



COUNTY OF PRINCE WILLIAM

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PLANNING
OFFICE

Rebecca Horner, AICP, CZA
Director of Planning

August 24, 2018

TO: Planning Commission

FROM: Rebecca Horner, AICP, CZA
Planning Director

RE: Zoning Text Amendment #DPA2018-00022, Parking on Unimproved Surfaces
(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. Current Zoning Ordinance Language – The purpose and intent of the County Code 32-300.02(d) provides, in part, that "All vehicles that are permitted to be parked or stored on residential properties of one acre or less shall be parked or stored only on areas that are improved in accordance with section 600 of the Design and Construction Standards Manual".

The County Attorney advised the Board that the current language needs to be updated to better clarify the surface requirement and that the existing language is not clearly understandable to the general public, which complicates enforcement and makes it difficult for the public to understand the expectations of the ordinance.

- C. Current Language Impacts – The existing language is difficult to interpret and therefore difficult to enforce in a court of law.
- D. Proposed Remedy – Staff proposes to amend Prince William Code Section 32-300 to clarify the parking surface expectation for the general public and County staff.

II. Current Situation – is as follows:

- A. Zoning Text Amendment Initiated – On May 10, 2018, the BOCS initiated Zoning Text Amendment #DPA2018-00022, Parking on Unimproved Surfaces Recommendations to allow parking and storage of vehicles on residential properties of one acre or less only on specific types of surfaces. (See Attachment B for BOCS Initiating Resolution)

- B. Planning Commission Work Session – The proposed Zoning Text Amendment was presented to the Planning Commission for discussion during a Work Session on July 25, 2018. One citizen attended, who was a recipient of a violation notice, and requested the language allow gravel and to allow people who maintain their properties to park on grass.
- C. Development Ordinance Review Advisory Committee (DORAC) – The committee reviewed the proposed Zoning Text Amendment on July 12, 2018.
- D. Planning Office Recommendation – The Planning Office recommends approval of DPA2018-00022, Parking on Unimproved Surfaces in Attachment A, for the following reasons:
 - 1. The proposed text sufficiently clarifies the expectation of what constitutes an improved surface.
 - 2. The proposed text allows for flexibility of pervious and impervious surfaces up to 720 square feet of parking area on a residential lot of less than one acre, while clearly disallowing gravel as an improved parking surface on such lots.
- E. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for September 5, 2018.

III. Issues in the order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any concerns?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

IV. Alternatives – beginning with the staff recommendation are as follows:

- A. Recommend Adoption of Zoning Text Amendment #DPA2018-00022, Parking on Unimproved Surfaces to the Prince William County Zoning Ordinance.
 - 1. Policy – The proposed text sufficiently clarifies the parking surface standard on residential lots of less than one acre. If the Board adopts the proposed language, the County will be better able to enforce the parking surface regulations on residential lots of less than one acre.
 - 2. Community Input – The Planning Office received one comment from the community at the Planning Commission work session, requesting gravel to be allowed as an improved surface. Staff did not include gravel in the language because the intent of the existing language does not currently allow gravel. The majority of stakeholder input supports the continued

prohibition of gravel for parking surfaces on residential lots of less than one acre.

3. Legal – Legal issues, if any, are appropriately addressed through the County Attorney’s Office.
4. Timing – The Planning Commission has until December 4, 2018, 90 days from the first public hearing, to take action on this proposal. A recommendation to adopt the Zoning Text Amendment would meet the 90-day requirement.

B. Do Not Recommend Adoption of Zoning Text Amendment #DPA2018-00022, Parking on Unimproved Surfaces to the Prince William County Zoning Ordinance.

1. Policy – If the BOCS does not adopt the proposed amendment, the zoning text shall remain unchanged. The County will continue to have difficulty enforcing the parking surface requirement. Violation notices will not be forwarded to the court system for adjudication.
2. Community Input – The Planning Office received one comment from the community at the Planning Commission work session, requesting gravel to be allowed as an improved surface. Staff did not include gravel in the language because the intent of the existing language does not currently allow gravel. The majority of stakeholder input supports the continued prohibition of gravel for parking surfaces on residential lots of less than one acre.
3. Legal – Legal issues, if any, are appropriately addressed through the County Attorney’s Office.
4. Timing – The Planning Commission has until December 4, 2018, 90 days from the first public hearing, to take action on this proposal. A recommendation to adopt the Zoning Text Amendment would meet the 90-day requirement.

V. Recommendation is that the Planning Commission concurs with Alternative A and recommends adoption of Zoning Text Amendment #DPA2018-00022, Parking on Unimproved Surfaces.

Staff: Rebecca Horner, AICP, CZA 703-792-7615

Attachments:

- A. Proposed Text Amendment
- B. BOCS Initiation Resolution

Attachment A – Proposed Text Amendment

- Sec. 32-300.02. - Accessory uses.

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

1. Motor vehicle parking and storage. Vehicles and motor vehicles shall be permitted in the agricultural, residential and residential portions of planned development districts as follows:

(a) Commercial vehicles on lots of three or more acres. Except for the prohibited vehicles listed in subsection (e) below, commercial vehicles may be parked in any agricultural, residential or residential portion of a planned district on lots greater than or equal to three acres in size provided the occupant of the dwelling unit is the operator of the vehicle.

(b) Commercial vehicles on lots of less than three acres. Except for the prohibited vehicles listed in subsection (e) below, not more than one commercial vehicle may be parked in any agricultural, residential, or residential portion of a planned district on lots less than three acres in size provided the occupant of the dwelling unit is the operator of the vehicle.

(c) All permitted commercial vehicles must be kept in a garage, accessory building, or in designated **improved** parking spaces within off-street parking areas which meet or exceed standards and regulations of this chapter and the Design and Construction Standards Manual.

(d) Location and area of vehicle parking and storage on lots less than one acre. All vehicles that are permitted to be parked or stored on residential properties of less **than one acre** shall be parked or stored only on **an improved parking surface, meaning an area surfaced with asphalt, poured or precast concrete, brick, pavers, or other similar material commonly used for parking surfaces. In no event shall a vehicle be parked or stored on a gravel, grass, dirt, or other unimproved surface. Gravel shall not constitute an improved parking surface areas that are improved in accordance with section 600 of the Design and Construction Standards Manual. If pervious material is used, it must be permanently distinguishable from the adjacent grass/landscaped areas.** Such parking or storage areas and similarly improved driveways shall not occupy more than 35 percent of or 720 square feet of the minimum required front yard, whichever is greater. **When the parking (excluding driveway) area exceeds 720 square feet, the parking (excluding driveway) area in excess of 720 square feet shall be constructed with a pervious pavement improved surface material as outlined above (gravel is not an acceptable pervious surface for the purposes of this requirement). The improved surface must be under the entire vehicle. Improved parking surfaces only under each tire or partially under a vehicle does not meet the definition of an improved parking surface for the purposes of this section. Modification of the pervious pavement requirement for parking areas exceeding 720 square feet may be requested at time of site plan, provided the applicant demonstrates why pervious pavement will not work in a specific location.**

Attachment B – BOCS Initiating Resolution

(1) In the case of pipestem lots, areas that are contained within the ingress and egress easement shall not be included when calculating the coverage of the front yard by parking areas and driveways.

(2) This maximum coverage requirement may be varied as a part of the consideration of a modified dwelling unit type requested pursuant to subsection 32-306.12.2. or 32-306.12.5.

(e) ...

(f) ...

(g) ...

(h) ...

Attachment B – BOCS Initiating Resolution

MOTION: PRINCIPI

**April 10, 2018
Regular Meeting
Res. No. 18-237**

SECOND: JENKINS

**RE: INITIATE ZONING TEXT AMENDMENT TO CLARIFY
PROHIBITION AGAINST PARKING ON UNIMPROVED SURFACES**

ACTION: APPROVED

WHEREAS, the Board of County Supervisors is empowered by the Code of Virginia to adopt zoning ordinances which regulate land use within various zoning districts, and the Board has implemented this authority through the adoption of Chapter 32 of the Prince William County Code; and

WHEREAS, in accordance with Virginia Code Section 15.2-2286, 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 this authority has been articulated by the Board in Prince William Code Section 32-700.02; and

WHEREAS, Prince William Code Section 32-300.02(d) provides, in part, that “All vehicles that are permitted to be parked or stored on residential properties of one acre or less shall be parked or stored only on areas that are improved in accordance with section 600 of the Design and Construction Standards Manual”; and

WHEREAS, the Board finds that the public necessity, convenience, general welfare and good zoning practice require the consideration by the public, the Planning Commission and the Board, as to whether Prince William Code Section 32-300.02(d) should be modified to delete the reference to the Design and Construction Standards Manual and to provide specific standards for parking on unimproved surfaces that may be more easily understood by the general public; and

WHEREAS, the Board directs that the staff consider, at a minimum, whether to amend Prince William Code Section 32-300.02(d) so that all vehicles that are permitted to be parked or stored on residential properties of one acre or less shall be parked or stored only on and above an improved surface, meaning an area surfaced with asphalt, poured or precast concrete, brick, compacted gravel, grasscrete, pavers, or other similar pervious or impervious material commonly used for parking. In no event shall a vehicle be parked or stored on or above a grass, dirt, or other unimproved surface;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Supervisors of Prince William County does initiate amendments to the Prince William County Zoning Ordinance (and the Design Construction Standards Manual, if necessary) to allow parking and storage of vehicles on residential properties of one acre or less only on specific types of surfaces.

Attachment B – BOCS Initiating Resolution

April 10, 2018
Regular Meeting
Res. No. 18-237
Page Two

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

Absent from Meeting: None

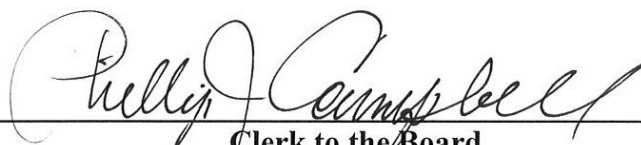
For Information:

County Executive

County Attorney

Planning Director

ATTEST: _____


Clerk to the Board