

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 8, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair

Jack Haldeman

Rich Krapf

Tim O'Connor

Staff:

Christy Parrish, Zoning Administrator

John Risinger, Community Development Assistant

C. MINUTES

1. May 9, 2019 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the May 9, 2019, meeting minutes.

The motion passed 4-0.

2. June 13, 2019 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the June 13, 2019, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles

Ms. Christy Parrish stated that during the 2019 session of the General Assembly, James City County requested, and the General Assembly granted, amendments to Chapter 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County. She stated that the charter amendment grants the County additional authority under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperable vehicles on residential, commercial, and agricultural zoned properties that are two acres in area or smaller. She stated that, under the current Ordinance, inoperable vehicles are vehicles that have been disassembled for a period of time or are not in operable condition and do not have valid license plates and inspection stickers. She stated that Section 15.2-905 grants certain localities to consider vehicles inoperable if they are missing either the valid license plates or inspection stickers. She stated

that vehicles that are not visible from the public rights-of-way, are properly screened, or are stored inside of a building are considered to be shielded.

Ms. Leverenz asked if vehicles kept on streets could be considered inoperable.

Ms. Parrish stated that the Police Department has the authority to address inoperable vehicles kept in public rights-of-way.

Mr. Haldeman asked what pretext the Police Department has to issue a ticket.

Ms. Parrish stated that Chapter 13 of the County Code governs how the Police Department determines if a vehicle is inoperable and how they address it. She stated that the Police Department can issue a ticket or have the vehicle towed. She stated that the Zoning Division will send a letter giving the property owner 30 days to come into compliance. She stated that after the 30-day period ends, the County can pursue a \$100 civil fine or take the property owner to pursue a court order requiring the vehicle to be removed.

Ms. Parrish stated that current Ordinance does not address areas zoned for agricultural uses. She stated that the Section 15.2-905 of the Code of Virginia allows areas zoned for agricultural; however, the Charter only grants the County to apply it for properties that are two acres or less. She stated that there will be no changes to the current Ordinance for properties that are more than two acres in size and zoned for residential or commercial uses. She stated that inoperable vehicles on properties that are more than two acres in size and zoned for agricultural uses have to be addressed as automobile graveyards. She stated that the proposed Ordinance amendment will be for properties that are two acres or smaller and zoned for residential, commercial, and agricultural uses. She stated that vehicles on properties that are two acres or smaller that do not have a valid license plate or inspection sticker will be considered inoperable. She stated that the County does not regulate vehicles that are under active restoration, screened from view, inside of a building, or for farm use. She stated that vehicles that are registered as antique or farm vehicles are considered operable by the Virginia Department of Motor Vehicles.

Mr. Rich Krapf asked if vehicles undergoing restoration are allowed to be in public view or if they need to be covered or screened from view.

Ms. Parrish stated that it is uncommon for vehicles undergoing restoration to be kept outside of a garage. She stated the vehicle could become inoperable if it has been left sitting for a length of time without progress. She stated that a violation must be visible from the right-of-way to be cited. She stated that she will review the draft Ordinance with the County Attorney's Office to ensure it is compliant with the amended charter and the Code of Virginia. She stated that inoperable vehicles on properties less than two acres can be towed or be ordered by a court to be removed but cannot receive a civil fine.

Ms. Leverenz asked if the largest change to the Ordinance would be changing the criteria for inoperable vehicles so that vehicles without valid license plates or inspection stickers can be considered inoperable.

Ms. Parrish confirmed. She stated that citing vehicles used for farming as inoperable vehicles is not the intention of the Ordinance amendment.

Mr. Haldeman stated that he would like automobile graveyards to be removed as a specially permitted use in the Zoning Ordinance. He asked if the use list could be amended during the Ordinance amendment or if it should be suggested during the Comprehensive Plan update.

Ms. Parrish stated that the scope of the initiating resolution did not include amending the use

list. She stated that it could be considered during the Comprehensive Plan update.

Ms. Parrish stated that the other proposed Ordinance amendment addresses oversized commercial vehicles in neighborhoods. She stated that the Zoning Ordinance prohibits home occupations from having exterior evidence of the business use. She stated that a home occupation use having oversized commercial vehicles would not be permitted in the Ordinance. She stated that the Zoning Ordinance does not address oversized commercial vehicles if they are not part of a home occupation use. She stated that oversized commercial vehicles parked in rights-of-way would not be subject to regulations in the Zoning Ordinance. She stated that further discussion between the County Attorney's Office and the Police Department could be held to address those concerns. She asked the Committee for feedback on how to define oversized commercial vehicles in the Ordinance.

Ms. Leverenz stated that an example of the regulations included vehicles that had signs on them.

Ms. Parrish stated that regulating vehicles that have signs could impact citizens who park smaller work vehicles at their home.

Mr. Krapf stated that the regulation should not impact commercial vehicles such as moving vans or contractor's vehicles when they are parked on residential properties for work actively taking place.

Ms. Parrish confirmed. She stated that language could be added to the Ordinance to ensure that temporary parking for work on a property would not be impacted.

Mr. Krapf stated that temporarily parked vehicles should not inhibit emergency vehicle access.

Ms. Parrish stated that those concerns may already be addressed in Chapter 13 of the County Code. She stated that the intent of the proposed Ordinance amendment is to regulate large commercial vehicles like semi-trucks and dump trucks. She stated that the amendment could address a broader range if desired. She asked what criteria the Committee would like to see for defining oversized commercial vehicles.

Ms. Leverenz stated that staff should work with the Police Department to ensure that oversized commercial vehicles parked in rights-of-way would also be regulated.

Mr. Haldeman agreed.

Ms. Parrish stated that she would work with the Police Department to understand its existing regulations and if any changes would need to be made. She asked the Committee what types of vehicles it would like to be included in the Ordinance. She stated that discussion at a work session meeting suggested including recreational vehicles (RVs).

Mr. Haldeman stated that RVs could be regulated by height, length, or weight. He stated that the driving factor of the Ordinance amendment had to be about public safety and not the visual concerns of oversized commercial vehicles.

Ms. Parrish stated that she would discuss the Ordinance amendment with the County Attorney's Office to ensure it is compliant with the Code of Virginia.

Mr. Krapf stated that regulating oversized commercial vehicles on private properties may not be compliant with the Code of Virginia if they are not immediately affecting public safety.

Mr. Haldeman stated that he had concerns about the aesthetics of RVs and oversized

commercial vehicles parked on private properties even though the Ordinance amendment could not address them.

Ms. Parrish stated that it is uncommon for staff to receive complaints about the aesthetics of RVs parked on private properties. She stated that staff receives more complaints for RVs that are being lived in on residential properties.

Mr. Haldeman stated that the City of Williamsburg prohibits tractor-trucks and semi-trailers and trucks that exceed a gross weight of 7,500 pounds.

Ms. Parrish stated that staff would need to research the gross weight of pickup trucks to ensure they would not be affected for the amendment.

Ms. Leverenz stated that she liked Isle of Wight County's regulations. She stated that it defined oversized commercial vehicles and then stated that it was prohibited to park them overnight unless they were expressly permitted or incidental to improving the premises. She stated that the amendment should be general in nature to avoid over-regulation.

Ms. Parrish stated that she would research additional Ordinances for examples of definitions.

Mr. Tim O'Connor stated that many homeowners associations have covenants that prohibit commercial vehicles that only apply to lots. He stated that enforcing the covenants results in commercial vehicles being parked in the right-of-way which creates congestion. He asked if the County could designate certain neighborhoods to prohibit commercial vehicles.

Ms. Parrish stated that it may be possible if an overlay district was created. She stated that she is not aware of anything to that effect in the Zoning Ordinance. She stated that the definition for commercial vehicles should be very clear to ensure that it does not impact personal vehicles or small work vehicles.

Mr. Haldeman stated that it could be regulated based on if the vehicle has commercial tags.

Ms. Parrish stated that the Isle of Wight County regulations exclude pickup body truck styles, passenger van type vehicles, and vehicles essential for agricultural use on the premises.

Mr. Krapf stated that a passenger van type vehicle could be commercial as well.

Ms. Leverenz stated that the City of Hampton's Ordinance excluded school buses and religious buses on the church property. She stated that the amendment could exclude multi-passenger vehicles.

Ms. Parrish stated that the definition of commercial vehicles could be specific about weight, number of axels, etc. or it could be general and exclude certain types of vehicles. She stated that she could research additional examples of each strategy and bring them to a future meeting.

Mr. O'Connor stated that Chapter 13 authorizes the County Administrator to regulate parking.

Ms. Parrish stated that the County Administrator can have signs posted to prohibit parking on rights-of-way. She stated that a section in Chapter 13 prohibits parking on rights-of-way for a commercial purpose but is not clear if it addresses commercial vehicles that are parked overnight at a residence.

Mr. O'Connor stated that the amendment should not impact on-call employees who park work vehicles at home.

Ms. Parrish stated that she would check with the County Attorney's Office to see if commercial vehicles being parked now would be grandfathered if the Ordinance amendment was adopted.

Mr. O'Connor stated that regulating based on the number of wheels on an axle may affect residents who transport goods. He asked if the Ordinance could include regulations for trailers.

Ms. Leverenz stated that York County's regulations stated that boat trailers, tent trailers, and RVs could not be parked in driveways.

Mr. O'Connor stated that trailers with machinery on them should also be regulated.

Ms. Parrish stated that she would research additional examples and consult with County Administration, the County Attorney's Office, and the Police Department about the Ordinance. She stated that she would present her findings at a future meeting of the Policy Committee.

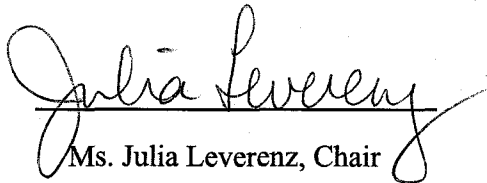
Ms. Leverenz asked if there were any further questions.

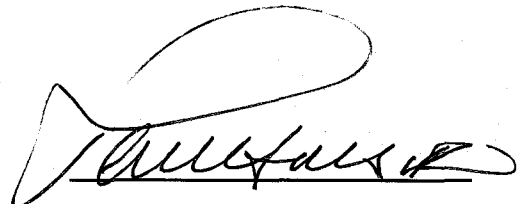
There were none.

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn. The motion passed 4-0.

Ms. Leverenz adjourned the meeting at approximately 4:50 p.m.


Ms. Julia Leverenz, Chair


Mr. Paul Holt, Secretary