sale, or the rendering of on-site personal services, for use or consumption by the immediate purchaser in accordance with the following table.

<u>Total Gross Floor Area (Square Feet)</u>	<u>Minimum Gross Floor Area Retail Component</u>
<u>10,000 or less</u>	<u>25%</u>
<u>10,001 - 20,000</u>	<u>20%</u>
<u>20,001 – 30,000</u>	<u>15%</u>
<u>30,001 or more</u>	<u>10%</u>

- b. Neighborhood Retail and Fulfillment Centers over 30,000 square feet in gross floor area, except when located in an Industrial zoning district (Part 403 of this chapter), shall comply with the following as part of any rezoning or special use permit:

- i. Placement and screening of the parking area for delivery vehicles associated with a neighborhood retail and fulfillment center. Placement and screening should minimize visual impacts along public roadways and surrounding residential, commercial, and office uses.
- ii. Architectural and design feature consistency.

3. Distribution and fulfillment centers and neighborhood retail and fulfillment centers, regardless of size, may be permitted through a rezoning or special use permit in any applicable zoning district, with approval of the Board of County Supervisors, provided it is identified as a permitted use in the requested zoning district, and it meets one or both of the following criteria:

- a. Any distribution and fulfillment center or neighborhood retail and fulfillment center specifically identified in the proffers, on the master zoning plan, or on the generalized development plan of a rezoning; or
- b. Any distribution and fulfillment center or neighborhood retail and fulfillment center specifically identified in the special use permit conditions or on a special use permit plan.

PART 401. – COMMERCIAL DISTRICTS

Sec. 32-401.11. – Uses permitted by right.

The following uses shall be permitted by right in the B-1 District:

36. Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.

37.~~36.~~ Nursing or convalescent care facility.

38.~~37.~~ Office.

39.~~38.~~ Office equipment sales, lease, and service.

40.~~39.~~ Optical and eye care facility.

~~40. Package, telecommunications, and courier service.~~

Sec. 32-401.13. – Special uses.

27. Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.

... [Uses renumbered]

Sec. 32-401.21. – Uses permitted by right.

The following uses shall be permitted by right in the B-2 District:

27. Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.

28.~~27.~~ Nursing and convalescent care facility.

29.~~28.~~ Office.

30.~~29.~~ Office equipment service.

31.~~30.~~ Optical and eye care facility.

~~31. Package, telecommunications, and courier service.~~

Sec. 32-401.23. – Special uses.

The following uses shall be permitted in the B-2 District with a Special Use Permit:

12. Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.

... [Uses renumbered]

PART 402. – OFFICE DISTRICTS

Sec. 32-402.11. – Uses permitted by right.

The following uses shall be permitted by right in the O(L) District:

14. [Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.](#)

~~15. 14.~~ Office.

~~15. Package, telecommunications, and courier service.~~

Sec. 32-402.13. – Special uses.

The following uses shall be permitted in the O(L) District with a Special Use Permit:

7. [Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.](#)

... [Uses renumbered]

Sec. 32-402.21. – Uses permitted by right.

The following uses shall be permitted by right in the O(H) District:

15. [Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.](#)

~~16. 15.~~ Office.

~~16. Package, telecommunications, and courier service.~~

Sec. 32-402.23. – Special uses.

The following uses shall be permitted in the O(H) District with a Special Use Permit:

6. [Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.](#)

... [Uses renumbered]

Sec. 32-402.31. – Uses permitted by right.

The following uses shall be permitted by right in the O(M) District:

14. [Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.](#)

~~15. 14.~~ Office.

~~15. Package, telecommunications, and courier service.~~

Sec. 32-402.33. – Special uses.

The following uses shall be permitted in the O(M) District with a Special Use Permit:

7. [Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.](#)

... [Uses renumbered]

Sec. 32-402.41. – Uses permitted by right.

The following uses shall be permitted by right in the O(F) District:

16. [Neighborhood retail and fulfillment center, up to 30,000 square feet in gross floor area.](#)

~~17. 16.~~ Office.

~~17. Package, telecommunications, and courier services.~~

Sec. 32-402.43. – Special uses.

The following uses shall be permitted in the O(F) District with a Special Use Permit:

12. [Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code sec. 32-400.27.](#)

... [Uses renumbered]

PART 403. – INDUSTRIAL DISTRICTS

Sec. 32-403.11. – Uses permitted by right.

The following uses shall be permitted by right in the M-1 District:

[21. Distribution and fulfillment center, less than 80,000 square feet in gross floor area, outside of the E-Commerce Overlay District](#)

[22. Distribution and fulfillment center, less than 350,000 square feet in gross floor area, within the E-Commerce Overlay District.](#)

... [Uses renumbered]

[51. Neighborhood retail and fulfillment center.](#)

~~52. 49.~~ Office.

~~50. Package, telecommunication, and courier service (unlimited storage of equipment, supplies and vehicles).~~

... [Uses renumbered]

Sec. 32-403.13. – Special uses.

The following uses shall be permitted in the M-1 District with a Special Use Permit, including any other manufacturing, processing, or wholesaling use not otherwise

permitted by this chapter, including any use involving the storage of petroleum, propane, or natural gas products or hazardous materials.

[5. Distribution and fulfillment center, greater than 80,000 square feet in gross floor area, outside of the E-Commerce Overlay District](#)

[6. Distribution and fulfillment center, greater than 350,000 square feet in gross floor area, within the E-Commerce Overlay District.](#)

... [Following uses renumbered]

Sec. 32-403.21. – Uses permitted by right.

The following uses shall be permitted by right in the M-2 District:

[15. Distribution and fulfillment center, less than 80,000 square feet in gross floor area, outside of the E-Commerce Overlay District](#)

[16. Distribution and fulfillment center, less than 250,000 square feet in gross floor area, within the E-Commerce Overlay District.](#)

... [Uses renumbered]

[26. Neighborhood retail and fulfillment center.](#)

[27.24. Office.](#)

~~25. Package, telecommunications, and courier service.~~

... [Uses renumbered]

Sec. 32-403.23. – Special uses.

The following uses shall be permitted in the M-2 District with a Special Use Permit.

[4. Distribution and fulfillment center, greater than 80,000 square feet in gross floor area, outside of the E-Commerce Overlay District](#)

[5. Distribution and fulfillment center, greater than 250,000 square feet in gross floor area, within the E-Commerce Overlay District.](#)

... [Following uses renumbered]

Sec. 32-403.31. – Uses permitted by right.

The following uses shall be permitted by right in the M/T District:

[23. Distribution and fulfillment center.](#)

... [Uses renumbered]

[53. Neighborhood retail and fulfillment center.](#)

[54.52. Office.](#)

~~53. Package, telecommunication, and courier service.~~

... [Uses renumbered]

PART 511. – E-COMMERCE OVERLAY DISTRICT

Sec. 32-511.01. - Purpose and intent.

The E-Commerce Overlay District was created for the purpose of promoting development of last mile distribution and fulfillment centers within areas of the County where there is existing infrastructure that adequately supports the use. This overlay district continues the County's efforts to attract and advance specialized logistics and supply chain companies while limiting negative impacts on surrounding communities.

Sec. 32-511.02. - Establishment of E-Commerce Overlay District.

1. An E-Commerce Overlay District may be established by the Board of County Supervisors, on appropriate land(s), including but not limited to, land(s) in proximity to roads classified as a major collector street or higher functional class. Functional street classifications shall be in accordance with Section 600 of the Design and Construction Standards Manual.
2. An E-Commerce Overlay District, including the text and map, shall be created and amended by ordinance by the Board of County Supervisors. The E-Commerce Overlay District boundaries shall be set using a map. Amendments to the text or map may only be initiated by the Board of County Supervisors.
3. The E-Commerce Overlay District shall overlay the existing underlying zoning district. The regulations and requirements of the underlying zoning district and the E-Commerce Overlay District shall both apply, provided however, that when the regulations applicable to the E-Commerce Overlay District conflict with the regulations of an underlying zoning district, the E-Commerce Overlay District regulations shall govern.

Sec. 32-511.03. - Distribution and Fulfillment Center Design Standards.

Distribution and fulfillment centers occupying 150,000 square feet or more in gross floor area within a building shall be subject to the following provisions, except when located in a M/T, Industrial/Transportation zoning district:

1. A 50-foot-wide buffer area shall be provided adjacent to each public street frontage. The buffer area shall allow for the location of vehicular access points in accordance with Section 600 of the Design and Construction Standards Manual ("DCSM"). The buffer area shall be planted in accordance with Section 800 of the Design and Construction Standards Manual.
2. The visibility of loading docks shall be screened from all adjacent streets categorized as a major collector street or higher functional class. Functional street class categorizations shall be in accordance with Section 600 of the Design and Construction Standards Manual. Screening shall be in accordance with Section 800 of the Design and Construction Standards Manual.

3. Principal building façades shall include all building façades that face adjacent major arterials or interstates. When a building has more than one principal façade, such principal building façades shall be consistent in terms of design, materials, details, and treatment. Principal building façades associated with new construction shall meet the following standards:
 - a. Principal building façades shall avoid the use of undifferentiated surfaces by including at least three of the following design elements:
 - i. change in building height;
 - ii. building step-backs or recesses;
 - iii. Fenestration;
 - iv. change in building material, pattern, texture, and color; or
 - v. use of accent materials.
 - b. Building façades facing Manassas Battlefield Park, that are visible from viewshed anchors as identified in the Manassas Battlefields Viewshed Preservation Study, shall be non-reflective and dark green or dark brown in color. The Planning Director or their designee may approve other colors provided the colors are demonstrated to be earth tones that will help the building façade blend into the tree line.
4. A buffer yard is required in order to screen the distribution and fulfillment center from adjacent residentially zoned or planned properties. In lieu of buffer yard requirements in DCSM Section 800, any side/rear yard abutting property planned or developed with residential uses shall include a buffer with required plantings installed on an earthen berm that has a minimum height of six feet and a slope not steeper than 2:1, planted to a type C DCSM buffer standard. The buffer yard plantings shall be installed in accordance with the requirements of the DCSM.
 - a. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when the Planning Director or their designee determines that it provides visual screening from adjacent land uses at the density, depth, and height equivalent to the buffer yard with earthen berm.
5. Fencing of the property is permitted, provided that fencing along public or private streets is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. Chain-link fencing and barbed wire fencing are prohibited along public or private street frontages. This fencing allowance does not relieve a property owner from complying with all fire and access code requirements. The Planning Director or their designee may allow for alternative compliance with this requirement, provided the applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.

Sec. 32-511.04. - Uses permitted by right.

1. All uses permitted by right in the underlying zoning district shall be permitted in the E-Commerce Overlay District.
2. Distribution and fulfillment centers shall be permitted by right in the E-Commerce Overlay District, in M-1, Heavy Industrial, M-2, Light Industrial, and M/T, Industrial/Transportation, Zoning Districts
3. Distribution and fulfillment centers shall be permitted by right in the E-Commerce Overlay District, in designated industrial land bays in the PBD, Planned Business, and PMD, Planned Mixed Use, Zoning Districts, subject to applicable square footage limitations.

Sec. 32-511.05. - Secondary uses.

All permitted secondary uses in the underlying zoning district shall be permitted in the E-Commerce Overlay District.

Sec. 32-511.06. - Uses permitted by Special Use Permit.

All permitted special uses in the underlying zoning district shall be permitted by special use permit in the E-Commerce Overlay District.

Sec. 32-511.07. - Prohibited Zoning Districts.

1. Distribution and fulfillment centers shall be prohibited in all agricultural, residential (including Parts 302, 303, 304, 305, 350, and 351 of the Zoning Ordinance), commercial and office (including Parts 401, and 402 of the Zoning Ordinance) zoning districts, as well as, designated residential, office, or commercial land bays in the planned zoning districts.
2. Distribution and fulfillment centers shall be prohibited in planned zoning districts containing more than one land use designation (mixed-use), if (a) one of the land bay designations are residential, office, or commercial, and (b) the gross floor area of distribution and fulfillment centers is over 80,000 square feet.

Sec. 32-511.08. - Waivers and modifications within the E-Commerce Overlay District.

The Board of County Supervisors may waive or modify any provision within Part 511 of this chapter pursuant to an approved special use permit or rezoning. Requests to waive or modify any provision of Part 511 of this chapter must be submitted and justified as part of a special use permit or rezoning application

