

# 12-F

**MOTION:**

**October 24, 2023  
Regular Meeting  
Ord. No. 23-**

**SECOND:**

**RE: ZONING TEXT AMENDMENT #DPA2023-00022, LOTS FOR PUBLIC USE;  
RESTRICTIONS ON USE – COUNTYWIDE**

**ACTION:**

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

**WHEREAS**, pursuant to Resolution Number (Res. No.) 23-245, approved on June 27, 2023, the Board of County Supervisors initiated a zoning text amendment to amend Article II, Part 201.18, of the Prince William County Zoning Ordinance, to allow great flexibility; and

**WHEREAS**, on July 12, 2023, the proposed Zoning Text Amendment was presented to the Planning Commission for discussion during a work session; and

**WHEREAS**, the Prince William County Planning Commission held a public hearing on the Zoning Text Amendment on September 13, 2023, recommending adoption, as stated in Res. No. 23-058; and

**WHEREAS**, a Board of County Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on October 24, 2023, at which time the merits of the above-reference zoning text amendment were considered and citizens were heard; 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 #DPA2023-00022, Lots for Public Use; Restrictions on Use.

ATTACHMENT: Text Amendment

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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

**Clerk to the Board**

**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 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>	October 24, 2023
<b>Agenda Title:</b>	Zoning Text Amendment #DPA2023-00022, Lots for Public Use; Restrictions on Use
<b>District Impact:</b>	Countywide
<b>Requested Action:</b>	Adopt 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

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 and the Planning Commission that the Prince William Board of County Supervisors adopt Zoning Text Amendment #DPA2023-00022.

## BACKGROUND

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- A. Zoning Text Amendment Initiated – The Prince William County 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 and Zoning Staff and the Service Authority, staff recommended the Board initiate a zoning text amendment.
- On June 27, 2023, the Board 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 Board Res. No. 23-345)
- B. Planning Commission Review – The Zoning Text Amendment was originally scheduled for a Public Hearing on July 26, 2023. However, Staff requested the Planning Commission defer the item to better address issues raised during the work session. After holding a Public Hearing on September 13, 2023, and receiving public comment, the Planning Commission recommended the Board of County Supervisors adopt #DPA2023-00022 (see attachments).
- C. 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.
- D. Current Zoning Ordinance Language – The purpose and intent of 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 and Construction Standards Manual (DCSM), the Ordinance allows for modifications of plant material quantity in certain situations.
- E. 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.

- F. 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.
- G. 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**

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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**

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

## **TIMING**

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There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

## **STAFF CONTACT INFORMATION**

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Yolanda Hipski | (703) 792-7672  
[Yhipski@pwcgov.org](mailto:Yhipski@pwcgov.org)

## **ATTACHMENTS**

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Existing/Proposed Zoning Text  
Board Resolution- Initiating dated June 27, 2023  
Planning Commission Resolution – Deferral dated July 26, 2023

Planning Commission Resolution - Referral to Board dated September 13, 2023

## **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 setbacks 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.~~

- (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".

**MOTION:** BAILEY **June 27, 2023**  
**SECOND:** BODDYE **Regular Meeting**  
**Res. No. 23-345**  
**RE:** INITIATE A ZONING TEXT AMENDMENT TO SECTION 32-201.18 TO ALLOW  
GREATER FLEXIBILITY IN LANDSCAPE AREA REQUIREMENTS FOR LOTS FOR  
PUBLIC USE – COUNTYWIDE  
**ACTION:** APPROVED

**WHEREAS**, in accordance with Virginia Code Sections 15.2-2285 and 15.2-2286, the Prince William Board of County Supervisors (Board) may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare, and good zoning practices require such change; and

**WHEREAS**, the Prince William County Zoning Ordinance, Section 32-201.18, requires lots for public use to have a fifteen-foot peripheral landscape area; and

**WHEREAS**, compliance with Section 32-201.18 may limit the ability to reconstruct and expand existing public facilities, such as pump stations; and

**WHEREAS**, initiating the zoning text amendment will authorize staff time and resources necessary for research, analysis, and to conduct public hearings with the Planning Commission and the Board; and

**WHEREAS**, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the initiation of this zoning text amendment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William Board of County Supervisors hereby initiates a zoning text amendment to the Prince William County Zoning Ordinance to Section 32-201.18 to allow greater flexibility in landscape area requirements for lots for public use.

**ATTACHMENT:** Proposed Text, Sec. 32-201.18

**Votes:**

**Ayes:** Angry, Bailey, Boddye, Franklin, Lawson, Vega, Weir, Wheeler

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For information:**

Planning Director

County Attorney

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

*Andrea P. Madden*

Clerk to the Board



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, lots containing a permanent structure above three feet in height shall be screened. Screening shall consist of one or more of the following methods as long as screening is achieved on all sides:

1. ~~A minimum 15-foot peripheral landscape area shall be established and maintained that meets the 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.~~

2. A minimum 15-foot peripheral landscape area that is partially or entirely located on an adjacent property. The landscape area shall meet the type A buffer standards in accordance with section 800 of the Design and Construction Standards Manual. Any off-site landscape area shall be located within permanent easements. Such easements shall be noted on an approved site plan. The easements shall be approved by the Planning Director and the County Attorney's office and shall not be changed without such prior approval.

3. An eight (8) foot tall or greater opaque fence (board on board, masonry, or material similar to either wood or stone) or a wall.



Planning Commission

**PLANNING COMMISSION RESOLUTION**

**MOTION:** KUNTZ **July 26, 2023**  
**SECOND:** FONTANELLA **Regular Meeting**  
**RE:** #DPA 23-00022 LOTS FOR PUBLIC USE; RESTRICTIONS ON USE **Res. No. 23-047**  
**COUNTYWIDE**  
**ACTION:** DEFERRAL TO DATE CERTAIN OF SEPTEMBER 13, 2023

**WHEREAS**, this is a request for a zoning text amendment to amend Article II Part 201 of the Prince William County Zoning Ordinance, to allow greater flexibility in landscape requirements on lots for public uses; and

**WHEREAS**, the Board of County Supervisors initiated the zoning text amendment on June 27, 2023 to amend Article II Part 201 of the Prince William County Zoning Ordinance to allow greater flexibility in landscape requirements on lots for public uses; and,

**WHEREAS**, on July 17, 2023, County staff requested the Planning Commission defer of this zoning text amendment; and

**WHEREAS**, the Prince William County Planning Commission duly ordered and advertised, a public hearing to be held July 26, 2023, at which time public testimony was to be received and the merits of the above-referenced case were considered; and

**WHEREAS**, the Prince William County Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice are served by the deferral of this request;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William County Planning Commission does hereby close the public hearing and defer #DPA 23-00022 Zoning Text Amendment to a date certain of September 13, 2023.

**Votes:**

**Ayes:** Berry, Brown, Fontanella, Gordy, Kuntz, McPhail, Moses-Nedd

**Nays:** None

**Abstain from Vote:** None

**Absent from Vote:** None

**Absent from Meeting:** Sheikh

**MOTION CARRIED**

Attest: *Oly Peña*  
Oly Peña  
Clerk to the Planning Commission

**PLANNING COMMISSION RESOLUTION**

**MOTION:** KUNTZ **September 13, 2023**  
**SECOND:** SHEIKH **Regular Meeting**  
**Res. No. 23-058**  
**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: Berry, Brown, Gordy, Kuntz, Moses-Nedd, Sheikh, McPhail

Nays: None

Absent from Vote: None

Absent from Meeting: Fontanella

**MOTION CARRIED**

ATTEST: Oly Pena  
Oly Pena 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.
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**LANDSCAPE AREAS FOR PUBLIC LOTS**  
**#DPA 2023-00022**

**Countywide**

BOARD OF COUNTY SUPERVISORS PUBLIC HEARING  
October 24, 2023

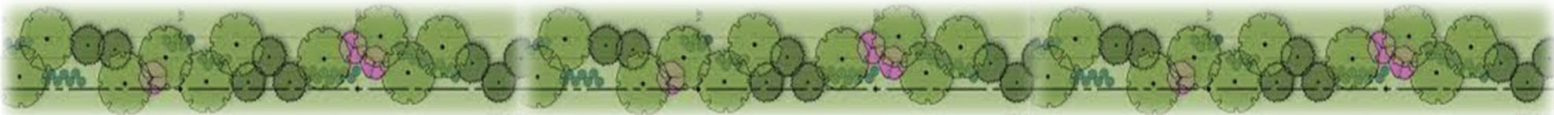
Yolanda Hipski  
Planning Office

**Staff Recommendation:**

JPO

**Adopt Zoning Text Amendment, #DPA2023-00022,  
Landscape Areas for Public Lots**

- **June 25, 2023**– Development Ordinance Review Advisory Committee (DORAC)
- **June 27, 2023**- BOCS initiated Zoning Text Amendment
- **July 13, 2023**– Planning Commission Work Session
- **July 26, 2023**- Planning Commission Public Hearing deferral
- **September 13, 2023**– Planning Commission Public Hearing
- **October 24, 2023- Board of County Supervisors Public Hearing**

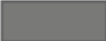
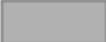







# LANDSCAPE AREAS FOR PUBLIC LOTS #DPA2023-00022

## TYPICAL SITE EXAMPLES:

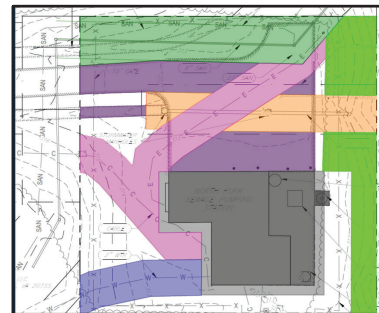
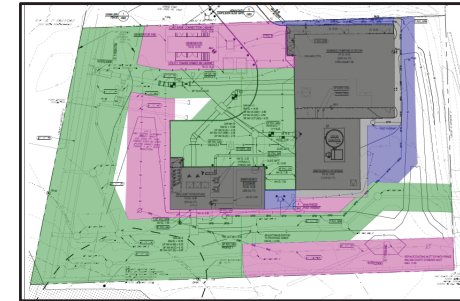
- Usually smaller lots.
- Many easements due to use.
- Plant material placement restricted.
- Location predicated by existing demand, topography and location of off-site facilities.

LEGEND	
	EXISTING & PROPOSED BUILDINGS/STRUCTURES
	PWCSA BUILDING CLEARANCE/SETBACK
	EXISTING AND/OR PROPOSED ELECTRIC EASEMENT/SETBACK
	EXISTING AND/OR PROPOSED SEWER EASEMENT
	EXISTING AND/OR PROPOSED WATER LINE EASEMENT



### Belmont Pump Station

- 13760 Dabney Rd.
- 0.6582 Acres
- Woodbridge

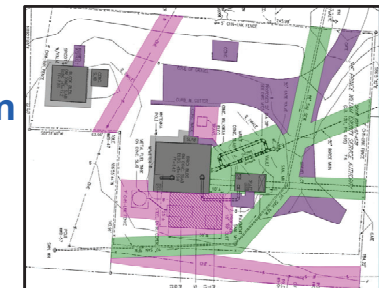


### North Fork Pump Station

- 14650 Otter Creek Ct.
- 0.3306 Acres
- Gainesville

### Featherstone Pump Station

- 15023 Farm Creek Drive
- 0.8916 Acres
- Woodbridge



# LANDSCAPE AREAS FOR PUBLIC LOTS

#DPA2023-00022

PRINCE WILLIAM  
COUNTY

## JULY 12, 2023 PLANNING COMMISSION WORK SESSION COMMENTS

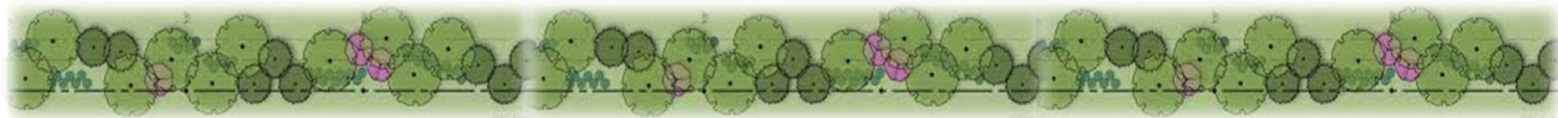
JPO

**Lots vs Easement:** Both fee simple lots and easements used. Expansions may require additional lands/easements.

**Existing Lots vs New Lots:** Newer facilities better accommodate requirements; older lots may be limited. Utility representatives work with community HOA for final landscaping.

**Landscaping vs Fencing:** The option of fencing will be routinely chosen over a 15 ft landscape strip.

**Use of Native Plant Material:** Plants predominantly native.





# LANDSCAPE AREAS FOR PUBLIC LOTS

#DPA2023-00022

PRINCE WILLIAM  
COUNTY

## Proposed Language Sec. 32-201.18.

~~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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- (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:  
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# LANDSCAPE AREAS FOR PUBLIC LOTS

#DPA2023-00022

PRINCE WILLIAM  
COUNTY

## Recommendation

**Staff and the Planning Commission recommend approval of Zoning Text Amendment #DPA2023-00022, Landscape Areas For Public Lots, for the following reasons:**

- Allows publicly owned facilities to respond to and meet screening requirements.
- Public use landscaping more aligned with non-public use buffers standards.
- Without amendment, public use facilities would need a variance from BZA.