



PUBLIC NOTICE WILLIAMSBURG CITY COUNCIL

The Williamsburg City Council will hold a public hearing on Thursday, October 13, 2016, 3:30 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

PCR#16-008: Amend the Zoning Ordinance to create the B-4 Culinary Arts and Hospitality District [Article III, Division 10.0.1]. The B-4 District will encourage the location of businesses related to the culinary arts and tourism along the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail.

PCR#16-009: Amend the Zoning Ordinance to add requirements for food trucks on private property when permitted by a specific zoning district [Sec. 21-622]. This section includes detailed requirements that govern the operation of food trucks. It is initially proposed to allow food trucks in the B-4 Culinary Arts and Hospitality District.

PCR#16-010: Rezone approximately 76 acres on Capitol Landing Road between the Colonial Parkway and Merrimac Trail from B-2 Corridor Business District to B-4 Culinary Arts and Hospitality District. This land is designated by the 2013 Comprehensive Plan as *Corridor Commercial* land use (a variety of business uses, and multifamily dwellings and townhouses with a residential density of 14 dwelling units/net acre). The proposed B-4 Culinary Arts and Hospitality District allows culinary arts, hotels/motels and time share units, and other tourism related and commercial uses, and multifamily dwellings with a maximum density of 14 dwelling units per net acre.

Additional information is available at www.williamsburgva.gov/publicnotice or at the Planning Department (757) 220-6130, 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to Planning Commission.

If you are disabled and need accommodation in order to participate in the public hearing, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Thursday, October 6, 2016.

Gerry S. Walton
Deputy Clerk



CITY OF WILLIAMSBURG

MEMORANDUM

DATE: September 23, 2016

SUBJECT: PCR #16-008
B-4 Culinary Arts and Hospitality District Text

PCR #16-009
Food Truck Regulations

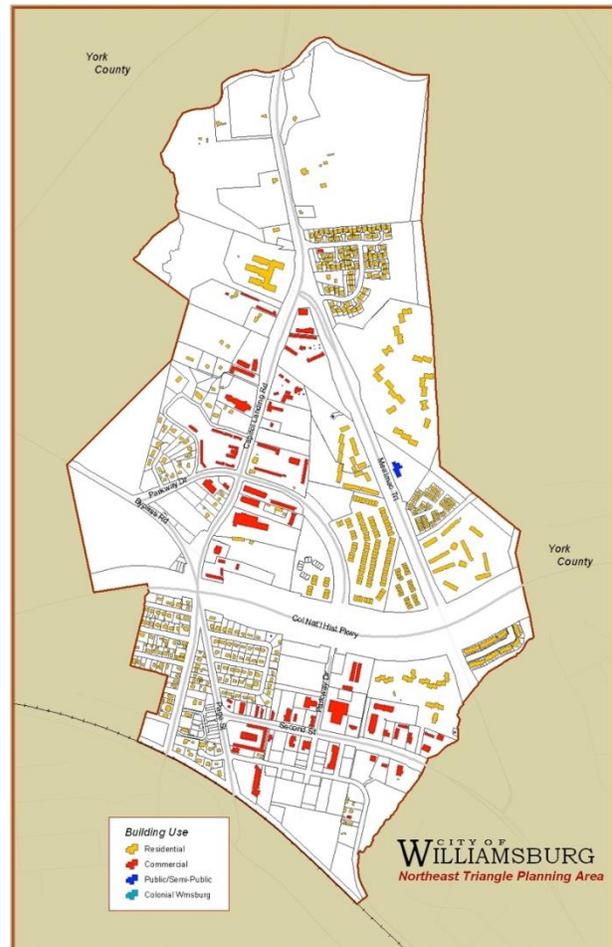
PCR #16-010
B-4 Culinary Arts and Hospitality District Rezoning (Capitol Landing Road from Colonial Parkway to Merrimac Trail)

BACKGROUND

The area of the City that encompasses the Northeast Triangle offers the opportunity to advance several priority policy issues identified in City Council's Biennial Goals, Initiatives, and Outcomes (GIOs). Following the re-allocation of capital improvement funds by City Council in February 2016, the City Manager has worked with staff to review past planning efforts, the Comprehensive Plan, and comparative incentive plans and zoning districts to establish an implementation plan for the Northeast Triangle Redevelopment and Design Plan, which is outlined below.

The redevelopment and design efforts in the Northeast Triangle will impact the following GIO policies:

- Follow the guidance from the Northeast Triangle Focus Group to bring new life to the area
- Make progress toward the reconstruction of the Bypass Road/ Capitol Landing Road intersection



- Support private sector redevelopment projects in the Northeast Triangle
- Identify redevelopment properties and propose a property assembly plan
- Develop incentive plans for redevelopment properties under City ownership
- Develop a redevelopment incentive plan with/without enterprise zone approval
- Actively pursue underused and blighted commercial properties
- Implement the Parkway Drive sidewalk project
- Develop a food truck policy/ordinance
- Implement the Second Street underground utility project
- Beautify entry corridors
- Purchase land on Queens Creek for a new Capitol Landing Park
- Improve safety and livability of the Merrimac Trail corridor
- Promote tourism economy development
- Support existing businesses
- Support development of businesses that increase overnight activity
- Implement pedestrian connections and crossings
- Implement bicycle friendly community improvements

Several projects are in the Capital Improvement Plan for funding in FY17:

- Parkway Drive sidewalk project (Capitol Landing Road to Wyndham Plantation)
- Second Street underground utility project
- Northeast Triangle Redevelopment and Design Plan

Staff is advancing the following initiatives in a coordinated effort:

- Revision of the demolition grant program – presented to EDA in June and approved by City Council July
- Establishment of a Culinary Arts and Hospitality Zoning District in the Capitol Landing Road commercial area – presented to Planning Commission in August, Planning Commission public hearing in September, presentation to EDA in September, and City Council public hearing in October
- Establishment of zoning criteria for food trucks in coordination with the new Culinary Arts and Hospitality District (same schedule).
- Establishment of a Tourism Zone Tax Incentive Program – presented to EDA in September and City Council in October.
- Establishment of a Landscape and Façade Improvement Program –presented to EDA in September and City Council in October.

The appropriated \$150,000 for the Northeast Triangle Redevelopment and Design Plan will be used to accomplish the following:

- Corridor Capital Improvement and Landscape Design Plan (\$50,000)
- Capital Landing and Bypass Intersection Design (\$50,000)
- Landscape and Façade Incentive Program Funding (\$50,000)

The three cases in this memorandum will create the B-4 Culinary Arts and Hospitality District, detailed regulations for food trucks, and rezone the Capitol Landing Road corridor from B-2 to B-4 from the Colonial Parkway to Merrimac Trail.

PCR #16-008: B-4 CULINARY ARTS AND HOSPITALITY DISTRICT

The Comprehensive Plan's Vision Statement for the Northeast Triangle Planning Area "... recognizes that this is a diverse section of the City of Williamsburg with both residential neighborhoods and commercial districts that offer opportunities for new development and redevelopment." More specifically, the Comprehensive Plan recommends that the existing *Corridor Commercial* land use designation remain between the Colonial Parkway and Merrimac Trail. The proposed B-4 Culinary Arts and Hospitality District further refines the *Corridor Commercial* land use through the establishment of a "corridor commercial" area focused on the culinary arts and hospitality industries.

The Statement of Intent for the B-4 District states:

This district is established to encourage the location of businesses related to the culinary arts along the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail. To this end, restaurants, brewpubs, micro-breweries, micro-distilleries, food trucks and the like are allowed by right. To complement the culinary arts, hotels and other tourism related uses are also allowed.

To emphasize the culinary arts focus, "Culinary arts uses" are grouped together in the permitted use section as follows:

- a. Restaurants.
- b. Bake shops.
- c. Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with a capacity of not more than 15,000 barrels per year.
- d. Brew pubs.
- e. Food trucks in accordance with section 21-622.
- f. Schools for the culinary arts.

The B-4 District will be the only zoning district where micro-breweries, micro-distilleries, brew pubs and food trucks are allowed by right.

Added as a new permitted use are "studios and workshops for artists and artisans." This use is allowed as a special exception approved by the Board of Zoning Appeals in the LB-2 Limited Business Neighborhood District and RS-3 Single-family Dwelling District. Allowing this as a by-right use in the B-4 District is intended to encourage uses which will complement the culinary arts.

A number of permitted uses that are allowed in the existing B-2 District for this area have been deleted in the proposed B-4 District. These are: churches, fitness studios, fitness centers, funeral homes, parking lots as a principal use, repair services and businesses, and service stations. These changes are recommended to allow uses that are compatible to culinary arts and hospitality uses.

A number of special use permit uses that are allowed in the existing B-2 District for this area have been deleted in the proposed B-4 District. These are: townhouses, automobile rental agencies, car washes as a principal use, contractor's establishments, lighted athletic fields, miniature golf courses, ministorage warehouses, and newspaper printing and publishing facilities. These changes are recommended to allow uses that are compatible to culinary arts and hospitality uses.

The maximum density allowed for residential uses remains at 14 dwelling units per net acre, the same as allowed in the existing B-2 District. "Multifamily dwellings" is the only residential use allowed, requires a special use permit, and is limited to not more than 67% of the gross floor area on any lot. Multifamily dwellings must be in conjunction with new development or major redevelopment of a property, and cannot reuse existing buildings. This is the same restriction contained in the existing B-2 District.

PCR #16-009: FOOD TRUCK REGULATIONS

The B-4 Culinary Arts and Hospitality District will be the City's first zoning district that allows food trucks on private property (food trucks are currently only allowed in conjunction with a special event regulated by Chapter 9, Article II of the Williamsburg Code). Food trucks are listed as a permitted use in the B-4 District, in accordance with the regulations contained in the proposed Sec. 21-622. Food Trucks, which is in the Supplemental District Regulations section of the Zoning Ordinance [Article IV].

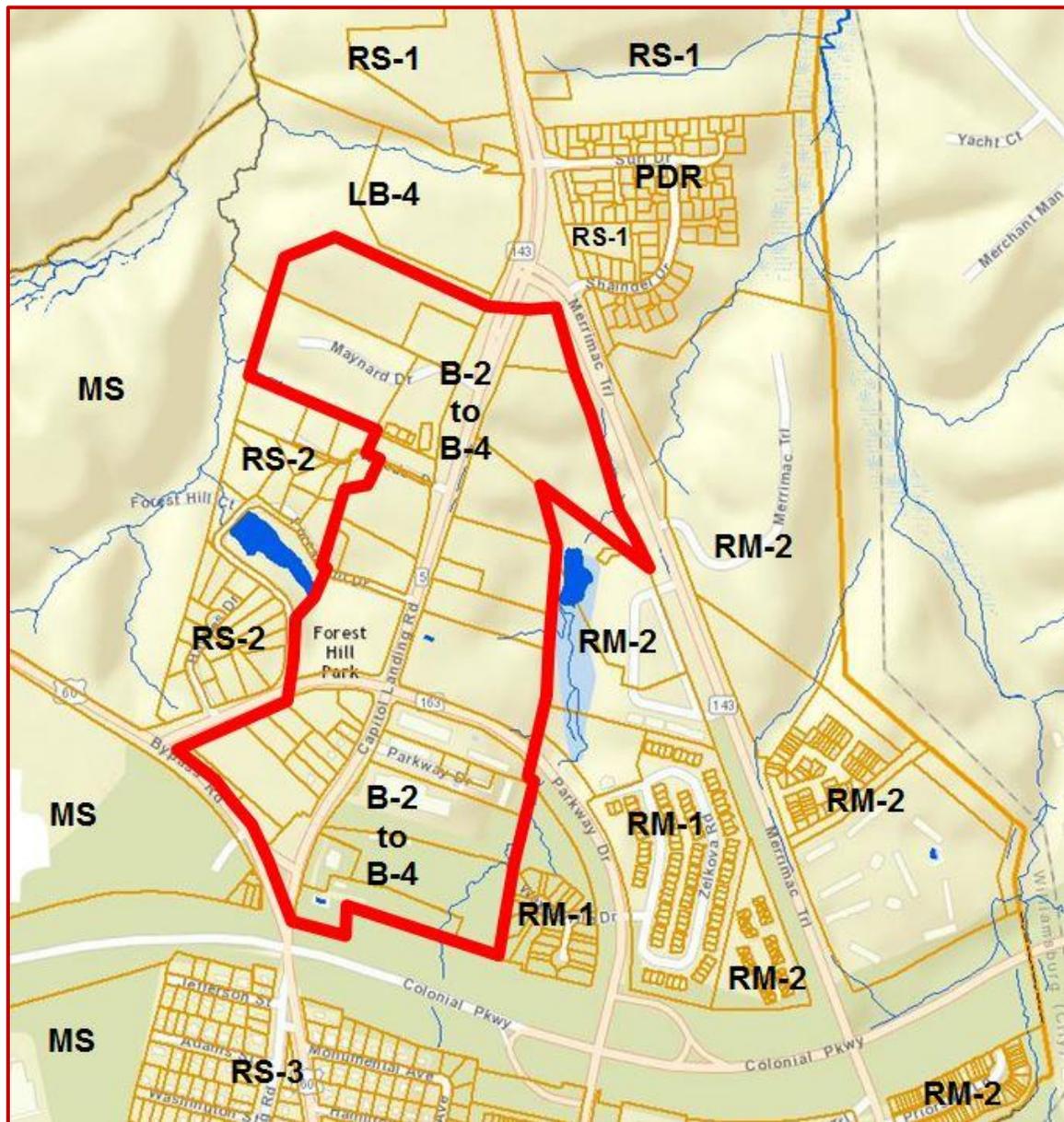
The operator of a food truck is required to own and/or operate a properly licensed restaurant located in a LB-1, LB-2, LB-3, B-1, B-2, B-3, B-4, ED, ED-2, CW, MS or PDC zoning district, or be in partnership with the owner and/or operator of said restaurant as evidenced by a fully executed partnership agreement, which agreement and along with any necessary supporting documents, shall be provided to the zoning administrator as part of the application. The agreement shall provide that the owner of a restaurant located in the City of Williamsburg has at least a thirty percent (30%) ownership interest in the food truck assets and operation or in the business entity operating the food truck. Some of the other major regulations for food trucks which are detailed in Sec. 21-622 are:

- Food trucks can operate only on developed and occupied property and only during the hours when the business establishment on the premises is operating.
- Food trucks, unless otherwise approved, must be removed from the site when the on-premises business closes for the day.
- Food trucks must be parked at least 100 feet from any residential dwelling.

- Food trucks cannot be parked in or operated from a public street right-of-way.

PCR #16-010: B-4 CULINARY ARTS AND HOSPITALITY DISTRICT REZONING

It is proposed to rezone approximately 76 acres on Capitol Landing Road from B-2 Corridor Business District to B-4 Culinary Arts and Hospitality District. This is the existing B-2 District along Capitol Landing Road from the Colonial Parkway to Merrimac Trail, and is detailed on the map below.



APPROVALS NEEDED

This project requires three separate actions:

1. Amend the Zoning Ordinance text to create a new B-4 District.
2. Amend the Zoning Ordinance text to allow "Food Trucks" in the B-4 District.
3. Rezone approximately 76 acres from B-2 to B-4.

B-4 CULINARY ARTS AND HOSPITALITY DISTRICT (PCR#16-008)

The proposed B-4 Culinary Arts and Hospitality District is a modification of the existing B-2 Corridor District. The proposed B-4 District regulations are narrowly drawn, and are intended to encourage the location of businesses related to the culinary arts. To encourage new development and redevelopment in this area, restaurants, brewpubs, micro-breweries, micro-distilleries and schools for the culinary arts are allowed by right. It will be the only district where micro-breweries, micro-distilleries, brew pubs and food trucks are allowed by right.

Multifamily dwellings is the only residential use allowed, is limited to not more than 67% of the gross floor area on any lot, and requires a special use permit. The maximum density allowed remains at 14 dwelling units per net acre, the same as allowed in the existing B-2 District.

Uses that are not compatible with the culinary arts have been removed such as "townhouses, automobile rental agencies, car washes, contractor establishments, lighted athletic fields, miniature golf courses, ministorage warehouses and newspaper printing and publishing facilities.

FOOD TRUCK REGULATIONS (PCR#16-009)

Food trucks are currently only allowed in conjunction with a special event regulated by Chapter 9, Article II of the Williamsburg Code in the City. This proposal is to allow food trucks as a permitted use in the B-4 District, in accordance with the regulations contained in the proposed ordinance. The proposed regulations require the operator of a food truck to own and/or operate a properly licensed restaurant located in a LB-1, LB-2, LB-3, B-1, B-2, B-3, B-4, ED, ED-2, CW, MS or PDC zoning district, or be in partnership with the owner and/or operator of said restaurant as evidenced by a fully executed partnership agreement, which agreement and along with any necessary supporting documents, shall be provided to the zoning administrator as part of the application. The agreement shall provide that the owner of a restaurant located in the City of Williamsburg has at least a thirty percent (30%) ownership interest in the food truck assets and operation or in the business entity operating the food truck.

CULINARY ARTS AND HOSPITALITY DISTRICT REZONING B-2 TO B-4 (PCR#16-010)

The rezoning from B-2 to B-4 of approximately 76 acres will create the area to establish the Culinary Arts and Hospitality District.

ANALYSIS

The proposed B-4 District, Food Truck Ordinance and rezoning from B-2 to B-4 for the commercial area between the Colonial Parkway to Merrimac Trail along Capitol Landing Road will advance several priority policy issues identified in City Council's Biennial Goals, Initiatives and Outcomes. The Comprehensive Plan's Vision Statement for the Northeast Triangle Planning Area recognizes that "this is a diverse section of the City with both residential neighborhood and commercial districts that offer opportunities for new development and redevelopment". Under the proposed changes residential neighborhoods will remain residential and the commercial area along Capitol Landing Road will remain commercial with a more focused vision for this corridor into the City. This area is ideally situated between I-64, the Historic Area, Busch Gardens and Water Country for new development and redevelopment. It has the potential to attract more businesses that will grow the Williamsburg Tasting Trail which is a new tourist initiative.

STAFF RECOMMENDATION

PCR#16-008 – Create the B-4 Culinary Arts and Hospitality District

Staff recommends that Planning Commission recommend to City Council that the B-4 District be created, as detailed in the attached ordinance #16-14.

PCR#16-009 – Food Truck Regulations

Staff recommends that Planning Commission recommend to City Council that the Food Truck Regulations be approved, as detailed in the attached ordinance #16-15.

PCR#16-010 – B-4 Culinary Arts and Hospitality District Rezoning

Staff recommends that Planning Commission recommend to City Council the rezoning from B-2 to B-4 approximately 76 acres along Capitol Landing Road from the Colonial Parkway to Merrimac Trail, as detailed on the attached ordinance #16-16 and map.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on September 14, and one citizen spoke at the hearing. Planning Commission recommended to City Council, by a vote of 5-0, that the following cases be approved:

PCR#16-008: Amend the Zoning Ordinance to create the B-4 Culinary Arts and Hospitality District [Article III, Division 10.0.1]. The B-4 District will encourage the

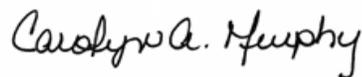
location of businesses related to the culinary arts and tourism along the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail, as detailed in the attached ordinance #16-14.

PCR#16-009: Amend the Zoning Ordinance to add requirements for food trucks on private property when permitted by a specific zoning district [Sec. 21-622]. This section includes detailed requirements that govern the operation of food trucks. It is initially proposed to allow food trucks in the B-4 Culinary Arts and Hospitality District. The Commission recommended approval conditioned upon the removal of the requirement in Sec 21-622 (a) that a food truck operator shall own or operate a restaurant in the City, or be in partnership with an owner and/or operator in the City as detailed in attached ordinance #16-15A.

PCR#16-010: Rezone approximately 76 acres on Capitol Landing Road between the Colonial Parkway and Merrimac Trail from B-2 Corridor Business District to B-4 Culinary Arts and Hospitality District. This land is designated by the 2013 Comprehensive Plan as *Corridor Commercial* land use (a variety of business uses, and multifamily dwellings and townhouses with a residential density of 14 dwelling units/net acre). The proposed B-4 Culinary Arts and Hospitality District allows culinary arts, hotels/motels and time share units, and other tourism related and commercial uses, and multifamily dwellings with a maximum density of 14 dwelling units per net acre, as detailed in the attached ordinance #16-16 and map.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing is scheduled for Thursday, October 13 at 2:00 p.m. in the Council Chambers of the Stryker Center, 412 North Boundary Street.



Carolyn A. Murphy, AICP
Planning and Codes Compliance Director

Carolyn Murphy

From: Tommie Whitley <tcwhitley44@gmail.com>
Sent: Wednesday, September 07, 2016 9:16 PM
To: Carolyn Murphy
Subject: Zoning

Dear Ms.Murphy:

Please add my name to the list of supprters for the upgrade zoning to Capitol Landing Road from the Parkway to th DMV.

Tommie Whitley
405 Zelkova Road.
746-0875

Carolyn Murphy

From: joel whitley <mauijoel11@gmail.com>
Sent: Tuesday, September 06, 2016 9:12 AM
To: Carolyn Murphy
Subject: rezoning Capitol Landing Road

Dear Ms. Murphy, Please add my name to the list of supprters for the upgrade zoning to Capitol Landing Road from the Parkway to th DMV.

Joel Whitley
405 Zelkova Road.
813-1182

ORDINANCE #16-__
PROPOSED ORDINANCE #16-14

**AN ORDINANCE TO AMEND CHAPTER 21, ZONING,
OF THE WILLIAMSBURG CODE BY ADDING ARTICLE III, DIVISION 9.1. CULINARY
ARTS AND HOSPITALITY DISTRICT B-4
(PCR #16-008)**

WHEREAS, the Northeast Triangle Focus Group submitted a report on the future of the Northeast Triangle Planning Area in November 2011; and

WHEREAS, the 2013 Comprehensive Plan incorporated the recommendations of the Focus Group; and

WHEREAS, the City's 2015/2016 Biennial Goals, Initiatives and Outcomes support bringing "new life" to this important area of the City; and

WHEREAS, the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail is ideally situation to serve as a hub for hospitality and the culinary arts.

NOW, THEREFORE, BE IT ORDAINED that the Williamsburg Code, Chapter 21, Zoning, Article III, District Regulations is hereby amended by the addition of Division 9.1., Culinary Arts District B-4, to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 9.1. CULINARY ARTS AND HOSPITALITY DISTRICT B-4

Sec. 21-331. Statement of intent.

This district is established to encourage the location of business related to the culinary arts along the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail. To this end, restaurants, brewpubs, micro-breweries, micro-distilleries and like are allowed by right. To complement the culinary arts, hotels and other tourism related uses are also allowed.

Sec. 21-331.1. Permitted dwelling unit occupancy.

The permitted dwelling unit occupancy in the culinary arts district B-4 is as follows:

- (1) A family; or
- (2) No more than three unrelated persons.

Sec. 21-332. Permitted uses.

The uses permitted in the culinary arts district B-4 are as follows:

- (1) Banks and financial institutions.
- (2) Convenience service establishments such as, but not limited to, barbershops, beauty parlors and spas, tailors, shoe repair shops, self-service laundromats, and laundry and dry cleaning establishments.
- (3) Convenience stores.
- (4) Culinary arts uses, as follows:
 - a. Restaurants.
 - b. Bake shops.
 - c. Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with a capacity of not more than 15,000 barrels per year.
 - d. Brew pubs.
 - e. Food trucks in accordance with section 21-622.
 - f. Schools for the culinary arts.
- (5) Day care centers.
- (6) Freestanding automatic teller machines.
- (7) Hotels/motels and timeshare units, and associated meeting facilities. Hotels/motels are further regulated by Chapter 9, Licenses, Permits and Business Regulations.
- (8) Medical and dental offices and clinics.
- (9) Museums and art galleries without outdoor display.
- (10) Offices in buildings with a gross floor area not exceeding 50,000 square feet.
- (11) Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
- (12) Public buildings owned and/or operated by the City of Williamsburg.
- (13) Retail sales establishments in buildings with a gross floor area not exceeding 50,000 square feet.
- (14) Storage of materials and supplies incidental to the conduct of a permitted use, provided that such storage is screened from view by a six-foot-high wall or fence with the finished side facing the exterior of the property. The planning commission may, through the site plan review process, require or approve an alternate means of screening, provided that it is equivalent to the required fence or wall.
- (15) Off-street parking and loading areas for permitted uses in accordance with article V.
- (16) Signs in accordance with article VI.

- (17) Accessory uses in accordance with section 21-603.
- (18) Home occupations in accordance with section 21-606.

Sec. 21-333. Uses permitted as special exceptions.

Uses permitted in the culinary arts district B-4 with a special exception approved by the board of zoning appeals in accordance with section 21-97(f) are as follows:

No special exception uses are listed for this district.

Sec. 21-334. Uses permitted with special use permit.

Uses permitted in the culinary arts district B-4 with a special use permit approved by the city council in accordance with article II, division 2, are as follows:

- (1) Residential uses in conjunction with new development or major redevelopment of a property, but not including the reuse of existing buildings, as follows:
 - a. Multifamily dwellings, provided that not more than 67 percent of the gross floor area on any lot may be devoted to multifamily use. Non-residential floor area shall be constructed simultaneously with the construction of the multifamily floor area.
- (2) Garden centers, which may include outdoor display and storage. Outdoor display and storage shall be screened from view by an eight-foot high wall or fence with the finished side facing the exterior of the property. As a part of the special use permit process, an alternate means of screening may be required or approved, provided that it is equivalent to the required fence or wall.
- (3) Museums and art galleries with outdoor display.
- (4) Offices in buildings with a gross floor area exceeding 50,000 square feet.
- (5) Retail sales establishments in buildings with a gross floor area exceeding 50,000 square feet.
- (6) Rooming facilities for exchange visitors in accordance with section 21-618.
- (7) Tourist or visitor information centers.

Sec. 21-335. Lot area/density.

The lot area and density requirements in the culinary arts district B-4 are as follows:

- (1) *Dwelling units:* There shall be a maximum density of 14 dwelling units per net acre. Net acreage shall be calculated based on existing land conditions, as specified in the following chart:

Physical Land Unit	Percent Credited Toward Net Acreage
Slopes less than 10%	100%
Slopes from 10% but less than 20%	70%
Slopes from 20% but less than 30%	50%
Slopes 30% or more	10%
100-year floodplains	0%
Wetlands	0%
Existing water features (bodies of water, drainage channels, streams, etc.)	0%
Above ground high voltage electric transmission line easements (69 kv or greater)	0%

(2) *Other uses:* For all other uses, there shall be no minimum lot area required.

Sec. 21-336. Lot width.

The minimum lot width at the building line in the culinary arts district B-4 shall be 50 feet, and the lot width shall not be less than 25 feet at the street line.

Sec. 21-337. Yards.

The yard requirements in the culinary arts district B-4 are as follows:

- (1) *Front.* There shall be a front yard of not less than 35 feet, except:
 - a. Where 40 percent or more of the frontage on one side of the street within the same block is improved with buildings, no building on that side of the street within the same block shall be required to have a front yard greater than the average front yard of the existing buildings. However, when there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. The side line of a building on a corner lot shall not be a factor in these calculations.
 - b. When a lot has a double frontage, front yards shall be provided on both streets, subject to such reductions as may be allowed under subsection 21-337(1)a.

- c. Gasoline pump islands, pump island canopies and outdoor dining areas shall be required to have a front yard of not less than 15 feet.
- d. No accessory building shall be located in a front yard.

(2) *Side.*

- a. There shall be side yards of not less than ten feet.
- b. Corner lots: On a corner lot, the owner shall choose which yard is the front yard unless the front yard is designated on the recorded subdivision plat. The rear yard shall be opposite the chosen front yard. The other yard abutting the street shall be a side yard and shall not be less than 17½ feet for both main and accessory buildings unless a greater side yard is designated on a recorded subdivision plat. Gasoline pump islands, pump island canopies and outdoor dining areas shall be required to have a side yard of not less than 15 feet.
- c. Side yards for accessory buildings, except for those on corner lots, shall not be less than three feet.
- d. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with section 21-337(4).

(3) *Rear.*

- a. *Multifamily dwellings:* For buildings containing multifamily dwellings, there shall be a rear yard of not less than 25 feet.
- b. *Other uses:* There shall be a rear yard of not less than 15 feet.
- c. Rear yards for accessory buildings shall not be less than five feet.
- d. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with section 21-327(4).

(4) *Transitional screening.*

- a. A landscaped open space area for transitional screening at least 35 feet in width shall be provided along side and rear property lines when adjacent to a lot in a residential zoning district or to the Colonial Parkway, except that:
 - 1. A landscaped open space area for transitional screening at least ten feet in width shall be provided along side and rear property lines when adjacent to a lot in a residential zoning district for lots fronting on Second Street between Page Street and Parkway Drive. The transitional screening open space shall include the required side and rear yards. In conjunction with site plan review, planning commission may require a screening fence or wall in conjunction with or in lieu of the required landscaping.
 - 2. No transitional screening open space shall be required when multifamily dwellings adjoin multifamily zoning districts.

- b. Landscaping of transitional screening open space areas shall be in accordance with landscaping standards contained in section 21-784(e).
- c. Transitional screening open space shall not contain accessory buildings or be used for storage purposes. No more than 25 percent of a transitional screening open space area shall be used for stormwater management facilities.
- d. Transitional screening open space shall be in addition to the required side and rear yards, unless otherwise specified.
- e. The planning commission may reduce the required width of transitional open space. A reduction shall not be approved unless it is found that:
 - 1. The provision of the required transitional screening open space would unreasonably restrict the use of the property due to exceptional narrowness, shallowness, size or shape of the lot, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the property; and
 - 2. Additional landscaping and/or screening is proposed that will provide screening equivalent to that required by this section.

Sec. 21-338. Height.

The height requirements in the culinary arts district B-4 are as follows:

- (1) Buildings may be erected up to 45 feet from grade except that:
 - a. Stair towers, equipment penthouses, mechanical equipment and screening walls are exempt from the height limitations, provided that they shall not cover more than 30 percent of the total roof area and shall not exceed the building height by more than ten feet. Equipment penthouses, mechanical equipment and screening walls shall be set back from the front wall of the building one foot for each foot of height above the roof level.
 - b. Parapet walls shall not exceed the building height by more than four feet.
 - c. Cupolas, spires and steeples may be erected to a height of 90 feet above grade, and may extend higher if a special exception is approved by the board of zoning appeals in accordance with section 21-97(f). The board shall not approve the special exception unless it finds that the cupola, spire or steeple is in proper proportion to the building.

Sec. 21-339. Landscaped open space and recreation area.

(a) At least 20 percent of the gross lot area of a lot in the culinary arts district B-4 shall be landscaped open space. Transitional screening buffer areas as specified by section 21-337(4), and Resource Protection Area (RPA) buffer areas as specified by section 21-821(d), shall be deducted from the gross lot area when calculating the percentage of landscaped open space.

(b) The recreation area requirements in the culinary arts district B-4 are as follows:

(1) *Multifamily dwellings:*

- a. A minimum of 200 square feet of recreation area shall be provided for each dwelling unit in a multifamily development of more than 25 dwelling units. Such areas shall be improved to provide active recreational opportunities for the residents of the development. Any playground equipment and other improvements specified on the approved site plan shall be installed prior to the issuance of certificates of occupancy, and shall be maintained in accordance with the approved site plan.
- b. If the proposed project is designed and approved for development in two or more phases, the playground equipment and other improvements may be installed in phases, provided that such phasing plans are approved with the approval of the site plan. In the cases of phased development, the playground equipment and other improvements for each phase shall be installed prior to the issuance of certificates of occupancy for the units in each phase.
- c. The planning commission may allow the developer to delay the installation of the playground equipment and other improvements until the development is completed, provided that an irrevocable bond or other surety acceptable to the city attorney, assuring full, timely and satisfactory completion, is posted prior to the issuance of any certificates of occupancy, and provided that the amount of the bond or surety is of an amount equal to the estimated costs of purchasing, constructing and/or installing the playground equipment and other improvements in accordance with the approved site plan. The playground equipment and other improvements shall be installed and/or constructed within 60 days following the issuance of the final certificate of occupancy for the development, unless modified plans for the playground equipment and other improvements are approved by the planning commission in accordance with subsection d. below during the 60-day period, in which case the installation shall be completed within 60 days from the date of the planning commission approval.
- d. The developer may modify the playground equipment and other improvements approved in the final site plan if such modification is approved by the planning commission, provided that the modified playground equipment and other improvements provide active recreational opportunities for the residents of the development.
- e. Recreation areas need not be concentrated in one central location but may be interspersed throughout the development, provided that the areas are to be reasonably accessible by pedestrians residing in all units. The minimum width for a recreation area shall be 25 feet. Recreation areas may be counted as a portion of the required landscaped open space. Recreation areas may be dedicated to the city (subject to acceptance by the city).

(2) *Other uses:* No recreation area required.

Secs. 21-340—21-350. Reserved.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

Paul T. Freiling, Mayor

Attest: _____
Gerry S. Walton, Deputy Clerk

ORIGINAL ORDINANCE AS RECOMMENDED BY STAFF

**ORDINANCE #16-__
PROPOSED ORDINANCE #16-15**

**AN ORDINANCE TO AMEND CHAPTER 21, ZONING,
OF THE WILLIAMSBURG CODE BY ADDING ARTICLE IV,
SECTION 21-622, FOOD TRUCKS
(PCR #16-009)**

WHEREAS, it is being proposed to add the B-4 Culinary Arts District to the Williamsburg Zoning Ordinance; and

WHEREAS, one of the proposed permitted uses is food trucks; and

WHEREAS, additional supplemental regulations are needed to regulate food truck operations.

NOW, THEREFORE, BE IT ORDAINED that the Williamsburg Code, Chapter 21, Zoning, Article IV, Supplemental District Regulations is hereby amended by the addition of Section 21-622, Food Trucks, to read as follows:

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 21-622. Food Trucks

When not in conjunction with a special event regulated by Chapter 9, Article II. Special Events, the operation of food trucks when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator subject to the following provisions:

- (a) The applicant shall own and/or operate a properly licensed restaurant located in a LB-1, LB-2, LB-3, B-1, B-2, B-3, B-4, ED, ED-2, CW, MS or PDC zoning district, or be in partnership with the owner and/or operator of said restaurant, as evidenced by a fully executed partnership agreement, which agreement and along with any other necessary supporting documents, shall be provided to the zoning administrator as part of the application. Said agreement shall provide that the owner of a restaurant located in the City of Williamsburg has at least a thirty percent (30%) ownership interest in the food truck assets and operation or in the business entity operating said food truck.
- (b) The applicant shall provide the following to the zoning administrator:
 - (1) A copy of a valid Williamsburg business license. Such business license shall be posted in the vehicle at all times.
 - (2) A copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit.

- (3) A copy of an approved inspection from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food truck must be reinspected on an annual basis.
 - (4) Applicant shall provide a valid driver's license for each person who will drive the food truck.
 - (5) Applicant shall provide current registration for the food truck, proof of current motor vehicle inspection, and proof of valid motor vehicle insurance for the food truck.
- (c) The administrative permit shall be issued for a period not to exceed one year but may be renewed upon written request by the operator.
- (d) The following standards and conditions shall apply to all food truck operations:
- (1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the food truck will be operated;
 - (2) Food trucks shall operate only on developed and occupied property and only during the hours when the business establishment on the premises is open for business;
 - (3) Unless otherwise approved, food trucks shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the food truck operator shall pick up, remove, and dispose of all trash or refuse within at least 25 feet of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle.
 - (4) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located, or at a distance of 100 feet from the food truck, whichever is less;
 - (5) Any lighting attached to the exterior of the food truck or used to illuminate the menu boards or the customer waiting areas adjacent to the food truck shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;
 - (6) Receptacles, either those already available on a site or temporary/portable ones provided by the food truck operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;
 - (7) Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the food truck and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage

canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway, or into the atmosphere;

- (8) Food trucks shall be parked at least 100 feet from any residential dwelling;
- (9) Food trucks shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required parking spaces are not obstructed and made unavailable;
- (10) Food trucks shall not be parked in or operated from a public street right-of-way;
- (11) Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the food truck operation. Such signs shall not exceed six square feet in area and four feet in height, shall be positioned within 30 feet of the food truck, and shall not be placed within a public street right-of-way. Signage that is permanently affixed to the food truck shall be permitted; however, flags, banners, or other decorative appurtenances, whether attached or detached, shall not be allowed.

(e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

Secs. 21-623—21-700. Reserved.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

Paul T. Freiling, Mayor

Attest: _____
Gerry S. Walton, City Council Clerk

ORDINANCE RECOMMENDED BY PLANNING COMMISSION

**ORDINANCE #16-__
PROPOSED ORDINANCE #16-15A**

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OF THE WILLIAMSBURG CODE BY ADDING ARTICLE IV,
SECTION 21-622, FOOD TRUCKS
(PCR #16-009)**

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Sec. 21-622. Food Trucks

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- (a) The applicant shall provide the following to the zoning administrator:
 - (1) A copy of a valid Williamsburg business license. Such business license shall be posted in the vehicle at all times.
 - (2) A copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit.
 - (3) A copy of an approved inspection from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food truck must be reinspected on an annual basis.
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- (b) The administrative permit shall be issued for a period not to exceed one year but may be renewed upon written request by the operator.
- (c) The following standards and conditions shall apply to all food truck operations:
 - (1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the food truck will be operated;
 - (2) Food trucks shall operate only on developed and occupied property and only during the hours when the business establishment on the premises is open for business;
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 - (8) Food trucks shall be parked at least 100 feet from any residential dwelling;
 - (9) Food trucks shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an

existing parking lot provided that any required parking spaces are not obstructed and made unavailable;

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Secs. 21-623—21-700. Reserved.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

Paul T. Freiling, Mayor

Attest: _____
Gerry S. Walton, City Council Clerk

ORDINANCE #16-__
PROPOSED ORDINANCE #16-16

**AN ORDINANCE TO REZONE APPROXIMATELY 76 ACRES ON
CAPITOL LANDING ROAD FROM B-2 TO B-4
(PCR #16-010)**

WHEREAS, the Northeast Triangle Focus Group submitted a report on the future of the Northeast Triangle Planning Area in November 2011; and

WHEREAS, the 2013 Comprehensive Plan incorporated the recommendations of the Focus Group; and

WHEREAS, the City's 2015/2016 Biennial Goals, Initiatives and Outcomes support bringing "new life" to this important area of the City; and

WHEREAS, the Capitol Landing Road corridor between the Colonial Parkway and Merrimac Trail is ideally situation to serve as a hub for the culinary arts and complementary hospitality and tourism related uses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Williamsburg that the Official Zoning Map of the City of Williamsburg, Virginia be amended by rezoning approximately 76 acres on Capitol Landing Road from the Colonial Parkway to Merrimac Trail from B-2 Corridor Business District to B-4 Culinary Arts and Hospitality District. These properties are also described as Williamsburg Tax Map Numbers 408-0A-00-004,005,007,013,014,016,018,023>26,029,030,032; 408-07-00-001,002; 408-08-00-A,B; 408-10-00-A,1A,1B,1C,2; 408-11-00-001; 438-0A-00-001A,001B,002,009>015,017,018; 438-07-00-A,B*; 438-12-00-A; 438-13-00-001,002; and 438-16-00-B1,B2.

Adopted: _____

Paul T. Freiling, Mayor

Gerry S. Walton, Deputy Clerk

EXHIBIT A

