



COUNTY OF PRINCE WILLIAM

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PLANNING
OFFICE

Christopher M. Price, AICP
Director of Planning

July 03, 2014

STAFF REPORT

Zoning Text Amendment #PLN2014-00378, Storage Containers
(Countywide)

Planning Commission Public Hearing Date: July 16, 2014
Staff Recommendation: Adoption

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 – The current Zoning Ordinance restricts shipping containers to the M-1 and M/T zoning districts and for use in other zoning districts on a temporary basis for storage purposes during construction. There are instances where farmers have used these structures for storing equipment and/or agricultural products and staff has had a request to use this type of equipment as part of a landscape service business on A-1, Agriculture property. Under the current Zoning Ordinance, these structures are specifically prohibited outside of M-1 and M/T zoning districts, unless they are used during construction. The proposed amendment is intended to provide for the reasonable use of these structures for agricultural and landscape service operations. The following table depicts the current and proposed districts in which storage “sea containers” would be permitted.

Storage Containers	Existing	Proposed
M-1 Heavy Industrial	Permitted by right	Permitted by right
M/T Industrial/Transportation	Permitted by right	Permitted by right
A-1 Agriculture	Not Permitted	Permitted by right – 10+ acres

- C. Proposed Remedy – To amend Article II and Article III of the Prince William County Zoning Ordinance to permit storage containers used for agricultural operations and for landscape service businesses which are allowed by special use

permit within the A-1 Agriculture district. No restrictions would be applied to the number and location of storage containers for agricultural operations, but such restrictions would be applied as part of the conditions associated with special use permits for landscape service businesses. See Attachment A – Proposed Text Amendment.

II. Current Situation is as follows:

- A. Application of Current Language – The restrictions on storage containers used for shipping purposes were first incorporated into the Zoning Ordinance in 1991, specifying that such structures were essentially prohibited. In 1994, the BOCS lifted that prohibition, permitting storage containers as long as they were screened. The Board amended the Zoning Ordinance in 2004 to limit storage containers to the M-1 and M/T zoning districts. In 2006, the Zoning Ordinance was further amended to allow storage containers used for construction purposes as temporary uses. While the current language provides for such containers in those industrial districts where they are most compatible, restricting these units to industrial properties fails to recognize their application in agricultural uses. There are farming operations within the County that utilize storage containers which are technically in violation of the zoning ordinance restrictions.
- B. Directive – On April 08, 2014, Supervisor Candland requested staff evaluate the reasonableness of allowing sea containers on Agricultural property; determine if sea containers be constrained in terms of numbers; and report recommendations to the Board.
- C. Zoning Text Amendment Initiated – On June 03, 2014, the Board of County Supervisors initiated a zoning text amendment to amend Article II of the Prince William County Zoning Ordinance to permit storage containers on Agricultural districts. See Attachment B – BOCS Initiating Resolution.
- D. Zoning and Development Review Advisory Committee – The committee reviewed the proposed text amendment on June 20, 2014, and recommended approval.
- E. Planning Office Recommendation – The Planning Office recommends approval of Zoning Text Amendment #PLN2014-00378, Storage Containers.
- F. Planning Commission Public Hearing – A public hearing before the Planning Commission has been advertised for July 16, 2014.

III. Issues in 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 issues?
- 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 #PLN2014-00378, Storage Containers, to the Prince William County Zoning Ordinance.
 - 1. Policy – The proposed text will provide for a use that will implement a stated purpose of the Zoning Ordinance to recognize and provide for the needs of agriculture, business and industry.
 - 2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.
 - 3. 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.
 - 4. Timing – The Planning Commission has until October 16, 2014, 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 #PLN2014-00378, Storage Containers, to the Prince William County Zoning Ordinance.
 - 1. Policy – Not recommending adoption of the proposed text will preclude a legitimate use for storage containers associated with agriculture production and landscaping services. Storage containers will continue to be permitted in M-1 and M/T districts.
 - 2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.
 - 3. Legal – Legal issues resulting from Planning Commission action would be appropriately addressed by the County Attorney’s Office.

4. **Timing** – The Planning Commission has until October 16, 2014, 90 days from the first public hearing, to take action on this proposal. A recommendation to not 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 #PLN2014-00378, Storage Containers.

Staff: Nick Evers, 703-792-6861

Attachments:

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

Attachment A – Proposed Text Amendment

ARTICLE II. ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

PART 250. GENERAL PERFORMANCE STANDARDS

Sec. 32-250.83. Storage Containers, etc. to be Screened.

Storage containers ~~used~~ designed and constructed for shipping purposes or truck compartments or trailers shall only be permitted in the M-1; Heavy Industrial, and M/T; Industrial Transportation, districts and on any lot larger than ten (10) acres for agricultural or landscaping service uses only in the A-1 Agricultural district outside of a planned development district. ~~and~~ Except for storage containers on lots larger than ten acres in the A-1 Agricultural district outside of a planned development, storage containers and truck compartments or trailers shall be screened from all public streets and adjoining properties. Storage containers associated with a landscaping service on an A-1 property 10 acres or larger may be subject to conditions limiting the number of containers and screening as part of a special use permit. and shall be screened from view of public rights-of-way and adjacent uses in accordance with section 800 of the Design and Construction Standards Manual. Such screening may consist of a) a minimum six (6) foot high opaque fence or wall, the height of the fence or wall shall be no lower than the storage container being screened and an appropriate gate shall be provided if applicable, or b) a three (3) foot high berm with plantings of six (6) feet high evergreen screening, unless waived or modified by the Director of Public Works or his designee. Notwithstanding the provisions of this section, storage containers used for construction purposes are temporarily permitted in accordance with Sec. 32-210.11.

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

PART 300. GENERAL REGULATIONS

Sec. 32-300.03. Accessory Buildings and Structures.

1. Accessory buildings and structures shall be permitted in all agricultural and residential districts, subject to the following limitations:

(g) Except as permitted in Part 210, Sec. 32-300.02.1 (e) and (f) and Sec. 32-250.83, temporary structures, storage containers and containers used for shipping purposes or truck compartments or trailers shall not be deemed principal or accessory structures or buildings and shall not be permitted.

Attachment B – BOCS Initiating Resolution

MOTION: CANDLAND

**June 3, 2014
Regular Meeting
Res. No. 14-381**

SECOND: JENKINS

**RE: INITIATE A ZONING TEXT AMENDMENT TO PERMIT STORAGE
CONTAINERS ON AGRICULTURAL PROPERTY – 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, the current Zoning Ordinance restricts shipping containers to the M-1 and M/T zoning districts and temporarily for construction permits; and

WHEREAS, staff has received a request to use this type of equipment as part of a landscape service business on A-1, Agricultural property; and

WHEREAS, on April 8, 2014, Supervisor Candland (DIR 14-55) requested that staff prepare, for Board of County Supervisors' consideration, an initiation for a Zoning Text Amendment to evaluate whether or not it is reasonable to allow sea containers on agricultural property, if the sea containers be constrained in terms of numbers and containers, and to report back to the Board of their recommendations, including any previous Board decisions; and

WHEREAS, the Prince William Board of County Supervisors agreed to except A-1, Agricultural properties in RPC, Residential Planned Community districts from any zoning text amendment to permit shipping containers in A-1, Agricultural property; and

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare, as well as good zoning 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 storage containers on agricultural property, including any restrictions associated with such structures.

Attachment B – BOCS Initiating Resolution

June 3, 2014
Regular Meeting
Res. No. 14-381
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Votes:

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

Nays: None

Absent from Vote: None

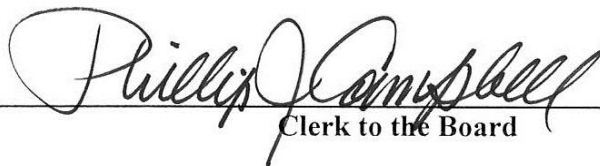
Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board