

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 15, 2016
4:00 PM

A. CALL TO ORDER

Mr. John Wright called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Mr. John Wright
Mr. Heath Richardson
Mr. Danny Schmidt

Absent:

Mr. Rich Krapf

Staff:

Mr. Paul Holt, Planning Director
Ms. Tammy Rosario, Principal Planner
Ms. Christy Parrish, Zoning Administrator
Mr. Max Hlavin, County Attorney
Ms. Kate Sipes, Assistant Director of Economic Development
Mr. Scott Whyte, Senior Planner II
Ms. Savannah Pietrowski, Planner
Ms. Roberta Sulouff, Planner
Ms. Laura Messer, Event Coordinator
Ms. Tori Haynes, Community Development Assistant

C. MINUTES

1. July 14, 2016 Minutes

The minutes of the July 14, 2016 regular meeting were approved 3 – 0.

D. OLD BUSINESS

1. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage III

Ms. Roberta Sulouff stated that staff incorporated feedback from the August 11 and 25 meetings, as well as the County Attorney, into the Stage III draft ordinance revisions. Most notably, revisions were made to Section 24-2 to create a definition for mobile food vending vehicles, and to Special Regulations to create an administrative permit process and operational guidelines. In Section 24-2, revisions further clarify the types of vehicles and products under the mobile food vending definition. In Special Regulations,

clarifications were made to ownership language, and to delineate privately catered events. Revisions to this section also removed the requirement of a site sketch, changed the annual \$20 fee to a one-time fee, and added language allowing food truck operators to include multiple vehicles on one permit.

Ms. Sulouff stated that at the aforementioned meetings, the Policy Committee also asked staff to report on the status of the City of Williamsburg's Zoning Ordinance amendments, and to verify the permit fees presented at the August 25 meeting. Regarding the City of Williamsburg's Zoning Ordinance amendment process, Ms. Sulouff stated that draft ordinance language went before the City's Planning Commission on September 14, 2016 and closely resembled York County's ordinance. Regarding the permit fees, staff reviewed the fees shown for each locality and verified via the websites and ordinances of those localities that the fees shown represented the most up-to-date information for the administrative zoning permits.

Ms. Sulouff then asked the Policy Committee about three final considerations. First, should the one-time permit fee be removed altogether. Second, should the ordinance language more strongly indicate that a business license must be displayed at the time of operation, or should that information be written into a separate FAQ sheet. And third, could the 100-foot setback from an existing restaurant or residence be waived with permission from the property owner.

Mr. Heath Richardson asked for clarification on removing the permit fee.

Ms. Sulouff stated that Zoning staff had indicated that such a nominal fee cost had limited benefits and could be difficult to track over the lifetime of a company.

Mr. Wright asked for clarification on the language for business licenses.

Ms. Sulouff stated that there was confusion about why a business license is not required at the time of application, but is required to be displayed at the time of operation. Ms. Sulouff explained that, similar to a home occupation, applicants are required to get a zoning permit prior to a business license, and then the business license must be obtained and displayed during operation. Ms. Sulouff asked if the ordinance language makes it clear enough that a business license must be obtained after the zoning permit. If not, should the ordinance language be further clarified, or should information about the business license process be included in a separate FAQ sheet.

Mr. Paul Holt stated that the FAQ sheet would accompany applications and be available online.

Ms. Christy Parrish stated that the zoning permit itself could also include a copy of the regulations.

Mr. Wright made a motion to approve the idea of attaching a FAQ sheet to the application. The motion passed 3 – 0.

Mr. Richardson made a motion to remove the proposed \$20 fee. The motion passed 3 – 0.

Mr. Richardson stated that Mr. Holt had explained to him that waiving the 100-foot setback from a residence or business when permission is granted by the property owner

would be difficult to enforce. He suggested leaving the 100-foot setback, noting that it could be revisited in the future should there be a need.

Mr. Richardson made a motion to approve the 100-foot setback as written. The motion passed 3 – 0.

Mr. Holt suggested amending the motion to include the word “offsite” in the setback language. The amended motion passed 3 – 0.

Mr. Wright asked if the definition for mobile food vending vehicles needs to stipulate “walk-up paying customers” instead of “walk-up customers” to distinguish from special events.

Ms. Parrish noted that food trucks at special events could have walk-up paying customers, so there would be no distinguishment.

Mr. Holt stated that stronger language was added to Section 24-49 to specifically exclude special events.

Mr. Wright stated that he received the email from the Economic Development Authority (EDA) asking to add the B-1 district to the list of zoning districts that will allow food trucks. He asked staff if this is the appropriate time to add the B-1 district.

Ms. Sulouff stated that the initiating resolution for the B-1 district will be going to the Board of Supervisors in late September. She asked the Policy Committee if they would like to use the same community input process, including a survey and public meeting, that was used for the original district considerations in August.

The Committee expressed support for using the same process.

Mr. Schmidt and Mr. Wright expressed concern that using extension cords to power food truck equipment could pose a safety hazard.

Ms. Sulouff stated that staff has been working with the Fire Department to develop inspection standards for food trucks, and that she would ask them about extension cords.

Mr. Richardson made a motion to forward the draft ordinance as amended to the Planning Commission. The motion passed 3 – 0.

2. Communications Facilities, Antennas, Towers and Support Structures, Stage III Follow-Up

Ms. Savannah Pietrowski presented the staff report, stating that since the Policy Committee’s Stage III review of the CATS ordinance in August, staff became aware that Section 24-34 would also be affected by the ordinance amendments. Ms. Pietrowski stated that staff’s proposed revisions to this section ensure there are no conflicts with the revisions that have already been made, and also incorporate FCC exemptions for smaller home satellite dishes. A reference to Section 24-34 was also inserted into the CATS ordinance. She welcomed any questions.

Mr. Wright asked if “roofline” is defined by the eave or the peak.

Mr. Holt replied the eave, which staff would verify with the consulting attorney.

Mr. Schmidt made a motion to approve the CATS ordinance with the proposed amendments to Section 24-34. The motion passed 3 – 0.

E. NEW BUSINESS

1. Updates to the James City County Sign Ordinance

Mr. Holt explained that the sign ordinance must be amended to comply with a recent Supreme Court ruling that deems content-based sign regulations to be in violation of the First Amendment. He noted that the County's sign ordinance will require extensive updating to become content-neutral, and suggested that the Policy Committee take time to become familiar with the current ordinance and Supreme Court ruling before beginning the formal review next month. Mr. Holt further explained that the first phase of amendments will address content-neutral compliance, with substantive changes being incorporated at a later time.

Mr. Wright expressed concern about profane signage if content cannot be regulated. He asked if there are other code sections that prohibit profanity.

Mr. Max Hlavin stated there are some exceptions to the First Amendment that can allow governments to restrict public profanity, but it is not necessarily codified in the County Code at this time.

Mr. Schmidt asked if any problems with profane signage had occurred in the last five years.

Mr. Holt and Mr. Hlavin replied no.

Mr. Richardson supported focusing on content-neutral compliance before incorporating substantive changes. He expressed concern about negative impacts to the community's sense of character.

Mr. Holt and Ms. Parrish discussed some examples of content-neutral changes, noting that a particular type of sign can either be allowed or prohibited altogether, but it cannot be regulated based on what the sign says. Mr. Holt stated an example would be banner signs in shopping center parking lots, which can no longer be restricted to seasonal holiday messages.

Mr. Schmidt asked about the time frame for the ordinance amendments since the Supreme Court decision already went into effect.

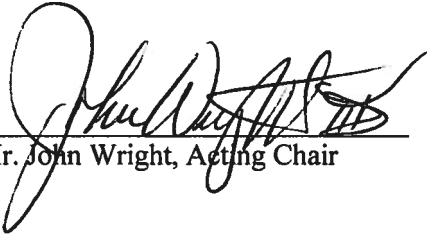
Ms. Parrish clarified that staff would not enforce sign regulations that are conflict with the Supreme Court ruling.

Mr. Holt was hopeful that the amendments would pass before next year's work plan begins. He noted that there would be nothing to vote on today.

F. ADJOURNMENT

Mr. Richardson made a motion to adjourn, and Mr. Wright adjourned the meeting

at approximately 4:55 p.m.



Mr. John Wright, Acting Chair



Mr. Paul Holt, Secretary