

MOTION:

October 17, 2017

SECOND:

Regular Meeting

Ord. No. 17-

RE:

**DESIGN AND CONSTRUCTION STANDARDS MANUAL
AMENDMENT #DPA2017-00001, BUFFERS – COUNTYWIDE**

ACTION:

WHEREAS, the Board of County Supervisors may amend the Design and Construction Standards Manual whenever it determines that public necessity, convenience, health, safety, and general welfare require such change; and

WHEREAS, the Zoning Ordinance's requires incompatible uses to be separated with landscaped buffers; and

WHEREAS, these requirements are more difficult to meet for smaller, nonresidential lots of three acres or less; and

WHEREAS, the Design and Construction Standards Manual (DCSM) implements these requirements; and

WHEREAS, the amendments would allow the Planning Director and Public Works Director to waive or modify buffer standards for nonresidential lots of three acres or less, increasing the number of lots eligible for meeting the County's economic development goals; and

WHEREAS, on June 21, 2016, the Board of County Supervisors initiated a Design and Construction Standards Manual amendment to re-evaluate buffers through Res. No. 16-554; and

WHEREAS, the Planning Commission held a public hearing on the Design and Construction Standards Manual amendment on September 20, 2017, after which it adopted Planning Commission Resolution No. 17-085, recommending approval by a vote of 5-3; and

WHEREAS, County staff recommends approval of this DCSM amendment; and

WHEREAS, the Board of County Supervisors duly ordered, advertised, and held a public hearing on October 17, 2017 at which time public testimony was received and carefully considered, and the merits of the DCSM Amendment were considered; and

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WHEREAS, the Board of County Supervisors finds that the public necessity, convenience, health, safety, and general welfare are served by the adoption of this DCSM Amendment;

NOW, THEREFORE, BE IT ORDAINED, that the Prince William County Board of County Supervisors does hereby adopt Construction Standards Manual Amendment #DPA2017-00001, Buffers.

ATTACHMENT: Design and Construction Standards Manual Amendment
Table 8-1

Votes:

Ayes:

Nays

Absent from Vote:

Absent from Meetings:

For information:

Planning Director

County Attorney

Development Services Director

ATTEST: _____
Clerk to the Board

SECTION 800

BUFFER AREAS, LANDSCAPING AND TREE COVER REQUIREMENTS

801.03 Applicability:

A. ...

B. ...

C. Requests for alternative compliance to modify a buffer or landscaping standard specified in Section 800 ~~for any application which does not submit and obtain approval of a comprehensive landscaping plan~~ shall be ~~accepted for reviewed~~ reviewed when one or more of the following conditions are ~~met~~ present:

1. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from the alternative compliance.
2. Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for in-fill sites, and for improvements and redevelopment in older communities.
3. Change of use on an existing site increases the buffer area required by Section 802.00 of this manual more than it is feasible to provide.
4. Safety conditions make alternative compliance necessary.

D. ...

E. ...

802.00 PLANNING AND DESIGN

802.10 Buffer Areas in General:

A. ...

B. ...

C. Except where otherwise permitted in the Zoning Ordinance or by proffers, buildings, structures, retaining walls three (3) feet or greater in height (except where utilized to retain existing vegetative cover), active recreation facilities, parking areas, loading areas, and golf cart paths shall not be located in the buffer areas between dissimilar uses. Sidewalk, trail, and golf cart path crossings may be allowed within a buffer upon approval of ~~the director of Public Works~~ a request for a modification by the Director of Planning and Director of Public Works, as long as comparable performance standards are maintained.

D. ...

E. ...

F. As permitted in the Zoning Ordinance, Minimal utility crossings may be included within a buffer area upon approval of a modification by the ~~director of~~ Director of Planning and Director of Public Works, as long as comparable performance standards are maintained. Landscaping with shrubs, ornamental grasses and perennials may be permitted in utility easements. However, planting of trees in utility easements is not allowed, unless specifically approved by the agency controlling the easement.

G. ...

H. ...

802.11 Buffer Width Requirement:

A. The buffer area requirements are based on the compatibility between the proposed use and that of the adjoining property. Table 8-1 identifies the minimum buffer area required to be provided by a developing property, based on the compatibility of the proposed use with the existing use of the adjoining property. Requests for modifications or waivers of buffer widths are subject to the review and approval of the Director of Planning. ~~Paragraph 'C' of this section is not subject to modification.~~

B. The following buffers required by the Zoning Ordinance shall be planted as defined in this section. Plant units are as defined in Table 8-3.

1. Railroad Right-of-Way. As specified in County Code Sec. 32-250.31 (8), The 100-foot wide buffer for residential uses that abut a railroad right-of-way shall be planted with 600 plant units per each 100 linear feet and in accordance with the provisions of this section.

2. ...

3. ...

4. The 50' wide buffer between a golf course and any adjoining property zoned, used as, or planned for residential or agricultural uses shall be planted as a Type C buffer in accordance with Table 8-2. However, plant units may be reduced by up to 50% if approved by the Director of Planning and Director of Public Works and providing that tree species compose the entire remaining plant unit requirement.

C. The buffer width may vary by up to twenty percent (20%) from the minimum width required at any point along a property line, as long as the buffer area provided remains equal to the minimum buffer area required along the same property line. The reduction in width shall be allowed only if the adjoining property has provided the full width of the buffer area applicable to it. For non-residential lots of three acres or less, the buffer width may vary from the minimum width required at any point along a property line, as provided in the Part 250 of the Zoning Ordinance.

D. ...

E. ...

802.12 Buffer Planting Requirements: Where native woodland conservation is not provided to achieve the intent of a required buffer, landscaping shall be provided. The buffer area planting requirements are determined from Table 8-2.

A. To achieve the intent of buffers, the following apply (Note: buffers adjacent to roadways do not need to meet requirement (4), below):

1. ...

.

6. ...

B. ...

C. ...

D. A six (6) foot tall opaque fence (board-on-board, masonry or similar) or wall may be substituted for thirty percent (30%) of the plant unit requirement. For non-residential lots of three acres or less, the required buffer width may be reduced by 50% when a (minimum of) 6 foot tall board on board, solid masonry fence/wall, or equivalent barrier is provided and a minimum of 50% of the landscaping required by the Design and Construction Standards Manual is provided.

**TABLE 8-1
MINIMUM BUFFER AREA REQUIRED**

Proposed Use/Development	Adjoining Existing Use/Development												
	1	2	3	4	5	6	7	8	9	10	11	12	13
RESIDENTIAL 1. Single-Family Detached (includes Single-family Weak-Link)		A	B	B	B	D	<u>D</u>	B	C	B	C	C	C
2. Single-Family Weak-Link (used only for previously approved weak-link developments that are still valid)	A		A	B	B	D	<u>D</u>	B	C	B	C	C	C
23. Single-Family Attached	B	A		B	B	D	<u>D</u>	B	C	B	C	C	C
34. Multifamily	B	B	B		B	D	<u>D</u>	A	C	B	C	C	C
PUBLIC/SEMIPUBLIC 45. Institutional (e.g., school, church, library)	B	B	B	B		DA	<u>D</u>	A	A	A	B	C	C
6. Public Recreational Use - Passive	D	D	D	D	D		<u>D</u>	<u>DB</u>	<u>DB</u>	<u>DB</u>	<u>DB</u>	<u>DB</u>	<u>DC</u>
67. Public Recreational Use - Active	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
78. Care Facilities (e.g., nursing home)	B	B	B	A	AC	DB	<u>D</u>		DC	A	B	C	C
89. Public Facilities (e.g., pump station, treatment plant)	C	C	C	C	A	DB	<u>D</u>	DC		DB	DB	DA	DA
910. OFFICE	B	B	B	B	A	DB	<u>D</u>	A	DB		DA	B	B
1011. COMMERCIAL/RETAIL	C	C	C	C	B	DB	<u>D</u>	B	DB	DA		A	B
INDUSTRIAL 112. Light	C	C	C	C	C	DB	<u>D</u>	C	DA	B	A		A
1213. Heavy	C	C	C	C	C	DC	<u>D</u>	C	DA	B	B	A	



Christopher E. Martino
County Executive


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12-H-1

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October 6, 2017

TO: Board of County Supervisors

FROM: Rebecca Horner, AICP, CZA 
Planning Director

THRU: Christopher E. Martino
County Executive

RE: Zoning Text Amendment #DPA2016-00019, Buffers (**Countywide**)
DCSM Amendment #DPA2017-00001, Buffers (**Countywide**)

I. Background is as follows:

- A. 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.
- B. Purpose of the Design and Construction Standards Manual – The Design and Construction Standards Manual (DCSM) contains provisions that relate primarily to the requirements for the review and approval of site development plans, plats and site construction.
- C. Current Zoning Ordinance Language – The current language does not give staff flexibility to find creative ways to solve site design issues for smaller, non-residential lots, while still maintaining high quality and quantity of buffers.
- D. Current Design and Construction Standards Manual – DCSM Section 800, with particular emphasis on 802.10 through 802.13 and Tables 8-1, 8-2 and 8-7, contain the County's technical requirements for establishing buffer areas.
- E. Current Language Impacts – Both the Zoning Ordinance and the DCSM use buffer standards to create landscaped open space or preserve existing vegetation, while utilizing buffers to separate dissimilar land uses. However, additional regulatory flexibility would benefit staff's coordination with the development community on projects where site constraints necessitate creative problem-solving. Nonresidential properties of three acres or less would benefit the most from such flexibility.
- F. Proposed Remedy – The proposed text allows flexibility in meeting the current buffer requirements. The proposed text allows staff to consider creative ways to provide buffers and landscaping while maintaining the same amount of buffer area and quality.

II. Current Situation is as follows:

- A. Text Amendments Initiated – On June 21, 2016, the BOCS initiated Zoning Text Amendment #DPA2016-00019 and DCSM Amendment #DPA2017-00001 to re-evaluate buffer requirements to reduce their impact on business development. (See Attachment C - BOCS Initiating Resolution.)
- B. Development and Ordinance Review Advisory Committee (DORAC) – The committee reviewed the proposed ZTA and DCSM amendment on August 25, 2017 and supported the amendments.
- C. Commercial Development Committee – The committee reviewed the proposed ZTA and DCSM amendment on September 6, 2017 and expressed support for the amendments. The committee recommended retaining the now obsolete language in Table 8-1 of the DCSM pertaining to single-family weak-link development; while this unit type is no longer listed in the Zoning Ordinance or DCSM, the committee recommended retaining this mention in the DCSM to account for previously approved projects which may not yet be constructed. The committee's feedback has been incorporated into the draft text.
- D. Planning Commission Recommendation – At the September 20, 2017 public hearing, the Planning Commission recommended approval of Zoning Text Amendment #DPA2016-00019 and DCSM Amendment #DPA2017-00001, Buffers. The Commission recommended editorial changes to clarify the text.

Four citizens, including civic and environmental organizations, spoke at the hearing, indicating concerns with potential impact on environmental requirements such as: Chesapeake Bay standards, TMDL requirements, storm water regulations, and the citizens also requested a work session. Subsequently, a work session was held on October 4, 2017. Staff amended the text to address expressed concerns.

- E. Planning Office and Development Services Department Recommendation – The Planning Office and Development Services Department recommend adoption of Zoning Text Amendment #DPA2016-00019 and DCSM Amendment #DPA2017-00001, Buffers, as proposed in the draft ordinances.
- F. Board of County Supervisors Public Hearing – A public hearing before the Board of County Supervisors has been properly advertised for October 17, 2017.

III. Issues in order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance and the DCSM?
- B. Community Input – Have members of the community raised any issues?
- C. Legal – Are there any legal implications associated with these amendments?

D. Timing – What are the timing considerations of the zoning text amendment?

IV. Alternatives beginning with staff recommendation are:

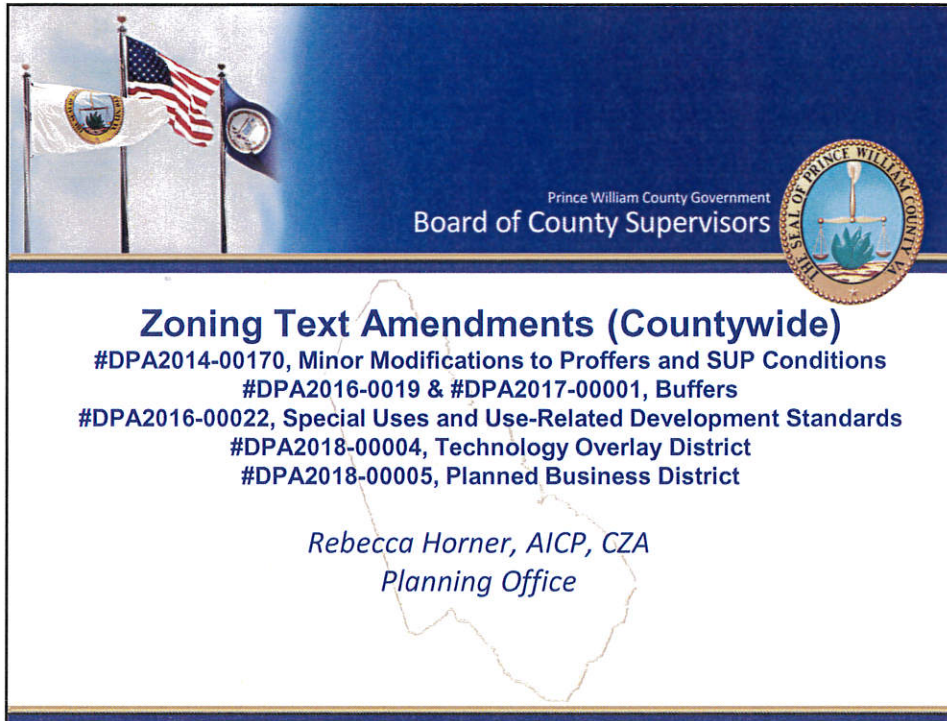
A. Recommend Adoption of Zoning Text Amendment #DPA2016-00019 and DCSM Amendment #DPA2017-00001, Buffers.

1. Policy – Approval of this ZTA and DCSM amendment would provide staff with greater flexibility to modify buffer standards for nonresidential lots under three acres. The Planning Office and the Development Services Department, or the BOCS when considering a rezoning or Special Use Permit, would have authority to review and approve modifications of buffer requirements for alternative designs, which meet the purpose and intent of the County’s buffer requirements.
2. Community Input – The Planning Office has received input from the Prince William Conservation Alliance and Lake Ridge Occoquan Coles Civic Association (LOCCA). Staff amended the text in an attempt to address their concerns.
3. Legal – Legal issues are appropriately addressed by the County Attorney’s Office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments or and DCSM amendments.


B. Do Not Recommend Adoption of Zoning Text Amendment #DPA2016-00019 and DCSM Amendment #DPA2017-00001, Buffers.

1. Policy – If the amendments are not approved, the County’s buffer requirements would remain as currently adopted.
2. Community Input – The Planning Office has received input from the Prince William Conservation Alliance and LOCCA. Staff amended the text in an attempt to address their concerns.
3. Legal – Legal issues are appropriately addressed by the County Attorney’s Office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments and DCSM amendments.

V. Recommendation is that the Board of County Supervisors concur with Alternative A and adopt the attached ordinances.



Prince William County Government
Board of County Supervisors



Zoning Text Amendments (Countywide)
#DPA2014-00170, Minor Modifications to Proffers and SUP Conditions
#DPA2016-0019 & #DPA2017-00001, Buffers
#DPA2016-00022, Special Uses and Use-Related Development Standards
#DPA2018-00004, Technology Overlay District
#DPA2018-00005, Planned Business District

*Rebecca Horner, AICP, CZA
Planning Office*

Background

- Board Directive:
 - ◆ November 19, 2013, BOCS initiated a zoning text amendment to provide for flexibility in site development and proffered conditions.
 - ◆ June 21, 2016, BOCS initiated a zoning text amendment to consider amendments to the Zoning Ordinance and Design and Construction Standards Manual to promote the County as “open for business”.
 - ◆ September 5, 2017, BOCS initiated a zoning text amendment to address flexibility in the Planned Business District and Technology Overlay District.

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Background

- Staff gathered input from the Commercial Development Committee, Development Ordinance Review Team and other stakeholders.
- Staff researched other jurisdictions policy and text.
- Draft text and concepts were developed and discussed at a series of meetings with stakeholders.
- Staff received input from community stakeholders.

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Countywide

[3]

Proposed Amendments

- Allow administrative flexibility to approve minor modifications to proffers and special use permits.
- Allow administrative flexibility of buffers between dissimilar land uses required for non-residential lots of three acres or less, while maintaining overall buffer intent, area and quality.
- Clarify and provide flexibility in the entitlement process for drive-in uses.
- Increase outdoor storage in the M-2, Light Industrial zoning district.
- Allow flexibility in the Planned Business District and Technology Overlay District.

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[4]

Recommendation

■ The Planning Commission recommended approval on September 20, 2017. Staff concurs, for the following reasons:

◆ The proposed text aligns with the Strategic Plan goals:

- Increase the commercial tax base to 35%
- Increase business retention rate
- Increase at-place employment
- Increase annual growth in small businesses
- Expand commercial tax base in redevelopment areas

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[5]