



COUNTY OF PRINCE WILLIAM

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www.pwcgov.org/Planning

PLANNING
OFFICE

Christopher M. Price, AICP
Director of Planning

March 21, 2014

STAFF REPORT

Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair
(Countywide)

Planning Commission Public Hearing Date: April 2, 2014
Staff Recommendation: Approval

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 Amendment – Section 32-300.02 of the Zoning Ordinance restricts motor vehicle repair on lots less than ten acres in the A-1, Agricultural, district and on any lot in a residential district or residential portion of a planned development district to the permitted vehicles of the property owner or occupant or member of the immediate family of the owner or occupant. This restriction precludes vehicle restoration and repair.
- C. Proposed Remedy – The proposed remedy is to establish standards within the Zoning Ordinance that will also allow acquaintances of the owner to engage in non-commercial (hobby) motor vehicle repair in agricultural and semi-rural districts while providing safeguards to ensure such activities are not a nuisance to neighboring properties.

II. Current Situation is as follows:

- A. Application of Current Language – This zoning text amendment is in response to a request from Supervisor May (DIR 13-27), requesting preparation of a zoning text amendment that would allow motor vehicle repair in agricultural and semi-rural districts. This was generated by request from a constituent residing on an SR-1 zoned parcel under ten acres, who received a violation notice and correction

order for repairing vehicles as a hobby with friends in a garage on the constituent's property.

- B. Zoning Text Amendment Initiated – On May 7, 2013, the Board of County Supervisors initiated a zoning text amendment to permit non-commercial motor vehicle repair in agricultural and semi-rural districts through Res. No. 13-308. See Attachment B – BOCS Initiating Resolution.
- C. Zoning and Development Review Advisory Committee – The committee reviewed the proposed text amendment on September 27, 2013 and recommended approval.
- D. Planning Commission – The Planning Commission took action at its November 6, 2013 meeting and recommended continuance to date uncertain with the public hearing remaining open to allow additional time to research the impact of the amendment. See Attachment C – PC Continuance Resolution.
- E. Community Civic Associations – The Planning Office met with stakeholders representing community civic associations and an advocate for hobby auto repair to discuss and resolve issues associated with impacts of non-commercial motor vehicle repair in residential and agricultural districts. As a result of that meeting, text language was adjusted to more clearly describe the restrictions imposed upon this activity and exempt agricultural operations from those restrictions.
- F. Planning Office Recommendation – Staff recommends approval of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair.
- G. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for April 2, 2014.

III. Issues in order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Legal – Are there any legal implications associated with this zoning text amendment?
- C. Community Input – Have members of the community raised any concerns?
- 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 #PLN2013-00326, Motor Vehicle Repair, to the Prince William County Zoning Ordinance.

1. Policy – The proposed text amendment will promote the purpose of the Zoning Ordinance as defined in Article II by promoting the health, safety and general welfare of the public through allowing reasonable use of private property for the enjoyment of a hobby, including allowing acquaintances to share in that hobby, with minimal impact on surrounding residences. The amendments may make it more difficult to enforce limitations on commercial auto repair activities.
2. Legal – The adoption of the zoning text amendment will incorporate the proposed restrictions and requirements into the Zoning Ordinance, which are enforceable by the County. Legal issues resulting from Planning Commission action would be appropriately addressed by the County Attorney's Office.
3. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report since meeting with the community civic associations.
4. Timing – The Planning Commission has until July 1, 2014 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 #PLN2013-00326, Motor Vehicle Repair, to the Prince William County Zoning Ordinance.

1. Policy – The current policy of limiting motor vehicle repair and restoration on properties less than ten acres in size to the owner and members of the immediate family is intended to minimize the potential for large numbers of non-related individuals gathering on residential properties and conducting commercial auto repair activities.
2. Legal – There are no legal implications associated not recommending adoption of this zoning text amendment.
3. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.
4. Timing – The Planning Commission has until July 1, 2014 to take action on this proposal. A recommendation not to adopt the zoning text amendment would meet the 90-day requirement.

V. Recommendation is that the Planning Commission concur with Alternative A and recommend adoption of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair.

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Staff: Nick Evers, 703-792-6861

Attachments:

- A. Proposed Text Amendment
- B. BOCS Initiating Resolution
- C. PC Continuance Resolution

Attachment A – Proposed Text Amendment

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 300. GENERAL REGULATIONS

Sec. 32-300.02. Accessory Uses.

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

2. Motor Vehicle Repair:

(a) Repair or service of motor vehicles in agricultural districts on lots less than ~~ten~~ three (3) acres in size or in any residential district or residential portion of a planned development district shall be limited to permitted vehicles titled and registered to the owner and/or occupant or a member of the immediate family of the owner or occupant of the dwelling unit where service or repairs are taking place. For purposes of this subsection, a member of the immediate family is defined as any person who is naturally or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner/occupant.

(b) Repair, restoration, painting or service of motor vehicles as a hobby, shall be permitted subject to the following limitations:

(i) The lot must be in an agricultural and semi-rural district with a minimum lot size of three (3) acres

(ii) A maximum of two (2) unrelated acquaintances, in addition to the owner or occupant, or member of the immediate family of the owner or occupant may repair, restore, service or paint up to two of their own vehicles at any one time,

(iii) The repair, restoration, painting or service shall be within an entirely enclosed accessory building, which shall be setback a minimum of fifty (50) feet from the nearest property line.

(iv) The storage and maximum number of inoperable vehicles shall conform to the requirements of Sec. 32-250.61.4.

(v) All material and equipment associated with such work must be stored inside or be fully screened from view from abutting property and streets.

(vi) No commercial motor vehicle repair, restoration, service or painting shall be permitted.

(c) Vehicles used for agricultural operations shall be exempt from these limitations.

Attachment B – BOCS Initiating Resolution

MOTION: MAY May 7, 2013
SECOND: PRINCIPI Regular Meeting
Res. No. 13-308

RE: INITIATE A ZONING TEXT AMENDMENT TO PERMIT NON-COMMERCIAL MOTOR VEHICLE REPAIR IN AGRICULTURAL AND SEMI-RURAL DISTRICTS – COUNTYWIDE

ACTION: APPROVED

WHEREAS, in accordance with Title 15.2-2285 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, Section 32-300.02 of the Zoning Ordinance restricts motor vehicle repair on lots less than ten acres in the A-1, Agricultural District and on any lot in a residential district or residential portion of a planned development district to the permitted vehicles of the property owner or occupant or member of the immediate family of the owner or occupant; and

WHEREAS, Section 32-300.02 precludes residents who restore or repair cars as a hobby from permitting others outside of the immediate family (i.e., friends) from working on vehicles as a hobby within an enclosed building on their property; and

WHEREAS, the current Zoning Ordinance may unnecessarily restrict the use of certain agricultural and residential-zoned property for motor vehicle repair and restoration as a hobby; and

WHEREAS, amending the Zoning Ordinance to address the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann; and

WHEREAS, on March 14, 2013, Supervisor May (DIR 13-27) requested that staff prepare for Board of County Supervisors' consideration, an initiation for a Zoning Text Amendment to allow for motor vehicle repair in Agricultural and Semi-rural districts; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare as well as good planning practices are served by the initiation of this Zoning Text Amendment;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate a zoning text amendment to the Prince William County Zoning Ordinance to permit non-commercial motor vehicle repair in agricultural and semi-rural districts.

Attachment B – BOCS Initiating Resolution

May 7, 2013
Regular Meeting
Res. No. 13-308
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Votes:

Ayes: Caddigan, Covington, Jenkins, May, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

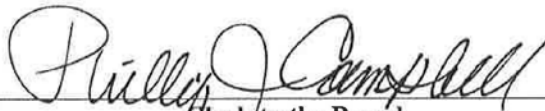
Absent from Meeting: Candland

For Information:

County Attorney

Planning Director

ATTEST: _____


Clerk to the Board

Attachment C – PC Continuance Resolution

PLANNING COMMISSION RESOLUTION

MOTION: HAYNES November 6, 2013
Regular Meeting
Res. No. 13-085
SECOND: VANEGAS
RE: ZONING TEXT AMENDMENT #PLN2013-00326, MOTOR VEHICLE REPAIR – COUNTYWIDE
ACTION: CONTINUE TO DATE UNCERTAIN WITH PUBLIC HEARING OPEN

WHEREAS, in accordance with Title 15.2-2285 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, Section 32-300.02 of the Zoning Ordinance restricts motor vehicle repair on lots less than ten acres in the A-1, Agricultural district and on any lot in a residential district or residential portion on a planned development district; and

WHEREAS, amending the Zoning Ordinance pertaining to the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann; and

WHEREAS, on March 15, 2013, Supervisor May (DIR 13-27), requested that staff prepare for Board of County Supervisors' consideration, an initiation for a Zoning Text Amendment regarding motor vehicle repair in agricultural and semi-rural districts; and

WHEREAS, on May 07, 2013 the Board of County Supervisors initiated a zoning text amendment to permit noncommercial motor vehicle repair in agricultural and semi-rural districts through Res. No. 13-308; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 6, 2013 at which time public testimony was received and the merits of the above-reference zoning text amendment were considered; and

WHEREAS, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the continuance of this zoning text amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend continuance of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair, to date uncertain with the public hearing remaining open, to allow additional time to research the impact of the amendment on lots of 10 acres or more and lots less than three acres.

Votes:

Ayes: Arnold, Bryant, Burgess, Fry, Haynes, Holley, Hosen, Vanegas

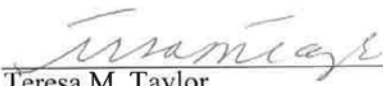
Nays: None

Absent from Meeting: None

Abstained from Vote: None

MOTION CARRIED

Certified Copy:



Teresa M. Taylor
Clerk to the Planning Commission