

PLANNING COMMISSION RESOLUTION

MOTION: **April 24, 2024**
SECOND: **Regular Meeting**
RE: **ZONING TEXT AMENDMENT #DPA2023-00005 DRIVE-THROUGH USES AND**
CURBSIDE PICK-UP - COUNTYWIDE
ACTION: **RECOMMEND ADOPTION**

WHEREAS, in accordance with Sections 15.2-2285 and 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, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, many business owners indicated that the COVID 19 Pandemic changed normal business practices relative to curbside pick-up, however, the Zoning Ordinance did not anticipate this change in operations and should be updated to reflect these changes; and

WHEREAS, the Board approved Resolution No. 22-454 to Initiate a Zoning Text Amendment for Drive-through uses and curbside pick-up, Countywide; and

WHEREAS, County staff recommends that the Planning Commission recommend approval of the Zoning Text Amendment for the reasons stated in the staff report; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 24, 2024, at which time public testimony was received and the merits of the above referenced Zoning Text Amendment were considered; and

WHEREAS, the Prince William County Planning Commission finds that public necessity, convenience, general welfare as well as good zoning practices are served by recommending adoption of this Zoning Text Amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby close the public hearing, recommend adoption of Zoning Text Amendment #DPA 23-00005, Drive-Through and Curbside pick-up.

ATTACHMENT: Zoning Text Amendment

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

MOTION CARRIED or MOTION FAILED TO CARRY

ATTEST: _____
Oly Pena
Clerk to the Planning Commission

ARTICLE I. TERMS DEFINED
PART 100. DEFINITIONS

Carry-out: See "Restaurant, carry-out~~Restaurant, drive-in, drive-up, drive-through~~"

Curbside pick-up shall mean the delivery of foods, drinks, goods or services that are provided to customers remaining in a motor vehicle located in a designated parking space.

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, foods, drinks or be entertained while remaining in motor vehicles located in a designated parking space.

Quick service food store shall mean any building that contains 10,000 square feet or less of net floor area, or any portion of such a building, and which is used principally for the retail sale of food and other items; provided that this definition shall not be deemed to include such retail sale of food and other items in any building that contains more than 10,000 square feet of net floor area, or any portion of such a building; and provided further that this definition shall not include restaurants, drive-through drive-in restaurants, carry-out restaurants or food delivery service businesses, or specialty food stores.

Drive-through facility shall mean the delivery of foods, drinks, goods, or services to customers remaining in their motor vehicles accessed through an off-street stacking space. This term does not include the delivery of foods, drinks, goods or services to customers in their motor vehicle located in a designated parking space or otherwise designated for curbside pick-up or drive-in.

~~*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.~~

Sign, curbside pick-up shall mean any signage allocated along a curbside pick-up parking space or installed on a structure associated with a curbside pick-up facility.

Sign, drive-in shall mean any signage allocated at a designated drive-in parking space or installed in support of a drive-in facility.

Sign, drive-in drive-through shall mean any signage allocated along a drive-through lane or installed on accessory structures associated with a drive-in drive-through facility, such as, but not limited to, order confirmation units and height bars, that is oriented toward the customer or user of a drive-in or drive-through facility.

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

PART 200. INTRODUCTION; ADMINISTRATION; PURPOSE

Sec. 32-250.23. Sign permits—Generally.

7. *Permit not required.* The following signs shall be subject to the standards of this Division but shall not require a sign permit. Unless otherwise expressly required by the proffers or conditions of a rezoning, proffer amendment, or special use permit, the following signs may be erected, constructed, posted, painted, altered, or relocated without a sign permit:
- (a) Displays of letters and numbers indicating a property's address located on a building or structure not exceeding a sign area of six (6) square feet.
 - (b) Changes to the sign face where there is no change to the sign structure, including no change in the sign face area, height, location, or alteration of the sign cabinet, if applicable. An example includes, but is not limited to, the replacement or repainting of a sign face.
 - (c) Changes of copy on changeable copy signs and electronic message board signs.
 - (d) A-frame (portable). Signs located 50 feet or more from the nearest public street, with a maximum sign area of 12 square feet and a maximum height of four (4) feet. Example provided below:



- (e) Pavement markings, which include signs applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
- (f) Window signs. All window signs shall meet the following standards:
 - (1) Window signs shall be permitted in commercial, office, and industrial districts, and shall not occupy more than 25 percent of the aggregate area on each window or glass door.
 - (2) Window signs are those visible outside the window that are attached to or located within 18 inches in front of or behind the surface of a window or glass door.
- (g) Yard signs. A residential use or residential project shall be permitted three (3) yard signs per 1,000 linear feet of road frontage, separated by a minimum of 250 feet. Each sign shall have a maximum sign area of six (6) square feet and shall have a maximum height of five (5) feet. These signs are intended to be temporary in use, and shall be the responsibility of the property owner for maintenance in accordance with County Code section 32-250.26. Examples of yard signs provided below:



- (h) A clearance sign which indicates only the maximum height allowable to safely navigate a drive-in lane or travelway shall be permitted. The clearance sign shall not exceed three (3) square feet and shall be excluded from the allowable sign area permitted on the property.
- (i) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure, unless a structural change is made.
- (j) Signs associated with a public institution installed on public property.
- (k) A display of less than two square feet or less in area shall be considered a sign, however, such display does not require a sign permit.

Sec. 32-250.27. - Permitted signs and general regulations for all sign types.

5. Drive-in Drive-through signs. ~~Drive-in~~ Drive-through signs shall be permitted in any zoning district where drive-through drive-in facilities are either permitted by right or permitted with a Special Use Permit. ~~Drive-in Drive-through~~ signs shall meet the following standards:

- (a) Up to three (3) freestanding drive-in drive-through signs shall be allowed for each drive-through lane or off-street stacking space. The maximum sign area for all drive-in drive-through signs shall be seventy-two (72) square feet. Individual drive-in drive-through signs shall have a maximum sign area of forty (40) square feet.
- (b) Drive-in Drive-through signs shall be excluded from the total calculated maximum sign area for a property under the remainder of this division. Signs attached to a façade of a building or structure shall be calculated in accordance with the measurement standards specified in County Code section 32-250.25.
- (c) Drive-in Drive-through signs shall have a maximum sign height of eight (8) feet, measured from the grade of the adjacent drive-in lane surface to the top of the sign.
- (d) Drive-in Drive-through signs may be internally or externally illuminated, subject to the illumination standards specified in this section.

(e) The Board of County Supervisors may increase the number and/or size of drive-through signs subject to approval of a special use permit granting such increase in sign size and/or number.

19. Curbside Pick-up Signs. Curbside pick-up signs shall be permitted as an accessory use in any zoning district. These signs shall meet the following standards:

- (a) Each curbside pick-up space is permitted one sign up to six (6) square feet in sign area. Such signage shall not exceed ten (10) feet in height.

(b) Property containing a curbside pick-up area(s) is permitted one additional sign which shall not exceed six (6) square feet in sign area and not to exceed ten (10) feet in height for each pick-up area. A curbside pick-up area includes one or more contiguous curbside parking space(s).

(c) Curbside pick-up signs shall not be internally or externally illuminated.

(d) Curbside pick-up signs shall be excluded from the total calculated maximum sign area for a property under the remainder of this division. Signs attached to a façade of a building shall be calculated in accordance with County Code section 32-250.25.

(e) The Board of County Supervisors may increase the number and/or size of curbside pick-up signs subject to approval of a Special Use Permit granting such increase in sign size and/or number.

20. Drive-in signs. Drive-in signs shall be permitted in any zoning district where drive-in facilities are permitted with a Special Use Permit. Drive-in facility signs shall meet the following standards:

(a) Drive-in facilities shall be permitted one (1) sign for each parking space up to fifteen (15) square feet in sign area.

(b) Drive-in signs shall be excluded from the total calculated maximum sign area for a property under the remainder of this division. Signs attached to a façade of a building or structure shall be calculated in accordance with the measurement standards specified in County Code section 32-250.25.

(c) Drive-in signs shall have a maximum sign height of ten (10) feet, measured from the grade of the adjacent drive-in lane surface to the top of the sign.

(d) Drive-in signs may be internally or externally illuminated, subject to the illumination standards specified in this chapter and may include an audio communication system.

(e) The Board of County Supervisors may increase the number and/or size of drive-in signs subject to approval of a special use permit granting such increase in sign size and/or number.

Sec. 32-250.28. - Location, number, size, height and code reference for signs.

Signs shall be permitted in accordance with the tables found in this section.

Permitted Sign Standards in Commercial, Office and Industrial Zoning Districts, and for nonresidential uses in Residential and Agricultural Zoning Districts, and nonresidential uses within planned and mixed use zoning districts Schedule A				
Sign Type	Number permitted per Lot or tenant (as specified herein)	Maximum Sign Area (sq. ft.)	Maximum Sign Height (ft.)	Code Reference
<u>Curbside pick-up</u>	<u>1 per parking space; 1 per curbside pick-</u>	<u>Individual parking space sign</u>	<u>10 feet per individual curbside pick-up</u>	<u>See Sec. 32- 250.27(19)</u>

Permitted Sign Standards in Commercial, Office and Industrial Zoning Districts, and for nonresidential uses in Residential and Agricultural Zoning Districts, and nonresidential uses within planned and mixed use zoning districts Schedule A				
Sign Type	Number permitted per Lot or tenant (as specified herein)	Maximum Sign Area (sq. ft.)	Maximum Sign Height (ft.)	Code Reference
	<u>up area</u>	<u>maximum- 6 square feet. One additional sign not to exceed 6 square feet per curbside pick-up area.</u>	<u>parking space. One additional sign not to exceed 10 feet (N/A for clearance bar or for façade sign).</u>	
<u>Drive-in facility</u>	<u>1 per parking space</u>	<u>15 square feet</u>	<u>10 feet</u>	<u>See Sec. 32-250.27(20)</u>
<u>Drive-in Drive-through facility</u>	3 per drive-through lane with ordering location	Individual sign maximum—40 Cumulative maximum—72	8 (N/A for clearance bar)	See Sec. 32-250.27(5)

Sec. 32-280.41. - Overall site planning and site development requirements applicable to non-residential and mixed residential/commercial land bays.

1. Notwithstanding the provisions of Articles III and IV, the following uses are specifically prohibited in non-residential and mixed residential/commercial land bays:

- (a) Commercial kennel.
- (b) Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.
- (~~c~~ b) Drive-in theater.
- (d) (~~e~~) Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.
- (e) (~~d~~) Feed and grain retail store.
- (f) (~~e~~) Greenhouse or nursery.
- (g) (~~f~~) Gun store.
- (h) (~~g~~) Home improvement center.

~~(i) (h)~~ Indoor shooting range.

~~(j) (i)~~ Mobile home or office sales.

~~(k) (j)~~ All motor vehicle related uses including sales, leasing, service, repair, towing, impoundment, fuel.

~~(l) (k)~~ Racetracks.

~~(m) (l)~~ Recreation vehicle camp park.

~~(n) (m)~~ Self-storage center.

~~(o) (n)~~ Tool and equipment rental.

~~(p) (o)~~ Truck stop.

ARTICLE III. AGRICULTURAL AND RESIDENTIAL DISTRICTS

Sec. 32-307.23. Special uses.

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

1. Bed and breakfast, subject to the standards of County Code 32-300.15.
2. Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.
3. Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.
- ~~4.2.~~ Electronic equipment and component manufacturing, assembly, processing, and distribution.
- ~~5. 3.~~ Heliport.
- ~~6. 4.~~ Manufacturing of musical instruments and toys.
- ~~7. 5.~~ Manufacturing, cosmetics, and perfume.
- ~~8. 6.~~ Manufacturing, pharmaceuticals (non-HAZMAT process).
- ~~9. 7.~~ Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by electricity or gas).
- ~~10. 8.~~ Metal fabrication of signs.
- ~~11. 9.~~ Motor vehicle fuel station, retail.
- ~~12. 10.~~ Parking Commercial, secondary only.

~~13. 11.~~ Range, indoor shooting,

~~12. Restaurant drive-in/drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in County Code section 32.400.07.~~

~~14. 13.~~ Retail store, greater than 80,000 square feet.

~~15. 14.~~ Self-storage center, in accordance with the provisions of County Code Section 32-400.16.

~~16. 15.~~ Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.

~~17. 16.~~ Stadium or arena, indoor or outdoor.

~~18. 17.~~ Testing and experimental labs (HAZMAT processes).

~~19. 18.~~ Uses not set forth herein that are designed as interim uses.

Sec. 32-307.33. - Special uses.

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

1. Bed and breakfast, subject to the standards of County Code Section 32-300.15.

~~2. Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.~~

~~3. Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.~~

~~4. 2.~~ Electronic equipment and component manufacturing, assembly, processing, and distribution.

~~5. 3.~~ Funeral home

~~6. 4.~~ Heliport.

~~7. 5.~~ Manufacturing of musical instruments and toys.

~~8. 6.~~ Manufacturing, cosmetics, and perfume.

~~9. 7.~~ Manufacturing, pharmaceuticals (non-HAZMAT process).

~~10. 8.~~ Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by electricity or gas).

~~11. 9.~~ Metal fabrication of signs.

~~12. 10.~~ Marina.

~~13. 11.~~ Motor vehicle fuel station, retail.

~~14. 12.~~ Parking Commercial, secondary only.

~~15. 13.~~ Range, indoor shooting,

~~14. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in/drive-through facilities specified in County Code section 32.400.07.~~

~~16. 15.~~ Retail store, greater than 80,000 square feet.

~~17. 16.~~ Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.

~~18. 17.~~ Self-storage center, in accordance with the provisions of County Code section 32-400.14.

~~19. 18.~~ Stadium or arena, indoor or outdoor.

~~20. 19.~~ Taxi or limousine dispatching service.

~~21. 20.~~ Testing and experimental labs (HAZMAT processes).

~~22. 21.~~ Uses not set forth herein that are designed as interim uses.

~~23. 22.~~ Wedding chapel.

Sec. 32-351.05. - Special uses.

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

1. Attached single-family dwellings on lots in excess of one acre.

2. Bed and breakfast, subject to the standards of section 32-300.15.

3. Car wash, manned or self-service.

4. Catering, commercial.

~~5. Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.~~

~~6. Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.~~

~~7. 5.~~ Farmers' market.

~~8. 6.~~ Motor vehicle fuel station, retail.

~~9. 7.~~ Multi-family dwellings on lots in excess of one acre.

~~10.8.~~ Nonresidential and mixed-use buildings that do not meet one or more of the development standards described in section 32-351.08 below.

~~9. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in/drive-through facilities specified in County Code section 32.400.07.~~

ARTICLE IV. COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

Sec. 32-400.07. - ~~Special Use Permit~~ General provisions for drive-through facilities and drive-in facilities.

1. Drive-through facilities and drive-in facilities, as defined in Article I, may be permitted in any commercial or certain 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-through facilities and 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-through facilities or 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-through facilities or drive-in facility, specifically identified in the Special Use Permit conditions or on a Special Use Permit plan.

Sec. 32-400.28 General provisions for curbside pick-up spaces or areas

Curbside pick-up areas, as defined in this chapter, may be permitted as an accessory use with site plan approval in any commercial, office, or industrial district, or public uses, uses of a public nature, or institutional facilities, and in accordance with the following standards:

1. Curbside pick-up areas or spaces shall not use, rely on, or provide an outdoor speaker system or other system, electronic or otherwise, that amplifies auditory sound.
2. A curbside pick-up space shall include a designated parking space, signage, and a pedestrian delivery route or sidewalk which shall not interfere with fire lanes marked in accordance with Article V of Chapter 9.2 of the County Code.

Sec. 32-401.13. - Special uses.

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

1. Ambulance service, maintenance facility.
2. Boarding/kenneling of pets accessory to a pet store.

3. Boat sales (excluding non-motorized), rental or lease, storage, service, or repair.

4. Car wash (manned or self-service).

5. Commercial kennel.

6. Commercial parking.

7. Company vehicle service facility.

8. Continuing care retirement community.

9. Crematory, secondary to a hospital, mortuary, or funeral home.

10. Data Center.

11. Donated materials collection center.

12. Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.

13. Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.

14. 12. Farmer's market.

15. 13. Flea market.

16. 14. Heliport.

17. 15. Marina.

18. 16. Medical care facility, specialized.

19. 17. Mobile home or office sales, lease or service.

20. 18. Motorcycle sales, rental or lease, service or repair.

21. 19. Motor vehicle fuel station, retail.

22. 20. Motor vehicle impoundment yard.

23. 21. Motor vehicle parts, with service.

24. 22. Motor vehicle repair, machine shop.

25. 23. Motor vehicle sales, rental or lease (limited).

26. 24. Motor vehicle sales, rental or lease (recreational).

~~27. 25.~~ Motor vehicle service.

~~28. 26.~~ Motor vehicle towing.

~~29. 27.~~ Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code 32-400.27.

~~30. 28.~~ Pet care facility, in accordance with the provisions of Section 32-400.24.

~~31. 29.~~ Racetrack (equestrian).

~~32. 30.~~ Racetrack (motorized vehicles).

~~33. 31.~~ Railroad passenger station.

~~34. 32.~~ Range, shooting (indoor).

~~35. 33.~~ Recreation facility, commercial (outdoor); paintball facilities prohibited.

~~34. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in drive-through facilities specified in County Code section 32.400.07.~~

~~36. 35.~~ Recreational vehicle park/camp ground.

~~37. 36.~~ Retail use exceeding 80,000 square feet of gross floor area.

~~38. 37.~~ Self-storage center; in accordance with the provisions of section 32-400.16.

~~39. 38.~~ Solar energy facility.

~~40. 39.~~ Stadium or arena, indoor or outdoor.

~~41. 40.~~ Taxi or limousine dispatching or service facility.

~~42. 41.~~ Truck stop with related facilities.

~~43. 42.~~ Water transportation facility.

Sec. 32-401.23. - Special uses.

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

1. Any permitted use greater than 12,000 square feet of floor area. The requirement for a Special Use Permit shall not apply to grocery stores.
2. Boarding/kenneling of pets accessory to a pet store.
3. Car wash (manned or self-service).

4. Continuing care retirement community.
5. Catering, commercial (on or off premise).
- ~~6.~~ Donated materials collection center.
- ~~7.~~ Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.
- ~~8.~~ Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.
- ~~9. 7.~~ Crematory, secondary to a funeral home.
- ~~10. 8.~~ Farmer's market.
- ~~11. 9.~~ Marina.
- ~~12. 10.~~ Motor vehicle fuel station, retail.
- ~~13. 11.~~ Mixed-use building.
- ~~14. 12.~~ Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code section 32-400.27.
- ~~15. 13.~~ Pet care facility, in accordance with the provisions of section 32-400.24.
- ~~16. 14.~~ Recreation facility, commercial (indoor or outdoor).
- ~~15.~~ Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in drive-through facilities specified in County Code section 32-400.07.
- ~~17. 16.~~ Shopping center B (see Part 100).

Sec. 32-401.33. - Special uses.

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

1. Boarding/kenneling of pets accessory to a pet store.
2. Continuing care retirement community.
3. Crematory, secondary to a funeral home.
- ~~4.~~ Drive-in facility, in accordance with the standards for drive-in facilities specified in County Code section 32-400.07.
- ~~5.~~ Drive-through facility, in accordance with the standards for drive-through facilities specified in County Code section 32-400.07.

~~6. 4.~~ Marina.

~~7. 5.~~ Motor vehicle fuel station, retail.

~~8. 6.~~ Pet care facility, in accordance with the provisions of section 32-400.24.

~~9. 7. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in drive-through facilities specified in County Code section 32-400.07.~~

Sec. 32-402.43. Special uses.

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

1. Bus station, commercial.
2. Crematory, secondary to hospital only.
3. Data Center outside the Data Center Opportunity Zone Overlay District.
4. Drive-in facility, in accordance with the standards for drive-in facilities specified in County Code section 32-400.07.
5. Drive-through facility, in accordance with the standards for drive-through facilities specified in County Code section 32-400.07.
- ~~6. 4.~~ Electronic equipment and component manufacturing, assembly, processing and distribution.
- ~~7. 5.~~ Heliport.
- ~~8. 6.~~ Hospital.
- ~~9. 7.~~ Janitorial service.
- ~~10. 8.~~ Manufacturing of musical instruments and toys.
- ~~11. 9.~~ Metal fabrication and signs.
- ~~12. 10.~~ Motor vehicle fuel station, secondary only.
- ~~13. 11.~~ Motor vehicle service, secondary only.
- ~~14. 12.~~ Neighborhood retail and fulfillment center, greater than 30,000 square feet in gross floor area, in accordance with county code section 32-400.27.
- ~~15. 13.~~ Parking, commercial, secondary only.
- ~~16. 14.~~ Outside storage of equipment, materials, and products, secondary only.
- ~~17. 15.~~ Range, shooting (indoor).
- ~~18. 16.~~ Research and development (HAZMAT).
- ~~17. — Restaurant, drive-in/drive-up, or dDrive-through, in accordance with the standards for drive-in drive-through — facilities specified in County Code section 32-400.07.~~
- ~~19. 18.~~ Self-storage center, in accordance with the provisions of section 32-400.14.
- ~~20. 19.~~ Solar energy facility.
- ~~21. 20.~~ Taxi or limousine dispatching.

- ~~22, 24.~~ Testing and experimental labs (HAZMAT processes).
- ~~23, 22.~~ Veterinary hospital.
- ~~24, 23.~~ Watchman's dwelling.

ARTICLE V. OVERLAY DISTRICTS

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:

1. Car wash, self-service.
2. Drive-in facility, in accordance with the standards for drive-in facilities specified in Sec. 32-400.07.
3. Drive-through facility, in accordance with the standards for drive-through facilities specified in Sec. 32-400.07.
- ~~4, 2.~~ Hospital.
- ~~5, 3.~~ Mortuary, funeral chapel, and wedding chapel.
- ~~6, 4.~~ Quick service food store.
- ~~7, 5.~~ Recreation facility, commercial.
- ~~8, 6.~~ Restaurant, carry-out, except as provided in Sec. 32.400.07.
- ~~9.~~ Restaurant, drive-in/ drive-up, or drive-through, except as provided in Sec. 32-400.07.
- ~~10, 8.~~ Theaters, drive-in or indoor. Theaters that are drive-in theaters ~~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:

- (a) Car wash, self-service.
- (b) Drive-in facility, in accordance with the standards for drive-in facilities specified in section 32-400.07.
- (c) Drive-through facility, in accordance with the standards for drive-through facilities specified in section 32-400.07.

- ~~(d)~~ ~~(b)~~ Garden center/nursery.
- ~~(e)~~ ~~(c)~~ Home improvement center.
- ~~(f)~~ ~~(d)~~ Hospital.
- ~~(g)~~ ~~(e)~~ Mortuary, funeral chapel and wedding chapel.
- ~~(h)~~ ~~(f)~~ Motor vehicle service.
- ~~(i)~~ ~~(g)~~ Motor vehicle service (limited).
- ~~(j)~~ ~~(h)~~ Quick service food store.
- ~~(k)~~ ~~(i)~~ Recreation facility, commercial (indoor or outdoor).
- ~~(j)~~ ~~Restaurant, drive-in/ drive-up, or dDrive-through, except as provided in Sec. 32-400.07.~~
- ~~(l)~~ ~~(k)~~ Theaters, drive-in or indoor. Theaters that are ~~drive-in theaters~~ ~~drive-in facilities~~ shall be subject to the standards for drive-in facilities specified in Sec. 32-400.07.
- ~~(m)~~ ~~(j)~~ Video cassette rental store.
- ~~(n)~~ ~~(m)~~ Any other nonresidential use not listed above, except for the following:
 - (1) Existing nonresidential Uses Permitted by Right in the underlying zoning district may continue or change to a new use permitted by right in the underlying zoning district.
 - (2) Existing or proposed agricultural Uses Permitted by Right in the underlying zoning district.
 - (3) Uses which are subject to proffered rezoning approved by the Board of County Supervisors after June 25, 1996.



STAFF REPORT

PC Meeting Date:	April 24, 2024
Agenda Title:	Zoning Text Amendment #DPA2023-00005, Drive Through and Curbside Pick-up
District Impact:	County Wide
Requested Action:	Recommend Approval of Zoning Text Amendment #DPA2023-00005, Drive Through & Curbside pick-up
Department:	Planning
Case Planner:	Yolanda Hipski AICP/RLA, Principal Planner

EXECUTIVE SUMMARY

Proposal to update standards for Drive-in, Curbside Pick-up, and Drive-through uses. Proposal to update definitions for drive-in and drive-through uses. Proposal to define curbside pick-up as an accessory use in certain districts and to establish development standards for these uses.

It is the recommendation of Staff that the Planning Commission approve two motions related to #DPA2023-00005, Drive-through and Curbside Pick-up:

1. Staff recommends the Planning Commission recommend the Board of County Supervisors ("Board") approve Zoning Text Amendment #DPA2023-00005;
2. Staff recommends the Planning Commission recommend the Board initiates further evaluation of drive-through uses to consider allowing drive-throughs as a by-right use in certain situations and where certain conditions are met.

BACKGROUND

- 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 Zoning Ordinance is to provide for, among other things, adequate light, air, convenience of access, and safety from fire, flood and other dangers.
- C. Current Language Impacts – The current drive-through ordinance provisions were created several decades ago in response to the growing demand for drive-through fast food service. To increase social distancing and to reduce potential infections, many businesses began offering curbside pick-up services during the COVID pandemic. After the Federal government and the Commonwealth of Virginia ended the Covid 19 public health emergency, many businesses continued to offer curbside pick-up services as an option. As a result, businesses have revised their onsite traffic patterns without necessarily receiving county reviews.
- D. Proposed Remedy – Staff proposes new definitions for “curbside pick-up” and “drive-in” that limit these activities within a designated parking space. Staff also proposes to update the definition of “Restaurant, drive-in/drive-up or drive through” to remove any references to “drive-in”, or “drive-up” remove industry references such as “restaurant” and require the delivery of goods within a travel way. Finally, staff also proposes to define certain design standards specific to curbside pickup, drive-throughs and drive-ins and related signage.
- E. Zoning Text Amendment Initiated – Several business owners previously indicated that the pandemic changed the way businesses operate relative to curbside pick-up and further, the Zoning Ordinance did not anticipate this change in operations. On September 20, 2022, the Board adopted Res. No. 22-454 to initiate a Zoning Text Amendment for Drive-through uses and curbside pick-up – Countywide.
- F. Development Ordinance Review Advisory Committee (DORAC) – The committee was briefed on the proposed Zoning Text Amendment on June 27, 2023. At the October 26, 2023, and January 25, 2024, DORAC meeting, the committee reviewed the text in greater detail and were able to support the proposed text. In addition, the Commercial Development Committee reviewed the proposed zoning text at their January 18, 2024, meeting.

STAFF RECOMMENDATION

Staff recommends the Planning Commission consider two separate actions related to DPA 2023-00005:

- A. The Planning Office recommends approval of the proposed Zoning Text Amendment #DPA 2023-00005 to allow greater options for and delivery of goods and services for the following reasons:
 - 1. Providing drive up, drive through and curbside pickup supports greater access for shoppers with limited mobility. Both Staff and the County Strategic Plan fully support efforts to increase service equity for members of the public.

2. The proposed text allows more flexible and creative approaches to shop, communicate and deliver goods and services while allowing county oversight of circulation. Without proper review, these modifications may create circulation conflicts or could be subject to Zoning enforcement.
- B. Staff recommends the Planning Commission recommend the Board of County Supervisors initiate a Zoning Text Amendment to develop higher quality design standards for drive throughs to be permitted as a by-right use in certain situations for the following reasons:
1. Certain uses, including sites commonly developed with drive-through components such as restaurants, pharmacies/drug stores or banks, have been found to capture travelers who combine destinations by making “pass-by” trips to another destination. For example, the Institute of Traffic Engineers estimated that up to 55% of Restaurants, 49% of Pharmacy/Drug Stores, and 35% of Banks with drive-through uses during weekday PM trips were potentially captured as pass-by trips (ITE Transportation Trip Generation Manual, 11th edition Pass-By Data and Rate Tables Appendix). Because such a large percentage of these trips are considered pass-by, the anticipated traffic impact to the surrounding road network can be significantly reduced.
 2. Certain areas, such as those found in commercial/retail zoned corridors, or, commercially designated land bays in Planned districts or Mixed use districts, have previously been planned to assume high traffic generation uses. An additional Special Use Permit review would be redundant.
 3. By incentivizing higher design standards, such as, but not limited to, site configuration, drive-through stacking, signage and architectural design standards, the surrounding communities will benefit from higher quality developments and community design. This action supports many of the Community Design policy found in the Comprehensive Plan, including DES-Policy 4 to “upgrade the visual quality of County gateways and major travel corridors”

Community Input

Notice of the Zoning Text Amendment has been advertised and the proposed amendment has been published on the Prince William County government website and has been available in the Planning Office. The Planning Office also received feedback from DORAC and the CDC.

Legal Issues

Legal issues are appropriately addressed by the County Attorney's Office.

Timing

The Planning Commission has until July 23, 2024, 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.

STAFF CONTACT INFORMATION

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ATTACHMENTS

Planning Commission Resolution recommending BOCS Initiate Phase II

ATTACHMENT

PLANNING COMMISSION RESOLUTION

MOTION: **April 24, 2024**
SECOND: **Regular Meeting**
RE: **PHASE II- DRIVE THROUGH USES ZONING TEXT AMENDMENT - COUNTYWIDE**
ACTION: **RECOMMEND INITIATION OF ZONING TEXT AMENDMENT**

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors (“Board”) 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, certain uses, including trips that commonly include drive-through components such as, but not limited to, restaurants, pharmacies/drugstores or banks, have been found to capture travelers passing by the site on the way to another destination rather than people who made a special/separate trip; and

WHEREAS, since certain areas, such as those found in commercial/retail zoned corridors, or commercially designated land bays in Planned districts or Mixed-use districts, have previously been planned with the assumption of supporting high traffic generation uses, requiring an additional special use permit review could be redundant; and

WHEREAS, on October 17, 2017, the Board approved the Community Design chapter of the Comprehensive Plan that contains specific policies and goals that encourage innovation and imagination in building design and site planning while ensuring that certain principles of good community design are upheld; and

WHEREAS, County staff recommends that the Prince William Planning Commission further investigate a zoning text amendment to apply in certain circumstances and to incentivize quality design standards such as, but not limited to, site configuration and circulation, vehicle stacking, and architectural design, for the reasons stated in the staff report; and

WHEREAS, the Prince William County Planning Commission finds that public necessity, convenience, general welfare as well as good zoning practices are served by initiation of a zoning text amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend the Board of County Supervisors initiate Phase II of Drive-Through Uses Zoning Text Amendment to allow greater flexibility in drive-through uses.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

**April 24, 2024
Regular Meeting
Res. No. 24-
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MOTION CARRIED or MOTION FAILED TO CARRY

ATTEST: _____

**Oly Pena
Clerk to the Planning Commission**