

Article II- Administration, Public Uses and Uses of a Public Nature, General Standards for Planned Development Districts

Sec. 32-201.10. - Public uses and facilities.

Public facilities, structures, [parks](#), and uses, as those terms are used herein, shall include but not be limited to streets, connections to existing streets, parks or other public areas public buildings or public structures, public utility facilities, or public service corporation facilities, whether publicly or privately owned, but shall not include railroad facilities, high power electrical transmission lines in excess of 150 kilovolts which are subject to review and approval by the Virginia State Corporation Commission, or a public telecommunications facility (not including television and radio towers and structures not necessary to house electronic apparatus) that has received approval and funding by the Virginia Public Broadcasting Board pursuant to Code of Virginia, § 2.2-2426. For purposes of this section, the foregoing facilities, structures, and uses shall be referred to as public facilities. The term "public facility" or "public use" shall not, however, include the business office of any of the foregoing unless owned and operated by a governmental body.

(Ord. No. 98-62, 7-7-98; Ord. No. 04-78, 12-21-04)

Sec. 32-201.12. - Exceptions and special provisions for public facility determinations under Code of Virginia, § 15.2-2232C. and D.

(a) The Planning Director shall deem public areas, facilities, [parks](#) or uses as features already shown in the Comprehensive Plan when they are identified within, but are not the entire subject of, a subdivision plan submitted in accordance with section 110 of the Design and Construction Standards Manual, or of a site plan for development submitted in accordance with [section 32-800.10](#), and:

(1) When the general or approximate location, character, and extent of those facilities is consistent with the provisions of the Comprehensive Plan or a part thereof and the Design and Construction Standards Manual contains standards for such construction, or that the board has, by ordinance or resolution, defined standards governing the construction, establishment, or authorization of such public area.

(2) The public areas, facilities, [parks](#) or uses are the subject of a proffer accepted under the County's conditional zoning system.

(3) Notwithstanding the provisions of subsection (1), above, construction plans which relate solely to the construction of such public facilities may be accepted and reviewed if those facilities are shown on the approved preliminary subdivision plan of which the construction plans are an integral part.

(b) Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporation facilities shall not require a public facility determination. For purposes of this section, widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be subject to the requirement of a public facility determination.

(c) Telecommunications facilities, other than County-owned or County-leased telecommunications facilities, shall also comply with sections 32-240.00 et seq., including yard and setback requirements therein.

(Ord. No. 98-62, 7-7-98; Ord. No. 04-78, 12-21-04)

Editor's note— Former § 32-201.12 entitled "Location of Public Facilities; determination of Need for Review," which derived from Ord. No. 91-127, adopted Oct. 22, 1991, amended pursuant to Ord. No. 92-59 enacted June 16, 1992 and Ord. 94-76 enacted Nov. 1, 1994, was deleted in its entirety pursuant to Ord. No. 04-78, adopted Dec. 21, 2004, and combined with former § 32-201.13; subsequent §§ 32-201.13—32-201.19 renumbered accordingly.

Sec. 32-201.14. - Procedure for consideration of applications for public facility determinations.

(a) Application procedures. Submission of a site or subdivision plan shall constitute sufficient application for a determination as to plan conformity review under the provisions of this section unless the Planning Director requests more information under this section, or separate application may be made where no site or subdivision plan is submitted. The Planning Director may require any applicant to provide such additional information as needed to identify the nature, general or approximate location, character, and extent of the public use, structure, park, or facility proposed, in accordance with procedures adopted by the Planning Office.

The Planning Director shall examine the application to determine whether it is in proper form, and shall advise the applicant of the date on which his application was accepted for review, or what further information is required to constitute a satisfactory application.

(b) When the Planning Director determines that the application is complete, the applicant and the planning commission shall be advised. Prior to a public hearing, all public facility determinations shall be advertised in accordance with [Section 32-700.60](#). The Planning Commission shall hear and decide the application within 60 days, unless such time is extended by the Board of County Supervisors prior to the expiration of the said 60 days. Notwithstanding the above, the Planning Commission shall hear and decide all applications for telecommunication facilities within 90 days, unless such time is extended by the Board of County Supervisors by no more than 60 additional days, or the applicant has agreed to a voluntary extension of time. Failure of the Commission to make a final decision as required hereby shall be deemed approval of the submission under consideration.

(c) The Planning Commission shall communicate in writing its determinations to the Board of County Supervisors. The Planning Director shall communicate the Commission's determination with respect to any application presented to it hereunder to the Board of County Supervisors and the County Attorney. The Planning Director may incorporate an applicant's request for an extension of the 60-day time frame for the Planning Commission to hear and act upon those determinations scheduled for public hearing.

(Ord. No. 94-76, 11-1-94; Ord. No. 04-78, 12-21-04; [Ord. No. 18-26](#), Attc., 5-15-18)

Note— See editor's note following [section 32-201.12](#).

Article IX. Board of Zoning Appeals

Sec. 32-900.00. - Board of zoning appeals.

The following regulations shall apply to the Prince William County Board of Zoning Appeals.

1. Continuance; composition; terms; vacancies. The Board of Zoning Appeals, as heretofore established pursuant to Code of Virginia, § 15.2-2308, is continued, and the seven members thereof shall hold office until the expiration of the term for which they were appointed.

(a) The Board of Zoning Appeals shall consist of seven residents of the County, appointed by the Circuit Court of the County. Their terms of office shall be for five years each.

(b) The secretary of the Board of Zoning Appeals shall notify the court at least 30 days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs.

(c) Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the Board of Zoning Appeals shall hold no other public office in the County; except, that one member may be a member of the planning commission.

2. Officers; quorum; rules; records and reports. The Board of Zoning Appeals shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

(a) Notwithstanding any other provision of law, general or special, for the conduct of any hearing or the taking of any action, a quorum shall be not less than a majority of all the members of the Board of Zoning Appeals and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314 of the Code of Virginia, and the staff of the local governing body.

(b) The Board of Zoning Appeals may make, alter and rescind rules and forms of its procedures consistent with this chapter and other ordinances of the County and general laws of the commonwealth.

(c) The Board of Zoning Appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the Board of County Supervisors at least once a year.

3. Expenditures; compensation; removal of members; conflicts of interest. ~~Within the limits of funds appropriated by the Board of County Supervisors~~ Upon request of the Board of Zoning Appeals, the Board of County Supervisors shall consider appropriation of funds so that the Board of Zoning Appeals may employ staff and contract for secretaries, clerks, legal counsel, consultants, and other technical and ~~clerical other~~ services. If the Board of Zoning Appeals has needs that surpass the budgeted amount, the Board of County Supervisors shall review the Board of Zoning Appeals request. Members of the Board of Zoning Appeals may receive compensation as authorized by the Board of County Supervisors.

(a) Any member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, upon written charges and after a public hearing held after at least 15 days' notice.

(b) Any member shall be disqualified to act upon any matter before the Board of Zoning Appeals, with respect to property in which the member or the member's immediate family has an interest.