

MOTION:

**January 16, 2024
Regular Meeting**

SECOND:

Ord. No. 24-

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:

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:

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____

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.



STAFF REPORT

Board Meeting Date:	January 16, 2024
Agenda Title:	Recommend Adoption of Zoning Text Amendment #DPA2023-00021, 2022 State Mandated Changes to Update the County Code to Reflect Changes made to The Code of Virginia Chapters 181 and 249 of The Acts of Assembly Enacted by the Governor and General Assembly During the 2022 General Session
District Impact:	Countywide
Requested Action:	Adoption of Zoning Text Amendment #DPA2023-00021, 2022 State Mandated Changes.
Department / Agency Lead:	Planning Office
Staff Lead:	David McGettigan, Director

EXECUTIVE SUMMARY

The Governor and General Assembly have made various changes to the Code of Virginia, specifically by the enactment of Chapters 181 and 249 of the Acts of Assembly during the 2022 General Session. Chapter 181 amends Section 15.2-2232 of the Code of Virginia regarding the legal status of the comprehensive plan, which establishes the public facility review process. This amendment would add parks to phrases referencing public facilities. This impacts Sections 32-201.10, 32-201.12, and 32-201.14 of the Zoning Ordinance regarding public uses and facilities. Chapter 249 amends Section 15.2-2308 of the Code of Virginia regarding enabling the creation of a Board of Zoning Appeals. This amendment requires the Prince William Board of County Supervisors (Board) to consider funding for secretaries, clerks, legal counsel, consultants, and other technical and clerical services to support the Board of Zoning Appeals. This impacts Section 32-900.00 of the Zoning Ordinance regarding the Board of Zoning Appeals.

It is the recommendation of staff and the Planning Commission that the Board adopt Zoning Text Amendment #DPA2023-00021.

BACKGROUND

Zoning Text Amendment Initiated – On June 7, 2023, the Board initiated Zoning Text Amendment #DPA2023-00021, 2022 State Mandated Changes.

Amendment of the Zoning Ordinance – Section 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change.

2022 State Legislation – General Acts of Assembly Chapters 181 and 249, approved during the 2022 legislative session of the Virginia General Assembly and signed into law by the Governor (see Attachment B), amended the Code of Virginia as follows:

General Acts of Assembly Chapter 181 – Chapter 181 amends Section 15.2-2232 of the Code of Virginia regarding the legal status of the comprehensive plan, which establishes the public facility review process. This amendment would add parks to phrases referencing public facilities. This impacts Sections 32-201.10, 32-201.12, and 32-201.14 of the Zoning Ordinance regarding public uses and facilities.

General Acts of Assembly Chapter 249 - Chapter 249 amends Section 15.2-2308 of the Code of Virginia regarding enabling the creation of a Board of Zoning Appeals. This amendment requires the Board to consider funding for secretaries, clerks, legal counsel, consultants, and other technical and clerical services to support the Board of Zoning Appeals. This impacts Section 32-900.00 of the Zoning Ordinance regarding the Board of Zoning Appeals.

Purpose of the Amendment – The purpose of the amendment is to include the adopted changes to the State Code from the General Acts of Assembly 2022 Session Chapters 181 and 249.

STAFF RECOMMENDATION

The Planning Office recommends approval of the proposed Zoning Text Amendment #DPA 2023-00021, 2022 State Mandated Changes for the following reasons:

- Prince William County is required to abide by the adopted changes to the Code of Virginia whether or not the Zoning Ordinance reflects such changes.
- The Prince William County Zoning Ordinance is intended to implement state legislation. The proposed text amendments will further bring the Zoning Ordinance into compliance with the state legislation.

Community Input

As required by Sections 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 website and has been available in the Planning Office.

Legal Issues

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

Timing

There is no time requirement for the Planning Commission to act on zoning text amendments.

STAFF CONTACT INFORMATION

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dmcgettigan@pwcgov.org

ATTACHMENT

1. Planning Commission Resolution Number 23-100, November 29, 2023



MOTION: KUNTZ

November 29, 2023
Regular Meeting
Res. No. 23- 100

SECOND: SHEIKH

RE: RECOMMEND ADOPTION OF 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: 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 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 of County Supervisors adopted Resolution No. 22-341 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 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 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 recommend adoption of 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 Amendment

