

**MOTION: PRINCIPI**

**October 17, 2017**

**SECOND: CADDIGAN**

**Regular Meeting  
Ord. No. 17-84**

**RE: ZONING TEXT AMENDMENT # DPA2016-00022 – SPECIAL USES  
AND USE-RELATED DEVELOPMENT**

**ACTION: APPROVED**

**WHEREAS**, in accordance with Section 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare, and good zoning practice require such change; and

**WHEREAS**, Section 32-400.07 of the Zoning Ordinance excludes restaurants which are also considered drive-in facilities from by-right approval even if shown on an approved generalized development plan, master zoning plan, or Special Use Permit plan; and

**WHEREAS**, the M-2 District standards limit a property owner's acreage for use as outdoor storage to no more than 20% of the lot; and

**WHEREAS**, the amendment would to allow greater clarity in the review and approval of drive-in facilities, including restaurants with drive-through windows, as well as increased outdoor storage in the M-2 District; and

**WHEREAS**, on June 21, 2016, the Board of County Supervisors initiated a Zoning Text Amendment to review special uses and use-related development standards through Res. No. 16-557; and

**WHEREAS**, the Planning Commission held a public hearing on the Zoning Text Amendment on September 20, 2017, after which it adopted Planning Commission Resolution No. 17-089, recommending approval by a vote of 7-1; and

**WHEREAS**, County staff recommends approval of these amendments; 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 Zoning Text Amendment were considered; and

**WHEREAS**, the Board of County Supervisors finds that the public necessity, convenience, general welfare, and good zoning practice are served by the adoption of this Zoning Text Amendment; and

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**NOW, THEREFORE, BE IT ORDAINED**, that the Prince William Board of County Supervisors does hereby adopt Zoning Text Amendment #DPA2016-00022, Special Uses and Use-Related Development Standards.

ATTACHMENT: Text Amendment

**Votes:**

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

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Planning Director

County Attorney

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

  
Clerk to the Board

## ARTICLE I. – TERMS DEFINED

### PART 100. – DEFINITIONS

The Zoning Administrator shall strictly construe the following terms and definitions. In the event a term is not defined in this section, the Administrator shall refer to other chapters of the Prince William County Code and to the building code for guidance. If ambiguity remains, the Zoning Administrator shall then rely upon the conventional, recognized meaning of the word or phrase (e.g., current edition, Merriam-Webster's Dictionary). In determining what activities comprise components of any use defined herein, the Zoning Administrator may consult the current edition of the North American Industrial Classification Standards. The definitions provided herein shall not be deemed, nor shall they be construed to be, a listing of the uses permitted in the zoning districts created by this chapter.

*Outside storage* shall mean the keeping of goods or materials, excluding junk, outside of a fully enclosed building, and which shall be considered as an accessory use, unless specifically enumerated as a principal use (such as a contractor's storage yard or building material sales yard).

*Drive-in facility* shall mean an establishment that, by design, physical facilities, or by service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in motor vehicles.

*Restaurant, drive-in/drive-up, or drive-through:* A restaurant or carry-out restaurant dispensing prepared food or drinks ready for consumption at the time of sale where the customers are either served in, or have product delivered to, their vehicles, or at a drive-through window. For the purpose of this Ordinance, a restaurant, drive-in/drive-up, or drive-through shall also be deemed a drive-in facility.

## ARTICLE III. – AGRICULTURAL AND RESIDENTIAL DISTRICTS

### PART 351. – VILLAGE (V) DISTRICT

#### Sec. 32-351.03. – Uses permitted by right.

The following uses shall be permitted by right in the V District:

35. ~~Restaurant, not including drive-in/driveup, drive through, or carry out.~~

#### Sec. 32-351.05. – Special uses.

The following uses shall be permitted in the V District with a Special Use Permit:

9. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in Sec. 32.400.07.
10. Bed and breakfast, subject to the standards of section 32-300.15.

## ARTICLE IV. – COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

### PART 400. – GENERAL REGULATIONS

#### Sec. 32-400.07. – Special Use Permit for drive-in facilities.

~~Except when proposed in conjunction with financial institutions in planned development districts or permitted by right by specifically proffered rezoning or Special Use Permit as approved by the Board of County Supervisors, drive-in, drive-up, or drive-through windows, or any other similar facility that allows businesses to be conducted without leaving the car shall require a Special Use Permit. Where site perimeter (property line or boundary which includes all elements of the use including but not limited to all structures, parking and travelways) is within 500 feet of (1) any lot/parcel zoned for residential purposes or (2) a dwelling unit in an A-1 district or (3) any intersection involving public right-of-way. The provisions of this section shall not apply to drive-in, drive-up or drive-through restaurant facilities.~~

1. Drive-in facilities, as defined in Article I, may be permitted in any commercial or office district depending on the specific uses identified in the requested zoning district, with the approval of a Special Use Permit from the Board of County Supervisors.
2. Notwithstanding the standard specified in Paragraph 1 above, drive-in facilities may be permitted through a proffered rezoning or Special Use Permit in any commercial or office district, provided its use is identified in the requested zoning district, when meeting one of the following criteria:
  - (a) Any drive-in facility specifically identified in the proffers or on the master zoning plan, or on the generalized development plan of a rezoning;
  - (b) Any drive-in facility specifically identified in the Special Use Permit conditions or on a Special Use Permit plan;

### PART 401. – COMMERCIAL DISTRICTS

#### Sec. 32-401.13. – Special uses.

The following uses shall be permitted in the B-1 District with a Special Use Permit:

33. Restaurant, drive-in/drive-up, or drive-through, except as provided in Sec. 32.400.07.

#### Sec. 32-401.23. – Special uses.

The following uses shall be permitted in the B-2 District with a Special Use Permit:

14. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in section 32-400.07.

**Sec. 32-401.33. – Special uses.**

The following uses shall be permitted in the B-3 District with a Special Use Permit:

7. Restaurant, drive-in/\_drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in section 32-400.07.

**PART 402. – OFFICE DISTRICTS**

**Sec. 32-402.43. – Special uses.**

The following uses shall be permitted in the O(F) District with a Special Use Permit:

17. Restaurant, drive-in/\_drive-up, or drive--through, except as provided in Sec. 32.400.07.

**PART 403. – INDUSTRIAL DISTRICTS**

**Sec. 32-403.24. - Development standards.**

1. The following standards shall apply in all M-2 Districts:
  - (a) There shall be no minimum lot size.
  - (b) The maximum lot coverage shall be 80 percent, with a required minimum open space area of 20 percent.
  - (c) The maximum floor area ratio (FAR) shall be 0.50 except as permitted pursuant to section 32-400.04.
  - (d) The maximum height for all structures shall be 60 feet; except as permitted pursuant to section 32-400.03.
  - (e) Outdoor storage shall be subject to the standards specified in Sec. 400.12 of this part. No more than 2040 percent of the total lot area may be devoted to outdoor storage, provided that all outdoor storage is screened, according to Section 802.49 of the Design and Construction Standards Manual, from adjacent properties and abutting streets.

## **PART 503. – HIGHWAY CORRIDOR OVERLAY DISTRICT**

### **Sec. 32-503.05. – Special uses.**

All uses permitted by Special Use Permit in the underlying zoning district(s), and the following uses when permitted by right, as a secondary use, shall require a Special Use Permit when proposed to be established in an HCOD:

6. Restaurant, ~~drive-in, drive-up, drive-through, or carry-out~~, except as provided in Sec. 32.400.07.
7. Restaurant, drive-in/drive-up, or drive-through, except as provided in Sec. 32.400.07.
8. Theaters, drive-in or indoor. Theaters that are drive-in facilities shall be subject to the standards for drive-in facilities specified in Sec. 32.400.07.

### **Sec. 32-503.11. – Special uses by HCOD classification.**

1. The following uses, when permitted by right as a secondary use in the underlying zoning district, shall require a Special Use Permit if located in HCODs designated as rural parkway or rural arterial:
  - (j) Restaurant, drive-in/~~drive-up~~, or drive-through, except as provided in Sec. 32.400.07.
  - (k) Theaters, drive-in or indoor. Theaters that are drive-in facilities shall be subject to the standards for drive-in facilities specified in Sec. 32.400.07.
2. The following uses, when permitted by right as a secondary use in the underlying zoning district, shall require a Special Use Permit if located in HCODs designated suburban parkway, urban parkway or suburban arterial:
  - (j) Restaurant, drive-in/~~drive-up~~, or drive-through, except as provided in Sec. 32.400.07.
  - (k) Theaters, drive-in or indoor. Theaters that are drive-in facilities shall be subject to the standards for drive-in facilities specified in Sec. 32.400.07.
3. The following uses, when permitted by right as a secondary use in the underlying zoning district, shall require a Special Use Permit if located an HCOD designated as Urban Arterial:
  - (f) Restaurant, drive-in/~~drive-up~~, or drive-through, except as provided in Sec. 32.400.07.
  - (g) Theaters, drive-in or indoor. Theaters that are drive-in facilities shall be subject to the standards for drive-in facilities specified in Sec. 32.400.07.