

## MEMORANDUM

DATE: July 14, 2020

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

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### INTRODUCTION

During the 2019 session of the General Assembly, James City County requested and the General Assembly granted, amendments to Chapters 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County of James City County (Attachment No. 5). This charter amendment grants additional authority to James City County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller (Attachment No. 6).

Section 15.2-905 of the Code of Virginia allows certain localities to restrict the keeping of inoperative vehicles not screened from view and which are not in operating condition, or do not display valid license plates, or do not display inspection decals. In order to more effectively address inoperative vehicles in James City County as newly granted by the recent actions of the General Assembly, amendments to Section 24-37 of the James City County Zoning Ordinance are necessary.

In addition, staff has received complaints regarding the parking and/or keeping of oversized type vehicles in residentially zoned areas. This situation is not adequately addressed in the Zoning Ordinance. At the July 23, 2019 Joint Work Session, the Board of Supervisors and the Planning Commission expressed interest in examining the regulations to address this issue.

Since the adoption of the Initiating Resolution on June 5, 2019 by the Planning Commission, the Policy Committee reviewed and discussed these issues at its August 8, October 10, November 14, and December 12, 2019 meetings.

The following is a summary and recommended changes:

### INOPERATIVE VEHICLES

Currently, the James City County Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Areas zoned A-1, General Agricultural, may have up to five inoperable vehicles. Properties with more than five inoperable vehicles would constitute a vehicle graveyard.

An inoperative vehicle, which is not shielded or screened from view, is defined as 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 recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. This change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

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 inoperative motor vehicles located on properties zoned for residential or commercial purposes.

It is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issued by the Department of Motor Vehicles.

**PARKING OF OVERSIZED VEHICLES IN AREAS ZONED FOR RESIDENTIAL**

Over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. At this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property.

During the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, County Attorney’s Office, and the Police Department and it was determined that Chapter 13, Motor Vehicles and Traffic was also necessary to review.

Currently, Chapter 13, Motor Vehicles and Traffic of the County Code permits the County Administrator to classify vehicles and restrict parking upon County-owned property, County-maintained roads and streets, and roads that are part of the state secondary system. Signs or markers must be erected when any regulations are made for a particular area.

The following is a summary and recommended changes to both the Zoning Ordinance and Chapter 13, Motor Vehicles and Traffic to address the parking of oversized vehicles in residential areas on private property and along public right-of-ways:

Summary of Changes:

**Chapter 24, Zoning Ordinance** - Proposed regulations for the parking of certain oversized vehicles on private property zoned for residential purposes.

- Rename and incorporate regulations into Section 24-37.
- Identifies certain oversized vehicle types that are being regulated.
- List exceptions to common and expected parking of oversized vehicles in residential areas.

It is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

**Chapter 13, Motor Vehicles and Traffic** - Proposed regulations for the parking of certain oversized vehicles on public right-of-ways.

- Create Section 13-36.1 Restricted parking in certain areas.
- Defines oversized vehicle.
- List exceptions to common and expected parking of oversized vehicles along public right-of-ways in residence districts.

It is important to note that the proposed amendment will prohibit the parking of certain types of vehicles along residential streets County-wide.

**RECOMMENDATION**

At its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

At its May 6, 2020 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case No. ORD-20-0003 by a vote of 7-0.

Staff recommends the Board of Supervisors adopt the attached Ordinance revisions.

CHP/nb

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Attachments:

1. Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)
2. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)
3. Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)
4. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)
5. 2019 General Assembly Session - Chapter 508
6. Section 15.2-905 of the Code of Virginia
7. Approved Minutes of the May 6, 2020, Planning Commission Meeting