

**Approved Minutes of the May 6, 2020
Planning Commission Regular Meeting**

ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

Ms. Christy Parrish, Zoning Administrator stated that the proposed Zoning Ordinance Amendments are designed to address two issues: the keeping of inoperative motor vehicles on residential, agricultural and commercial properties and the keeping of oversized vehicles in residential areas.

Ms. Parrish stated that to effectively address inoperative motor vehicles, the County requested and received a charter amendment from the 2019 General Assembly. Ms. Parrish further stated that this charter amendment grants additional authority to the 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. Ms. Parrish stated that currently, the Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Ms. Parrish stated that properties zoned A-1, General Agricultural, may have up to five inoperable vehicles. Ms. Parrish stated that properties with more than five inoperable vehicles would constitute a vehicle graveyard.

Ms. Parrish stated that 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.

Ms. Parrish stated that 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. Ms. Parrish stated that this change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

Ms. Parrish stated that the substantive changes propose 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. Ms. Parrish stated that the changes will: separate the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres; redefine 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; add a definition of “shielded or screened from view” to mirror State Code; and clarify that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes. Ms. Parrish further stated that 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 issues by the Department of Motor Vehicles.

Ms. Parrish stated that the second part of this Zoning Ordinance amendment addresses oversized vehicles.

Ms. Parrish stated that over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Ms. Parrish noted that complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. Ms. Parrish stated that 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. Ms. Parrish stated that during the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Ms. Parrish stated that staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, the County Attorney's Office, and the Police Department. Ms. Parrish stated that it was determined that Chapter 13, Motor Vehicles and Traffic should also be reviewed.

Ms. Parrish stated that the recommended changes to the Zoning Ordinance to establish regulations for the parking of certain oversized vehicles on private property zoned for residential purposes includes: renaming and incorporating regulations into Section 24-37; identifying the certain oversized vehicle types that are being regulated; and listing exceptions to common and expected parking of oversized vehicles in residential areas.

Ms. Parrish stated that 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.

Ms. Parrish stated that the changes to Chapter 13, Motor Vehicles and Traffic include: creating Section 13-36.1 Restricted parking in certain areas; defining oversized vehicle; and listing exceptions to common and expected parking of oversized vehicles along public right-of-ways in residential districts.

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

Ms. Parrish stated that at its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

Ms. Parrish stated that staff recommends the Planning Commission recommend approval of the attached Ordinance revisions to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

As no one wished to speak, Mr. Krapf closed the Public Hearing.

Ms. Null made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles. (7-0)