

**PLANNING COMMISSION RESOLUTION**

**MOTION:**

**September 13, 2023  
Regular Meeting  
Res. No. 23-**

**SECOND:**

**RE:**

**ZONING TEXT AMENDMENT #DPA2023-00022, SEC. 32-201.18, ARTICLE II, PART 201- LOTS FOR PUBLIC USE; RESTRICTIONS ON USE - COUNTYWIDE**

**ACTION:**

**RECOMMEND ADOPTION**

**WHEREAS**, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

**WHEREAS**, this is a request to amend the following section of the Zoning Ordinance:

- Section 32- 201.18 Lots for public use; restrictions on use.; and

**WHEREAS**, on June 27, 2023, the Board of County Supervisors adopted Resolution No. 23-345 which initiated a zoning text amendment to address the above referenced issue; and

**WHEREAS**, County staff recommends that the Planning Commission recommend approval of this Zoning Text Amendment for the reason stated in the staff report; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on September 13, 2023, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

**WHEREAS**, the Prince William County Planning Commission finds that public necessity, convenience, general welfare as well as good zoning practices are served by recommending adoption of this zoning text amendment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William County Planning Commission does hereby close the public hearing and recommend adoption of Zoning Text Amendment #DPA 23-00022, Sec. 32-201.18, Article II, Part 201, Lots for Public Use; restrictions on use.

**ATTACHMENT:** Proposed Zoning Text Amendment

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**MOTION CARRIED or MOTION FAILED TO CARRY**

**ATTEST:** \_\_\_\_\_

**Clerk to the Planning Commission**

**Sec. 32-201.18. Lots for public use; restrictions on use.**

Lots for any public use, except public buildings, may be developed and used even if not meeting the minimum area or other regulatory requirements of the applicable zoning district. Except where otherwise required in accordance with Table 8-1 of the Design and Construction Standards Manual, ~~a minimum 15-foot peripheral landscape area shall be established and maintained that meets type A buffer standards in accordance with section 800 of the Design and Construction Standards Manual where such lot contains a permanent structure above the height of three feet.~~ Screening where such lot contains a permanent structure above the height of three feet public lots or uses containing a permanent structure above three feet in height shall be screened on all sides pursuant to County Code Sec. 32-250.31.

- (a) Lots upon which public buildings are constructed shall meet all setback and yard requirements of the district in which they are located but shall otherwise be treated the same as other public facilities.
- (b) The following language shall be contained on the subdivision plat and deed conveying the property, or any site plan submitted in connection with the establishment of a public use:

"This lot is being created solely for use as a public use facility and cannot be used for any other purpose. If the public use of this lot shall cease, no further use of the lot may commence until such time as all the requirements of the zoning ordinance are met, whether by aggregation with other properties, or otherwise".



# **STAFF REPORT**

<b>PC Meeting Date:</b>	September 13, 2023
<b>Agenda Title:</b>	Zoning Text Amendment #DPA2023-00022, Lots for Public Use; Restrictions on Use
<b>District Impact:</b>	County Wide
<b>Requested Action:</b>	Recommend Approval of Zoning Text Amendment #DPA2023-00022, Lots for Public Use; Restrictions on Use
<b>Department:</b>	Planning
<b>Case Planner:</b>	Yolanda Hipski, Senior Planner

## **EXECUTIVE SUMMARY**

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Proposal to amend County Code Section 32-201.18 to permit landscape options to areas or lots that are designated for public uses, except public buildings.

It is the recommendation of Staff that the Planning Commission recommend approval of Zoning Text Amendment #DPA2023-00022.

## BACKGROUND

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- A. Zoning Text Amendment Initiated – The PWC Service Authority owns several pump stations that will be replaced in the next few years. Many of these older facilities will require upgrading and, potentially, a larger footprint. Given that the County did not require buffer screening until the May 4, 1982 Zoning Ordinance, many of these lots may not have any landscaping. Should they require a different footprint, the new pump stations will be restricted to current standards and relief would most likely require a variance from the Board of Zoning Appeals. Given the potential number of pump stations, Staff is concerned many existing lots may not be able to meet the required level of review for a variance. After discussions between Planning/Zoning staff and the Service Authority, staff recommended the Board of County Supervisors initiate a zoning text amendment.

On June 27, 2023, the BOCS initiated Zoning Text Amendment # DPA2023-00022, Zoning Text Amendment to Section 32-201.18 to Allow Greater Flexibility in Landscape Area Requirements for Lots for Public Use. (See BOCS Initiating Resolution No.23-345)

- B. Purpose of the Zoning Ordinance – 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.
- C. Current Zoning Ordinance Language – The purpose and intent of the Section 32-201.18 is to buffer and identify general development standards applicable to public uses and uses of a public nature, regardless of ownership and zoning district. Currently, this provision outlines minimum landscaping standards designed to limit the impact of the public use on adjoining properties. However, the current zoning regulations does not provide flexibility in its standards, particularly for publicly owned buildings or lots. In contrast, for privately owned development, the Ordinance allows modifications of the buffer area size and, by reference to the Design Construction Standards Manual (DCSM), the Ordinance allows for modifications of plant material quantity in certain situations.
- D. Current Language Impacts – Since Section 32-201.18 of the Zoning Ordinance specifically requires public use lots contain a 15-foot wide landscape area, any modification of this provision may only be granted by obtaining a variance from the Board of Zoning Appeals.

For non-public uses, Section 32-250.31.1. requires buffer areas only meet “the circumstances and widths specified in Section 800 of the DCSM”. In contrast to the Zoning Ordinance, the DCSM recognizes that reasonable, and even preferred, design alternatives may not meet rigorous standards. Instead, the DCSM directs review or approval to the Director of Planning with the consultation of the Public Works Director, as appropriate.

- E. Proposed Remedy – The purpose of the proposed zoning text amendment is to better align the landscape standards for public use lots with other development types. Both the Zoning Ordinance and the DCSM permit modifications in certain situations for non-residential, residential, as well as public lots. However, the DCSM promotes creative design solutions and allows greater flexibility to finding appropriate solutions while allowing administrative oversight.

- F. Development Ordinance Review Advisory Committee (DORAC) – The committee was informally briefed on the proposed Zoning Text Amendment on June 27, 2023. The committee had no recommended changes.

## **STAFF RECOMMENDATION**

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- A. The Planning Office recommends approval of the proposed Zoning Text Amendment #DPA 2023-00022 to allow greater flexibility in landscape area requirements for lots for Public Use for the following reasons:
- The proposed language is more consistent with other residential and non-residential lots and provides needed variations to address difficult or unique site conditions.
  - The proposed text supports a flexible and creative approach to redevelopment while allowing needed facility expansions.
  - The proposed text amendment will allow redevelopment of public lots without having to go to the Board of Zoning Appeals or redevelop the site with no landscaping.

## **Community Input**

As required by §§ 15.2-2204 and 15.2-2285, Code of Virginia, and the Zoning Ordinance, notice of the Zoning Text Amendment has been advertised and the proposed amendment published on the Prince William County government web site and has been available in the Planning Office. The Planning Office also received comments from the Service Authority.

## **Legal Issues**

Legal issues are appropriately addressed by the County Attorney's Office.

## **Timing**

The Planning Commission has until December 12, 2023, 90 days from the first public hearing, to take action on this proposal. A recommendation to adopt the Zoning Text Amendment would meet the 90-day requirement.

## **STAFF CONTACT INFORMATION**

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Yhipski@pwcgov.org

## **ATTACHMENTS**

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Attachment A: Existing/Proposed Zoning Text

## **EXISTING ZONING TEXT**

### **Sec. 32-201.18. Lots for public use; restrictions on use.**

- (a) Lots for any public use, except public buildings, may be developed and used even if not meeting the minimum area or other regulatory requirements of the applicable zoning district. Except where otherwise required in accordance with table 8-1 of the Design and Construction Standards Manual, a minimum 15-foot peripheral landscape area shall be established and maintained that meets type A buffer standards in accordance with section 800 of the Design and Construction Standards Manual where such lot contains a permanent structure above the height of three feet.
- (b) Lots upon which public buildings are constructed shall meet all setback and yard requirements of the district in which they are located but shall otherwise be treated the same as other public facilities.
- (c) The following language shall be contained on the subdivision plat and deed conveying the property, or any site plan submitted in connection with the establishment of a public use:

"This lot is being created solely for use as a public use facility and cannot be used for any other purpose. If the public use of this lot shall cease, no further use of the lot may commence until such time as all the requirements of the zoning ordinance are met, whether by aggregation with other properties, or otherwise".

**PROPOSED ZONING TEXT**

**Sec. 32-201.18. Lots for public use; restrictions on use.**

Lots for any public use, except public buildings, may be developed and used even if not meeting the minimum area or other regulatory requirements of the applicable zoning district. Except where otherwise required in accordance with Table 8-1 of the Design and Construction Standards Manual, ~~a minimum 15-foot peripheral landscape area shall be established and maintained that meets type A buffer standards in accordance with section 800 of the Design and Construction Standards Manual where such lot contains a permanent structure above the height of three feet.~~ Screening where such lot contains a permanent structure above the height of three feet public lots or uses containing a permanent structure above three feet in height shall be screened on all sides pursuant to County Code Sec. 32-250.31.

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