

**MOTION:**

**June 3, 2014  
Regular Meeting  
Ord. No. 14-**

**SECOND:**

**RE:           ZONING TEXT AMENDMENT #PLN2013-00326, MOTOR VEHICLE  
REPAIR – COUNTYWIDE**

**ACTION:**

**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**, staff recommends to amend the provisions of Article III, Part 300 of the Zoning Ordinance to modify regulations for non-commercial repair and restoration of motor vehicles in agricultural and semi-rural districts; 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 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; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised and held a public hearing on April 2, 2014, and recommend adoption as stated in the Planning Commission Resolution No. 14-032; and

**WHEREAS**, the Prince William Board of County Supervisors duly ordered, advertised, and held a public hearing on June 3, 2014, at which time public testimony was received and the merits of the above-referenced zoning text amendment were considered; and

**June 3, 2014**  
**Regular Meeting**  
**Ord. No. 14-**  
**Page Two**

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

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors does hereby adopt Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair.

ATTACHMENT: Text Amendment

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Planning Director

County Attorney

**ATTEST:** \_\_\_\_\_  
**Clerk to the Board**

## 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 (10)~~ 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 in agricultural and semi-rural districts on lots greater than three (3) acres or larger, shall be permitted subject to the following limitations:

(i) 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.

(ii) 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.

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

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

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

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



Melissa S. Peacor  
County Executive

**COUNTY OF PRINCE WILLIAM**  
OFFICE OF EXECUTIVE MANAGEMENT  
1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

**BOARD OF COUNTY SUPERVISORS**

Corey A. Stewart, Chairman  
Michael C. May, Vice Chairman  
Maureen S. Caddigan  
Pete Candland  
W.S. Wally Covington, III  
John D. Jenkins  
Martin E. Nohe  
Frank J. Principi

May 19, 2014

**TO:** Board of County Supervisors

**FROM:** Christopher M. Price, AICP *C m m*  
Director of Planning

**THRU:** Melissa S. Peacor  
County Executive

**RE:** Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair –  
**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 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. Requests – To amend the provisions of Article III, Part 300 to modify regulations for non-commercial repair and restoration of motor vehicles in Agricultural and Semi-Rural districts. See Proposed Text Amendment in Attachment A.

**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. Proposed Amendment – The proposed amendment 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.
- C. 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 C – BOCS Initiating Resolution.
- D. Zoning and Development Review Advisory Committee – The committee reviewed the proposed text amendment on September 27, 2013 and recommended approval.
- E. Planning Commission Recommendation – 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. The Planning Commission held a public hearing on April 2, 2014 and recommended adoption of Zoning Text Amendment, #PLN2013-00326, Motor Vehicle Repair, with an amendment to reduce the minimum lot size for non-commercial motor vehicle repair to one acre. See Attachment D – Planning Commission Resolution.
- F. 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. These stakeholders also met subsequent to the Planning Commission hearing and recommended that the three acre minimum lot size requirement be retained.
- G. Planning Office Recommendation – The Planning Office recommends adoption of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair, on A-1 and SRR zoned properties of a minimum lot size of three acres.
- H. Board of County Supervisor Public Hearing – A public hearing before the Board of County Supervisors has been properly advertised for June 3, 2014.
- I. Board Action Requested – Board of County Supervisors' action is requested to adopt Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair.

**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 the zoning text amendment?
- D. Fiscal Impacts – Are there any budget or financial impacts associated with this zoning text amendment?
- E. Timing – What are the timing considerations of the zoning text amendment?

**IV. Alternatives** are as follows:

- A. Adopt Staff's recommendation for Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair, to the Prince William County Zoning Ordinance as proposed in Attachment A.
  - 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. Limiting the lot size upon which this activity can be permitted to three acres or more provides reasonable protection against potential impacts due to noise and fumes.
  - 2. 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.
  - 3. Legal – The adoption of the zoning text amendment will incorporate the proposed restrictions and requirements into the Zoning Ordinance, which is enforceable by the County.
  - 4. Fiscal Impacts – There are no fiscal impacts identified with this zoning text amendment.
  - 5. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.



B. Adopt the Planning Commission's recommendation for Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair, to the Prince William County Zoning Ordinance as proposed in Attachment B.

1. Policy – The Planning Commission's recommended amendment will allow non-commercial motor vehicle repair and restoration on residential properties as small as one acre. Staff believes permitting such uses in more dense neighborhoods will not promote general health, safety and welfare.
2. 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.
3. Legal – The adoption of the zoning text amendment will incorporate the proposed restrictions and requirements into the Zoning Ordinance, which is enforceable by the County.
4. Fiscal Impacts – There are no fiscal impacts identified with this zoning text amendment.
5. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

C. Take No Action –

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 would continue. Acquaintances would not be permitted to engage in vehicle repair and restoration as a hobby.
2. Community Input – The recommendation of the several community civic organizations that were involved in the development of the proposed amendment language would not be implemented.
3. Legal – The zoning text amendment would not take effect without the Board of County Supervisors action.
4. Fiscal Impacts – There are no fiscal impacts identified with this zoning text amendment.
5. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

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

**Staff:** Nick Evers, 703-792-6861

**Attachments:**

- A. Staff Proposed Text Amendment
- B. Planning Commission Proposed Text Amendment
- C. BOCS Initiating Resolution
- D. Planning Commission Resolution



## Attachment A – Staff 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 (10)~~ three (3) acre 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 in agricultural and semi-rural districts on lots greater than, three (3) acres or larger shall be permitted subject to the following limitations:

(i) 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.

(ii) 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.

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

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

(v) 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 – Planning Commission 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 (10)~~ one (1) 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 in agricultural and semi-rural districts on lots greater than ~~three (3)~~ acres one (1) acre, shall be permitted subject to the following limitations:

(i) 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.

(ii) 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.

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

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

(v) 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 C – BOCS Initiating Resolution

**MOTION: MAY**

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

**SECOND: PRINCIPI**

**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 C – BOCS Initiating Resolution

May 7, 2013  
Regular Meeting  
Res. No. 13-308  
Page Two

**Votes:**

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

**Nays:** None

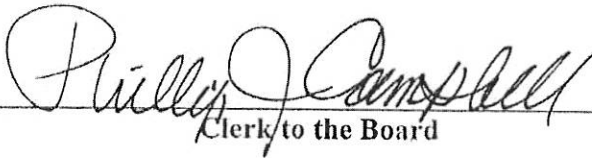
**Absent from Vote:** None

**Absent from Meeting:** Candland

**For Information:**

County Attorney  
Planning Director

ATTEST: \_\_\_\_\_

  
Clerk to the Board

## Attachment D – Planning Commission Resolution

### PLANNING COMMISSION RESOLUTION

**MOTION:** VANEGAS

April 2, 2014  
Regular Meeting  
Res. No. 14-032

**SECOND:** BRYANT

**RE:** ZONING TEXT AMENDMENT #PLN2013-00326, MOTOR VEHICLE REPAIR, COUNTYWIDE

**ACTION:** RECOMMEND ADOPTION

**WHEREAS**, this is a request to amend the provisions of Article III, Part 300 to modify regulations for non-commercial repair and restoration of motor vehicles in Agricultural and Semi-Rural districts; and

**WHEREAS**, Section 32-300.02 of the Zoning Ordinance restricts motor vehicle repair on lots less than ten acres in the A-1, Agriculture 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**, the current Zoning Ordinance may unnecessarily restricts the use of certain agricultural and residential zoned property for motor vehicle repair and restoration as a hobby; 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 non-commercial motor vehicle repair in agricultural and semi-rural districts through Res. No. 13-308; and

**WHEREAS**, the Prince William County Planning Commission duly ordered and advertised a public hearing on April 2, 2014; and

**WHEREAS**, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the adoption of this request;

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William County Planning Commission does hereby recommend adoption of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair, with the conditions that three acres be reduced to one acre in Section 32-300.02 2a and 2b, and to reword 2b to read as follows: "Repair, restoration, painting or service of motor vehicles as a hobby in agricultural and semi-rural districts on lots greater than one (1) acre shall be permitted subject to the following limitations:"

**Votes:**

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

**Nays:** Holley

**Absent from Vote:** None

**Absent from Meeting:** None

## Attachment D – Planning Commission Resolution

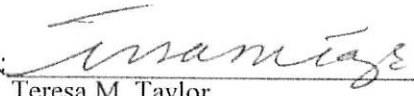
Res. No. 14-032


April 2, 2014

Page 2


MOTION CARRIED

Certified Copy:

  
Teresa M. Taylor  
Clerk to the Planning Commission



Prince William County Government  
Board of County Supervisors



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

*Nick Evers  
Zoning Administrator*

### **BACKGROUND**

- Request – To amend the provisions of Article III, Part 300 to modify regulations for non-commercial repair and restoration of motor vehicles in Agricultural and Semi-Rural districts
- Recommendation – Adoption

June 3, 2014 Countywide [2]



## BACKGROUND

- A constituent received a violation notice for the repairing of vehicles
- Section 32-300.02
  - ◆ Restricts motor vehicle repair on lots less than 10 acres in the A-1, Agriculture district
  - ◆ Restricts motor vehicle repair on any lot in a residential district or residential portion of a planned development to the permitted vehicles of the property owner or occupant or member of the immediate family of the owner/occupant.

June 3, 2014

Countywide

[3]

## CURRENT SITUATION

- Existing language allowing homeowner who engages in auto restoration/repair as a hobby on a larger lot to invite only close relatives is overly restrictive.
- Proposed Remedy – to amend Article III of the Zoning Ordinance to allow acquaintances of the owner to engage in non-commercial (hobby) motor vehicle repair.

June 3, 2014

Countywide

[4]

## PROPOSED TEXT AMENDMENT

### Sec. 32-300.02. Accessory Uses.

#### 2. Motor Vehicle Repair:

(a) Repair or service of motor vehicles in agricultural districts on lots less than ~~ten (10)~~ 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.

June 3, 2014

Countywide

[5]

## PROPOSED TEXT AMENDMENT

(b) Repair, restoration, painting or service of motor vehicles as a hobby in agricultural and semi-rural districts on lots greater than, three (3) acres or larger shall be permitted subject to the following limitations:

(i) 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.

(ii) 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.

June 3, 2014

Countywide

[6]

## PROPOSED TEXT AMENDMENT

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

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

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

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

June 3, 2014

Countywide

[7]

## RECOMMENDATION

- Planning Commission recommends adoption of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair with minimum lot size of one acre.
- Planning Office recommends approval of Zoning Text Amendment #PLN2013-00326, Motor Vehicle Repair with minimum lot size of three acres. This recommendation is endorsed by representatives of civic associations (LOCCA and MIDCO).

June 3, 2014

Countywide

[8]