

DRAFT Design & Construction Standards Manual (DCSM) Waivers Associated with Land Use Cases

This Memorandum serves as County Policy and general guidance on how DCSM Waivers are handled when they are associated with Land Use Cases (Entitlements), to include Rezoning and/or Special Use Permits (SUPs).

Overview

DCSM Section 600 Transportation Waivers

- A. When DCSM Section 600 Transportation Waivers are submitted that involve Virginia Department of Transportation (VDOT) public roadways, or roadways proposed to be accepted by VDOT, the Department of Transportation will review and approve or deny these Waivers at the time of the application or request. Since these waivers involve State standards, the process may also include VDOT approval or coordination prior to County consideration.
- B. When DCSM Section 600 Transportation Waivers are submitted that do not involve VDOT Public Roadways or are related to on-site standards the Department of Transportation will review the proposed DCSM Waiver application and provide a recommendation for approval or denial. The official Waiver recommendation will be included as part of the Planning Office Staff Report for Planning Commission and Board consideration. Once the Board takes action, the Waiver recommendation will be updated to reflect the final action by the Board.

DCSM Environmental Waivers

- A. Any DCSM Section 700 Environmental Waivers that are submitted during the land use application process will not be reviewed by the Department of Public Works at this time. Waivers under this section will continue to be reviewed and processed at the time of Final Site Plan to ensure the County remains fully compliant with its Erosion and Sediment Control Program, Stormwater Management Program and Chesapeake Bay Preservation Area Program.
- B. When DCSM Section 800 Waivers are submitted related to County landscaping and buffer standards, the Department of Public Works will continue to review proposed modifications as part of the land use case. The recommendation will be included as part of the Planning Office Staff Report for Planning Commission and Board consideration. No Waiver application is required to be submitted.

Process

During the application process for land use cases and entitlements, staff may identify the need for a DCSM Waiver based on the land use application, development, and/or site layout.

1. Identified DCSM Waivers during the land use case application process:
 - If the DCSM Waiver is related to Transportation (DCSM Section 600) staff will identify which category that waiver will fall under as mentioned above, and will take action based on the following:
 - A. Waivers that involve Virginia Department of Transportation (VDOT) public roadways
 - Department of Transportation staff will approve or deny waiver.
 - VDOT approval will be required prior to any consideration by the Department of Transportation if it is within VDOT Right of Way.
 - B. Waivers that do not involve VDOT Public Roadways (or are on-site)

- Department of Transportation staff will make a recommendation to approve or deny waiver.
 - Waivers and recommendations will be included as part of the land use case's Planning Commission and Board of County Supervisors staff report packages.
 - If the DCSM Waiver is related to Environmental Systems (Section 700) or Buffer Areas Landscaping & Tree Cover Requirements (Section 800), Public Works will take the following actions:
 - Environmental Systems (Section 700): Public Works will not review waiver requests related this section at this time and will be reviewed as part of Final Site Plan.
 - Buffer Areas Landscaping & Tree Cover Requirements (Section 800): Public Works will review proposed modifications to landscaping and buffer standards related to Section 800, and a staff recommendation will be included as part of the Land Use Case's Planning Commission and Board of County Supervisors packages.
2. Coordination with the Planning Office
 - The submission of DCSM Waivers during the Land Use Application process should be coordinated with the Planning Office.
 - As part of the first submission, the Planning Office may identify required DCSM waivers to be submitted as part of the second submission.
 3. DCSM Waivers (either approved by the Board during land use cases or by staff as outlined above) will be included as part of the Planning Office Staff Report to the Planning Commission and Board of County Supervisors.
 - The appropriate agency Director or designee shall update the DCSM Waiver based on Board Action.
 - DCSM waivers that are approved as part of a land use case will run with approved use. Signed waivers should be included in any future site plan review applications.
 4. Guidance on Waivers and Modifications in Proffers
 - Modifications related to Section 600 shall not be included in proffer statements. Proffers may reference the specific DCSM Waiver associated with the land use case.
 - Modifications and waivers related to Section 800 may be included in proffer statements.
 5. Information on revising approved DCSM Waivers
 - DCSM Waivers that are recommended for approval and ultimately approved by the Board can be modified at a later time. Modification to any approved Waivers will require resubmission to Land Development, a recommendation from Department of Transportation Staff, and action from the Board as part of a Consent Agenda Item from the Department of Transportation.

In cases of unusual situations or when strict adherence to a particular subdivision or site plan requirement found in the Design and Construction Standards Manual (DCSM)s would result in substantial injustice or hardship, the applicant may request a waiver of the requirement. Waivers of the Zoning Ordinance Subdivision Ordinance or DCSM may also be requested as part of a rezoning application or special use permit application. All waiver requests are submitted to the Land Development Division for processing.

ARTICLE I. TERMS DEFINED

PART 100. DEFINITIONS

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Flea market shall mean an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Fleet Parking shall mean a parking area for the parking and storage of five (5) or more operable vehicles which are used in the daily operations of an existing and/or concurrently proposed rezoning or special use permit application for a nonresidential principal use located within the County and which is not located adjacent to or abutting the lot containing the principal use. This does not include parking and storage of farm vehicles, construction equipment, or motorized vehicles not licensed to operate on state roads. Fleet Parking is not off-site parking or commercial parking as defined in this chapter.

Flood fringe shall mean that portion of the 100-year floodplain outside the floodway, and as further defined in sections 32-501.02 and 32-504.03.

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ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

PART 400. GENERAL REGULATIONS

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Sec. 32-400.28. Fleet Parking.

Fleet Parking, as defined in this chapter, may be permitted through an approved special use permit in the M-1, M-2, and M/T zoning districts. Fleet parking shall comply with the following as part of any approved special use permit:

1. Fleet parking spaces must be in addition to the minimum number of parking spaces required for the associated principal use. Such parking areas shall be for the sole use of the owners, occupants and patrons of the principal use, and shall not be used for commercial parking purposes as defined in this chapter.
2. The parking area shall be constructed in accordance with all applicable sections of the zoning ordinance and the Design and Construction Standards Manual. A site plan pursuant to Part 800 of this chapter shall be required.
3. Outdoor lighting shall be provided in all parking areas and travelways, pursuant to section 32-250.200.
4. Notwithstanding the provisions of County Code section 32-250.20, one directional sign shall be permitted at each vehicular entrance/exit servicing the parking area. The signs shall not exceed 32 square feet in size. Directional or informational signs, as defined in this chapter, may be installed in any parking areas. All signs shall be set back a minimum of ten feet from any public or private street right-of-way.
5. Where the lot used for fleet parking is under separate ownership than the lot of the principal use, permanent easements and/or agreements shall be required which provide for joint use and maintenance of parking areas and travelways by all owners, occupants, and patrons of the properties. Such easements or agreements shall be noted on approved subdivision and site plans. The easements

or agreements shall be approved by the Zoning Administrator and the County Attorney's Office, and shall not be changed without such prior approval by the Zoning Administrator.

PART 403. INDUSTRIAL DISTRICTS

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.

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17. Motor vehicle towing.

18. Parking, fleet (In accordance with the provisions of Section 32-400.28).

~~18-19.~~ Range, shooting, indoor or outdoor.

~~19-20.~~ Recycling plant.

~~20-21.~~ Research and development (HAZMAT).

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Sec. 32-403.23. Special uses.

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

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12. Parking, commercial.

13. Parking, fleet (In accordance with the provisions of Section 32-400.28).

~~13-14.~~ Racetrack (equestrian or motorized).

~~14-15.~~ Ranges, shooting, indoor or outdoor.

~~15-16.~~ Recreation facility, commercial (outdoor).

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Sec. 32-403.33. Special uses.

The following uses shall be permitted in the M/T 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.

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12. Motor vehicle sales secondary to motor vehicle repair.

13. Parking, fleet (In accordance with the provisions of Section 32-400.28).

~~13-14.~~ Racetrack (motorized vehicles).

~~14-15.~~ Range, shooting (indoor or outdoor).

~~15-16.~~ Recycling plant.

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DIVISION 2. - SIGN REGULATIONS

Sec. 32-250.23. - Sign permits—Generally.

7. *Permit not required.* The following signs shall be subject to the standards of this Division but shall not require a sign permit. Unless otherwise expressly required by the proffers or conditions of a rezoning, proffer amendment, or special use permit, the following signs may be erected, constructed, posted, painted, altered, or relocated without a sign permit:

- (a) Displays of letters and numbers indicating a property's address located on a building or structure not exceeding a sign area of six (6) square feet.
- (b) Changes to the sign face where there is no change to the sign structure, including no change in the sign face area, height, location, or alteration of the sign cabinet, if applicable. An example includes, but is not limited to, the replacement or repainting of a sign face.
- (c) Changes of copy on changeable copy signs and electronic message board signs.
- (d) A-frame (portable). Signs located 50 feet or more from the nearest public street, with a maximum sign area of 12 square feet and a maximum height of four (4) feet.

Example provided below:



- (e) Pavement markings, which include signs applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
- (f) Window signs. All window signs shall meet the following standards:
 - i) Window signs shall be permitted in commercial, office, and industrial districts, and shall not occupy more than 25 percent of the aggregate area on each window or glass door.

- ii) Window signs are those visible outside the window that are attached to or located within 18 inches in front of or behind the surface of a window or glass door.

(g) Developments permitted the following signage:

- i) Development that is marketed for sale, rent, or lease: The total maximum size permitted for signage shall not exceed more than one-tenth (0.1) square feet of signage per linear foot of street frontage up to a total maximum of thirty-two (32) square feet. For lots or developments with one hundred-sixty (160) feet or less of linear street frontage, the total maximum size of the sign shall be sixteen (16) square feet. All freestanding signs shall not exceed ten (10) feet in height. All sign(s) shall be removed within fourteen (14) days of settlement, rental, or lease of the property.
- ii) Development that is actively under a site plan for construction, remodeling, or renovation: The total maximum size permitted for the signage shall not exceed more than one-tenth (0.1) square feet of signage per linear foot frontage up to a total maximum of sixty-four (64) square feet. For lots or developments with one hundred sixty (160) linear feet or less of street frontage, the total maximum size of the signage shall be sixteen (16) square feet. All freestanding signs shall not exceed ten (10) feet in height. All sign(s) shall be removed within fourteen (14) days after issuance of the final Building Certificate of Occupancy, acceptance of all roads by VDOT and/or the County, or expiration or revocation of a building permit, whichever comes first.
- iii) Single-family or duplex dwellings or lots that are marketed for sale, rent, or lease: The total maximum size permitted for signage shall not exceed more than one-tenth (0.1) square feet of signage per linear foot of street frontage up to a total maximum of thirty-two (32) square feet. For lots with eighty (80) feet or less of linear street frontage, the total maximum size of the sign shall be eight (8) square feet. There shall not be more than one (1) free-standing sign per property and the freestanding sign shall not exceed eight (8) feet in height. All sign(s) shall be removed within fourteen (14) days of settlement, rental, or lease of the property.
- iv) Single-family dwelling or duplex lots that are under construction, remodeling, or renovation: Regardless of the preceding Sections 32-250.23.7.(g) i) through Section 32-250.23.7.(g) iii, the total maximum size for signage shall not exceed six (6) square feet in area. All free-standing signs shall not exceed five (5) feet in height. All sign(s) shall be removed within seven (7) days after issuance of the final Building Certificate of Occupancy, or expiration or revocation of a building permit.

(h-g) Yard Signs: A residential use or residential project shall be permitted three (3) yard signs per 1,000 linear feet of road frontage, separated by a minimum of 250 feet. Each sign shall have a maximum sign area of six (6) square feet and shall have a maximum height of five (5) feet.

These signs are intended to be temporary in use, and shall be the responsibility of the property owner for maintenance in accordance with County Code section 32-250.26. Examples of yard signs provided below:



~~(i)~~ A clearance sign which indicates only the maximum height allowable to safely navigate a drive-in lane or travelway shall be permitted. The clearance sign shall not exceed three (3) square feet and shall be excluded from the allowable sign area permitted on the property.

~~(j)~~ General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure, unless a structural change is made.

~~(k)~~ Signs associated with a public institution installed on public property.

~~(l)~~ Any sign that is required to be constructed, placed or maintained by the federal government, the Commonwealth of Virginia, or Prince William County.

~~(m)~~ ~~(k)~~ A display of less than two square feet in area shall be considered a sign, however, does not require a sign permit.