

**MOTION: BAILEY**

**January 16, 2024  
Regular Meeting  
Ord. No. 24-01**

**SECOND: BODDYE**

**RE: ZONING TEXT AMENDMENT #DPA2023-00021, 2022 STATE MANDATED CHANGES TO UPDATE THE COUNTY CODE TO REFLECT CHANGES MADE TO THE CODE OF VIRGINIA BY CHAPTERS 181 AND 249 OF THE ACTS OF ASSEMBLY ENACTED BY THE GOVERNOR AND GENERAL ASSEMBLY DURING THE 2022 GENERAL SESSION - COUNTYWIDE**

**ACTION: APPROVED**

**WHEREAS**, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Prince William Board of County Supervisors (Board) 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 zoning text amendment would amend the following sections of the Zoning Ordinance:

- Sections 32-201.10, 32-201.12, and 32-201.14 regarding public uses; and
- Section 32-900.00 Board of Zoning Appeals; and

**WHEREAS**, on June 28, 2022, the Board adopted Resolution No. 22-341, which initiated a zoning text amendment to address the above-referenced issue; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 29, 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 recommends approval of Zoning Text Amendment #DPA2023-00021, 2022 State Mandated Changes and believes that public general welfare as well as good planning practices are served by the adoption of this Zoning Text Amendment; and

**WHEREAS**, County staff recommends adoption of Zoning Text Amendment #DPA2023-00021, 2022 State Mandated Changes for the reasons stated in the staff report; and

**WHEREAS**, the Board duly ordered, advertised, and held a public hearing on January 16, 2024, at which time public testimony was received and the merits of the above-referenced case were considered; and

**WHEREAS**, the Board finds that public necessity, convenience, general welfare as well as good zoning practices are served by the adoption of this zoning text amendment;

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**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA2023-00021; 2022 State Mandated Changes to update the County Code to reflect changes made to the Code of Virginia by Chapters 181 and 249 of the Acts of Assembly enacted by the Governor and General Assembly during the 2022 General Session.

ATTACHMENT: Proposed Zoning Text Amendments

**Votes:**

**Ayes:** Angry, Bailey, Boddye, Franklin, Gordy, Jefferson, Vega, Weir

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

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

*Andrea P. Madden*

Clerk to the Board

## **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.

### **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:

...

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

### **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.

## 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.

...

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.