

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 12, 2019
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. August 8, 2019 Meeting Minutes
2. November 14, 2019 Meeting Minutes

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)
2. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

E. NEW BUSINESS

F. ADJOURNMENT

ITEM SUMMARY

DATE: 12/12/2019
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: August 8, 2019 Meeting Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/6/2019 - 2:59 PM
Policy	Holt, Paul	Approved	12/6/2019 - 3:39 PM
Publication Management	Daniel, Martha	Approved	12/6/2019 - 3:48 PM
Policy Secretary	Secretary, Policy	Approved	12/6/2019 - 3:55 PM

ITEM SUMMARY

DATE: 12/12/2019
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: November 14, 2019 Meeting Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/6/2019 - 3:00 PM
Policy	Holt, Paul	Approved	12/6/2019 - 3:39 PM
Publication Management	Daniel, Martha	Approved	12/6/2019 - 3:49 PM
Policy Secretary	Secretary, Policy	Approved	12/6/2019 - 3:55 PM

ITEM SUMMARY

DATE: 12/12/2019

TO: The Policy Committee

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)	Ordinance
☐	Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)	Ordinance
☐	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)	Ordinance
☐	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/4/2019 - 10:15 AM
Policy	Holt, Paul	Approved	12/4/2019 - 10:52 AM
Publication Management	Daniel, Martha	Approved	12/4/2019 - 11:05 AM
Policy Secretary	Secretary, Policy	Approved	12/4/2019 - 11:38 AM

MEMORANDUM

DATE: December 12, 2019

TO: The Policy Committee

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

At its November 14, 2019 meeting, the Policy Committee reviewed and discussed amendments to the Zoning and Motor Vehicles and Traffic Ordinances in regards to regulating the keeping and parking of inoperative motor vehicles and certain oversized vehicles.

INOPERABLE VEHICLES

As discussed in November, the following are the substantive changes proposed to incorporate the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection.

Summary of Changes:

- Separated the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres.
- Redefined language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes.
- Added definition of “shielded or screened from view” to mirror State Code.
- Clarified that the civil penalty applies only to inoperable motor vehicles located on properties zoned for residential or commercial purposes.

Staff has attached the draft Ordinance amendment for review.

PARKING OF OVERSIZED VEHICLES IN AREAS ZONED FOR RESIDENTIAL

Also at the November meeting, staff discussed the parking of oversized vehicles in areas zoned for residential. Staff provided samples of regulations from other localities, definition examples, and classification of vehicles for the Federal Highway Administration.

Staff received guidance to move forward with drafting language to regulate the keeping and parking of oversized vehicles both on private property and along residential streets County-wide. Guidance taken from the meeting included the following:

Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

December 12, 2019

Page 2

1. Private Property (Chapter 24, Zoning Ordinance)

- List specific vehicle types that are being regulated.
- Avoid using vehicle weight.
- Rename and incorporate regulations into Section 24-37.

2. Residential Streets (Chapter 13, Motor Vehicles and Traffic)

- Use Prince William County as a guide.
- Avoid using vehicle weight.
- Discuss proposed changes with applicable staff.

Discussions with the Assistant County Administrator, Chief of Police, and Assistant County Attorney indicated a preference to eliminating vehicle weight amounts and the references to hazard materials as there may be unintended situations that may limit use of certain common substances (i.e., gas cans, pest control substances, etc.). Those discussions also included a request to add recreation vehicles to the list prohibited to park along residential streets.

Staff has attached the draft Ordinances for review.

CONCLUSION

Staff recommends that the Policy Committee recommend approval of the Ordinance amendments to the Planning Commission.

CHP/nb

InoprOvszVeh-Ph3-mem

Attachments:

1. Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough and clean copy)
2. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough and clean copy)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles in residential or commercial districts and certain oversized vehicles in agricultural, residential, or commercial districts.

- ~~(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~
- ~~(b) The owners of property zoned for residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.~~
- ~~(c) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.~~

(a) Keeping of inoperative vehicles in certain zoning areas

- i. *On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.*

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in [section 24-22](#) of this chapter.

- ii. *On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.*

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

- iii. *As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.*

- iv. *The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.*

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost

authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles and certain oversized vehicles in agricultural, residential, or commercial districts.

(a) Keeping of inoperative vehicles in certain zoning areas

- i. On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in [section 24-22](#) of this chapter.

- ii. On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except

within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

- iii. As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- iv. The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article III, Stopping, Standing and Parking, Section 13-36.1 Restricted parking in certain areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

(a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.

(b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:

(1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.

(2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.

(3) Any vehicle with three or more axles.

(4) Any recreational vehicle.

(5) Any vehicle designed to transport 16 or more passengers including the driver.

(c) Exceptions. The provisions of this section shall not apply to i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article III, Stopping, Standing and Parking, Section 13-36.1 Restricted parking in certain areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

- (a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.
- (b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:
 - (1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.
 - (2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.
 - (3) Any vehicle with three or more axles.
 - (4) Any recreational vehicle.
 - (5) Any vehicle designed to transport 16 or more passengers including the driver.
- (c) Exceptions. The provisions of this section shall not apply to i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

ITEM SUMMARY

DATE: 12/12/2019

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner

SUBJECT: ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Attachment No. 1 Initiating Resolution	Resolution
☐	Attachment No. 2 Option #1	Backup Material
☐	Attachment No. 3 Option #2	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/5/2019 - 10:07 AM
Policy	Holt, Paul	Approved	12/5/2019 - 10:12 AM
Publication Management	Burcham, Nan	Approved	12/5/2019 - 10:24 AM
Policy Secretary	Secretary, Policy	Approved	12/5/2019 - 10:27 AM

MEMORANDUM

DATE: December 12, 2019

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner

SUBJECT: ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

Introduction

At its July 9, 2019 meeting, the Board of Supervisors requested the County Attorney prepare an Initiating Resolution for exploring the amendment of the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) district or allow this use as a specially permitted use. On August 13, the Board of Supervisors adopted the Initiating Resolution. Accordingly, Planning staff has analyzed the impact of removing warehouses, storage, and distribution centers from the permitted use list within the Mixed Use Zoning District and compared it to the impact of reclassifying this use as a specially permitted use within this District.

Discussion

The Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Since its addition to the Zoning Ordinance, the intent of the Mixed Use Zoning District has been to promote multiuse, master planned communities that are characterized by the convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. The Statement of Intent for the District indicates that districts may include residential, commercial, industrial (with a focus on light industrial), office, and other non-residential uses.

The adopted Mixed Use district language includes “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” as a permitted use. Although the Mixed Use district has been revised and reformatted over the years, this use has been consistently listed as a permitted use. Consequently, there are Mixed Use developments in the County that include this use as a component of the Mixed Use development. For example, Liberty Crossing is a Mixed Use development that incorporates a self-storage facility as the principal non-residential use into its design.

In recent months, the Board of Supervisors has held public hearings for a case that proposed adding a self-storage facility use to an existing Mixed Use development. In this proposal, the self-storage facility would be the sole non-residential use within the development. During the public hearing for this proposal, members of the Board of Supervisors expressed concern regarding self-storage facilities in Mixed Use developments. Specifically, Board members cited the negative visual impact of self-storage facilities, as well as the concern that such facilities may not provide the needed mix of uses intended by the Zoning Ordinance. As noted above, the Board subsequently passed an Initiating Resolution to examine either eliminating this use or allowing it as a specially permitted use.

Staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use district. However, it is possible that the County could receive a proposal in which this use could be appropriately scaled and designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use district,

such as light industrial or research and development uses. Should the Committee concur, then a path forward would be to allow the use as a specially permitted use rather than eliminating the use altogether.

If the County were to reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use, existing facilities that fall under this category would become lawfully non-conforming. Future expansion of existing facilities could be approved, but only through a Special Use Permit (SUP). New facilities on existing Mixed Use zoned land could also be pursued but only through the SUP process. For those existing Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow for the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Recommendation

Staff recommends pursuing the second option, in which the warehouse, storage, and distribution center use is reclassified as a specially permitted use. Although this use is typically not conducive to fulfilling the intent of the Mixed Use district, it is possible for a well-designed, site sensitive proposal to fulfill the intent of the Zoning Ordinance. Classifying this use as a specially permitted use would allow for such a proposal to be reviewed and presented for public hearing, which would not otherwise be required for those existing master planned Mixed Use developments that include warehouse and storage uses.

At its November 14, 2019 meeting, the attending members of the Policy Committee raised no issues with this option. If this is the consensus of the Committee, staff recommends that the Policy Committee recommend approval of the attached draft amendment shown in Option 2 (Attachment No. 3) to the Planning Commission for consideration at its January 8, 2020 meeting.

TW/nb
ORD19-07WarehseMU-mem

Attachments:

1. Initiating Resolution Adopted August 13, 2019
2. Option No. 1: Proposed Amended Section 24-518
3. Option No. 2: Proposed Amended Section 24-518

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO CHAPTER 24, ZONING, TO

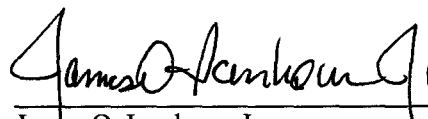
EVALUATE WAREHOUSES, STORAGE, AND DISTRIBUTION CENTERS AS A

PERMITTED USE IN THE MIXED USE DISTRICT

WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permit the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, in order to consider removing warehouses, storage, and distribution centers from the Mixed Use District, or permitting warehouses, storage, and distribution centers in the Mixed Use District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.



James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:



Teresa Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	✓	—	—
LARSON	Absent		
SADLER	✓	—	—
MCGLENNON	✓	—	—
ICENHOUR	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

Sec. 24-518. - Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-242, 7-14-09; Ord. No. 31A-276, 9-11-12; Ord. No. 31A-291, 8-13-13; Ord. No. 31A-293, 8-12-14; Ord. No. [31A-328](#), 11-8-16)

Sec. 24-518. - Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	SUP

(Ord. No. 31A-141, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-152, 8-16-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-184, 12-8-98; Ord. No. 31A-242, 7-14-09; Ord. No. 31A-276, 9-11-12; Ord. No. 31A-291, 8-13-13; Ord. No. 31A-293, 8-12-14; Ord. No. [31A-328](#), 11-8-16)