



PUBLIC NOTICE WILLIAMSBURG CITY COUNCIL

The Williamsburg City Council will hold a public hearing on Thursday, November 13, 2014, 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street, to consider the following:

PCR #14-021: Amend the Zoning Ordinance by adding definitions for “Assisted living facility” and “Veterinary hospital and clinic” [Sec. 21-2], and revising Permitted Uses and Special Use Permit Uses in the Limited Business Corridor District [Secs. 21-257.2 and 21-257.4]. It is proposed to add the following as permitted uses in buildings not exceeding 10,000 sq.ft. of floor area, and as special use permits in buildings exceeding 10,000 sq.ft. of floor area: “convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops,” “medical and dental offices and clinics” (now included in the “office” category), and “veterinary hospitals and clinics, provided that there are no outdoor activities” (now included in the “office” category). It is proposed to add “Assisted living facility” as a special use permit use (now included in the “nursing home” category). It is proposed to delete heliports for medical transport helicopters and hospitals.

PCR #14-022: Amend the Zoning Ordinance by adding definitions for “Fitness center” and “Fitness studio” [Sec. 21-2], adding parking requirements for fitness studios and fitness centers [Sec. 21-482(d)], and by adding the following as permitted and/or special use permit uses: “Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops” [LB-1 District], “medical and dental offices and clinics” (now included in the “office” category) [LB-1, LB-2, LB-3, B-1, B-2, B-3, ED, ED-2 and PDC Districts]; “fitness studios” [B-1, B-2, B-3, ED, ED-2, PDC Districts]; “fitness centers” [B-2, B-3, ED and ED-2 Districts]; and “veterinary hospitals and clinics, provided that there are no outdoor activities” (now included in the “office” category) [B-2, B-3, ED and ED-2 Districts].

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 the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the City Manager's office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, November 6, 2014.

Gerry S. Walton
Deputy Clerk



CITY OF WILLIAMSBURG

MEMORANDUM

DATE: October 16, 2014

SUBJECT: PCR #14-021

Permitted Use and Special Use Permit Use Changes in LB-4 District

PCR #14-022

Related Permitted Use and Special Use Permit Use Changes in LB and B Zoning Districts

LB-4 DISTRICT CHANGES

Planning staff has recently reviewed the regulations for the LB-4 Limited Business Corridor District, with a goal of looking at ways to make these regulations more flexible while retaining the less intense character of this district compared with the "B" business districts. There are only a few LB-4 Districts in the City: Route 199/Jamestown Road intersection (two areas), Strawberry Plains Road (three areas), W-JCC Courthouse, South Henry Street near Route 199, and Capitol Landing Road near Merrimac Trail (Spring Arbor Assisted Living). Three of the LB-4 Districts were conditionally zoned (two on Strawberry Plains Road and one on South Henry Street), and are subject to additional use restrictions.

The basic LB-4 uses now permitted are banks and offices (if larger than 10,000 square feet a special use permit is required), plus nursing homes and assisted-living facilities and a variety of public uses. Hospital and heliports for medical transport helicopters are still permitted, but relate back to when the Williamsburg Community Hospital was located in an LB-4 District – these uses are now allowed in the ED District where Riverside Doctors' Hospital is located. Accessory business uses of no more than 2,000 square feet are allowed with a special use permit (office supply shops, pharmacies and printing and photocopying shops).

When we looked at additional uses that would be appropriate for the LB-4 District, we came up with the following list:

- Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops.
- Veterinary offices and clinics, provided that there are no outdoor activities.

We also thought that in addition to offices, we should add for clarity "medical and dental offices and clinics." Medical and dental offices and clinics have always been considered part of the "office" use, and are specifically called out in the ED and ED-2 Districts.

In addition to the additional uses listed above, “Hospitals” and “Heliports for medical transport helicopters” should be deleted, since these uses are now located in the ED District (Riverside Doctors’ Hospital).

A copy of a draft ordinance to amend the LB-4 District is attached, which includes related changes to definitions.

RELATED ZONING CHANGES

To ensure consistency throughout the zoning ordinance, the proposed related changes are recommended:

- Add “Medical and dental offices and clinics” as a permitted uses in the LB-1, LB-2, LB-3, B-1, B-2, B-3 and PDC Districts.
- Add “Veterinary offices and clinics, provided that there are no outdoor activities” as a permitted use in the B-2, B-3, ED and ED-2 Districts.

To allow additional flexibility in the business and economic development districts, the following changes are recommended.

- Add “Fitness studio” as a permitted use in the B-1, B-2, B-3, ED, ED-2 and PDC Districts.
- Add “Fitness center” (defined as “an establishment for physical exercise or training which includes equipment such as weight resistance machines, whirlpools, saunas, showers and lockers”) as a permitted use in the B-2, B-3, ED and ED-2 Districts.
- Add definitions for “Fitness studio” and “Fitness center,” which are detailed in the attached ordinance.
- Add parking requirements for “Fitness studio” and “Fitness center,” which are detailed in the attached ordinance.

ADDING ADDITIONAL FLEXIBILITY FOR CONDITIONALLY ZONED AREAS

The two LB-4 Districts on Strawberry Plains Road immediately south of Berkeley Middle School were approved with the following use limitations:

Use of the Property will be limited to professional offices of the following:

- Attorneys
- Accountants
- Architects, including landscape architects
- Professional engineers
- Certified land surveyors
- Financial institutions, including brokerage activities, but excluding drive-in facilities
- Physicians, dentists and optometrists
- Opticians
- Real estate/insurance
- Other professional uses approved by the Williamsburg City Council

The LB-4 District on South Henry Street near Route 199 was approved with the limitation that “The property shall be used only for professional offices.”

The Governor Berkeley Professional Center located on Professional Drive off of John Tyler Lane is zoned Planned Unit Development PUD, and is subject to the following use limitations:

- Attorneys
- Accountants
- Architects, including landscape architects
- Professional Engineers
- Certified Land Surveyors
- Financial Institutions, including brokerage activities, but excluding drive-in facilities
- Physicians, Dentists and Optometrists
- Professional Pharmacies (i.e. A medical support facility restricted to the sale of prescription drugs, medicines and related health care needs.)
- Real Estate/Insurance
- Other professional uses approved by the Williamsburg City Council

It would make sense that all of these developments should be subject to the same regulations as those allowed in the LB-4 District, but the City cannot change these restrictions – the property owner must request an amendment to the approved conditional zoning or PUD restrictions. If the proposed changes to the LB-4 District are approved, staff proposes to contact these property owners and suggest amending their use limitations to say “Use of the property will be limited to the permitted and special use permit uses allowed by the LB-4 Limited Business Corridor District.”

STAFF RECOMMENDATION

Staff recommends the following:

PCR #14-021: That Planning Commission recommend to City Council that the text changes to Definitions and to the LB-4 Limited Business Corridor District be approved as detailed in the attached ordinance.

PCR #14-022: That Planning Commission recommend to City Council that the text changes to Definitions, Parking, and the LB-1, LB-2, LB-3, B-1, B-2, B-3, ED, ED-2 and PDC Districts be approved as detailed in the attached ordinance.

PLANNING COMMISSION RECOMMENDATION

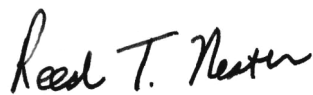
Planning Commission held a public hearing on October 15, and no citizens spoke at the hearing. The Commission recommended the following to City Council by a 6-0 vote:

PCR #14-021: That the text changes to Definitions and to the LB-4 Limited Business Corridor District be approved as detailed in the attached ordinance.

PCR #14-022: That the text changes to Definitions, Parking, and the LB-1, LB-2, LB-3, B-1, B-2, B-3, ED, ED-2 and PDC Districts be approved as detailed in the attached ordinance.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing on these cases is scheduled for November 13 at 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street.



Reed T. Nester, AICP
Planning Director

ORDINANCE #14-__
PROPOSED ORDINANCE #14-26

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE I. IN GENERAL, SEC. 21-2 DEFINITIONS,
ARTICLE III. DISTRICT REGULATIONS, DIVISION 6.4, LIMITED BUSINESS
CORRIDOR DISTRICT LB-4, PERTAINING TO DEFINITIONS
AND PERMITTED AND SPECIAL USE PERMIT USES
(PCR #14-021)**

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article I. In General, Sec. 21-2 Definitions shall be amended by the addition of the following, and that Article III. District Regulations, Division 6.4, Limited Business Corridor District LB-4, Sec. 21-257.1 Statement of Intent, Sec. 21-257.2 Permitted Uses and Sec. 21-257.4 Uses Permitted with Special Use Permit, shall be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-2. Definitions

Assisted living facility means any public or private assisted living facility, as defined in Sec. 63.2-100 of the Virginia Code, that is required to be licensed as an assisted living facility by the Department of Social Services under the provisions of Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 of the Virginia Code.

Veterinary hospital and clinic means a place where animals are given medical care administered by one or more professionals licensed by the State Board of Veterinary Medicine, and where boarding of animals is limited to short-term care incidental to such hospital care.

ARTICLE III. DISTRICT REGULATIONS.

DIVISION 6.4. LIMITED BUSINESS CORRIDOR DISTRICT LB-4

Sec. 21-257.1. Statement of intent

This district is established to allow the location of office and related **limited commercial** uses along the city's major highway corridors in a low-intensity manner that can be employed as a transitional land use between residential neighborhoods and higher-intensity uses. Higher-intensity uses such as ~~hospitals and nursing homes, banks and offices~~ in buildings exceeding 10,000 square feet in area, **nursing homes and assisted-living facilities**, and small commercial uses supporting the permitted uses in the district may be allowed with the issuance of special permits. Residential uses are not permitted in this district.

Sec. 21-257.2. Permitted uses

The uses permitted in the limited business corridor district LB-4 are as follows:

- (1) Uses in buildings with a gross floor area not exceeding 10,000 square feet per building:
 - a. Banks and financial institutions.
 - b. Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops.
 - c. Medical and dental offices and clinics.
 - d. ~~b. Offices; provided that no building shall be constructed or altered to produce a storefront, show window or display window of commercial character, and provided that there shall be no display of merchandise from windows or doors and no storage of merchandise or commercial vehicles in the building or on the premises.~~
 - e. Veterinary hospitals and clinics, provided that there are no outdoor activities.
- (2) ~~(1.1)~~ Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
- (3) ~~(1.2)~~ Public buildings owned and/or operated by the City of Williamsburg.
- (4) ~~(2)~~ Off-street parking and loading areas for permitted uses in accordance with Article V.
- (5) ~~(3)~~ Signs in accordance with Article VI.
- (6) ~~(4)~~ Accessory uses in accordance with section 21-603
- (7) ~~(5)~~ Home occupations in accordance with section 21-606

Sec. 21-257.3. Uses permitted as special exceptions

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

None

Sec. 21-257.4. Uses permitted with special use permit

Uses permitted in the limited business residential district LB-4 with a special use permit approved by the city council in accordance with Article II, Division 2, are as follows:

- (1) Churches and other permanent buildings used for religious worship.

- (2) Uses in buildings with a gross floor area exceeding 10,000 square feet per building:
 - a. Banks and financial institutions.
 - b. Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops.
 - c. Medical and dental offices and clinics.
 - d. ~~b. Offices; provided that no building shall be constructed or altered to produce a storefront, show window or display window of commercial character, and provided that there shall be no display of merchandise from windows or doors and no storage of merchandise or commercial vehicles in the building or on the premises.~~
 - e. Veterinary hospitals and clinics, provided that there are no outdoor activities.
- (3) Business uses with a gross floor area not exceeding 2,000 square feet, and limited to the following uses:
 - a. Office supply shops.
 - b. Pharmacies.
 - c. Printing and photocopying shops.

~~For these uses, no building shall be constructed or altered to produce a storefront, show window or display window of commercial character, and there shall be no display of merchandise from windows or doors, and no storage of commercial vehicles in the building or on the premises.~~
- ~~(4) Heliports for medical transport helicopters.~~
- ~~(5) Hospitals.~~
- (4) (5.1) Nursing homes and assisted-living facilities.
- (5) (5.2) Lighted athletic fields owned and/or operated by the City of Williamsburg.
- ~~(6) [Reserved.]~~
- (6) (7) Public or private elementary, middle or high schools, colleges and universities; and including temporary classroom facilities when accessory to and on the same lot as a school located in a permanent building.

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

Adopted: November 13, 2014

Clyde A. Haulman, Mayor

Attest: _____
Gerry S. Walton, Deputy Clerk

[PC\PCRI\2014\14-0210D2]

ORDINANCE #14-__
PROPOSED ORDINANCE #14-27

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE I. IN GENERAL, SEC. 21-2 DEFINITIONS,
ARTICLE III. DISTRICT REGULATIONS, DIVISION 6.1. LIMITED BUSINESS
DOWNTOWN DISTRICT LB-1, DIVISION 6.2 LIMITED BUSINESS NEIGHBORHOOD
DISTRICT LB-2, DIVISION 6.3 LIMITED BUSINESS MIXED-USE DISTRICT LB-3,
DIVISION 8. DOWNTOWN BUSINESS DISTRICT B-1, DIVISION 9. CORRIDOR
BUSINESS DISTRICT B-2, DIVISION 10. URBAN BUSINESS DISTRICT B-3, AND
DIVISION 15. PLANNED DEVELOPMENT DISTRICTS PDR, PDC AND PDU,
PERTAINING TO DEFINITIONS, PERMITTED AND SPECIAL USE PERMIT USES,
AND OFFSTREET PARKING
(PCR #14-022)**

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article I. In General, Sec. 21-2 Definitions shall be amended by the addition of the following; and that Article III. District Regulations, Division 6.1 Limited Business Downtown District LB-1, Division 6.2 Limited Business Neighborhood District LB-2, Division 6.3 Limited Business Mixed-Use District LB-3, Division 8. Downtown Business District B-1, Division 9. Corridor Business District B-2, Division 10. Urban Business District B-3, and Division 15. Planned Development Districts PDR, PDC and PDU, and Article V. Parking, Sec. 21-707 Amount of Offstreet Parking Required, shall be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-2. Definitions

Fitness studio means an establishment where physical exercise or training is conducted in a group session with an instructor, such as aerobics, dance, yoga, tia chi and martial arts.

Fitness center means an establishment for physical exercise or training that includes equipment such as weight resistance machines, whirlpools, saunas, showers and lockers.

ARTICLE III. DISTRICT REGULATIONS.

DIVISION 6.1. LIMITED BUSINESS DOWNTOWN DISTRICT LB-1

Sec. 21-247. Permitted Uses.

The uses permitted in the limited business downtown district LB-1 are as follows:

- (6) Uses in buildings with a gross floor area not exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops.
 - d. Medical and dental offices and clinics.
 - ~~e. e-~~ Offices.
 - ~~f. d-~~ Restaurants, but drive-thru windows shall be prohibited.
 - ~~g. e-~~ Retail sales establishments.

Sec. 21-249. Uses permitted with special use permit.

Uses permitted in the limited business downtown district LB-1 with a special use permit approved by the city council in accordance with article II, division 2, are as follows:

- (2) Uses in buildings with a gross floor area exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors and shoe repair shops.
 - d. Medical and dental offices and clinics.
 - ~~e. e-~~ Offices.
 - ~~f. d-~~ Restaurants, but drive-thru windows shall be prohibited.
 - ~~g. e-~~ Retail sales establishments.

DIVISION 6.2. LIMITED BUSINESS NEIGHBORHOOD DISTRICT LB-2

Sec. 21-255.2. Permitted Uses.

The uses permitted in the limited business neighborhood district LB-2 are as follows:

- (5) Uses in buildings with a gross floor area not exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors and spas, tailors, and shoe repair shops.
 - d. Medical and dental offices and clinics.
 - ~~e. d-~~ Museums and art galleries.
 - ~~f. e-~~ Offices.
 - ~~g. f-~~ Printing and photocopying shops.
 - ~~h. g-~~ Restaurants without drive-thru windows, and with a gross floor area not exceeding 2,500 square feet.
 - ~~i. h-~~ Retail sales establishments with a gross floor area not exceeding 5,000 square feet.

Sec. 21-255.4. Uses permitted with special use permit.

Uses permitted in the limited business neighborhood district LB-2 with a special use permit approved by the city council in accordance with article II, division 2, are as follows:

- (12) Uses in buildings with a gross floor area exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors **and spas**, tailors, and shoe repair shops.
 - d. Medical and dental offices and clinics.**
 - ~~e. d.~~ Museums and art galleries.
 - f. e.** Offices.
 - ~~g. f.~~ Printing and photocopying shops.
 - h. g.** Restaurants without drive-thru windows, and with a gross floor area not exceeding 2,500 square feet.
 - ~~i. h.~~ Retail sales establishments with a gross floor area not exceeding 5,000 square feet.

DIVISION 6.3. LIMITED BUSINESS MIXED-USE DISTRICT LB-3

Sec. 21-256.2. Permitted Uses.

The uses permitted in the limited business mixed-use district LB-3 are as follows:

- (7) Uses in buildings with a gross floor area not exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors **and spas**, tailors, and shoe repair shops.
 - d. Medical and dental offices and clinics.**
 - ~~e. d.~~ Museums and art galleries.
 - f. e.** Offices.
 - ~~g. f.~~ Printing and photocopying shops.
 - h. g.** Restaurants without drive-thru windows, and with a gross floor area not exceeding 2,500 square feet.
 - ~~i. h.~~ Retail sales establishments with a gross floor area not exceeding 5,000 square feet.

Sec. 21-256.4. Uses permitted with special use permit.

Uses permitted in the limited business mixed-use district LB-3 with a special use permit approved by the city council in accordance with article II, division 2, are as follows:

- (10) Uses in buildings with a gross floor area exceeding 10,000 square feet per building:
 - a. Bake shops.
 - b. Banks and financial institutions.
 - c. Convenience service establishments, limited to barbershops, beauty parlors **and spas**, tailors, and shoe repair shops.
 - d. Medical and dental offices and clinics.**
 - ~~e. d.~~ Museums and art galleries.
 - f. Offices.**
 - ~~g. f.~~ Printing and photocopying shops.
 - h. Restaurants without drive-thru windows, and with a gross floor area not exceeding 2,500 square feet.**
 - ~~i. h.~~ Retail sales establishments with a gross floor area not exceeding 5,000 square feet.

DIVISION 8. DOWNTOWN BUSINESS DISTRICT B-1

Sec. 21-292. Permitted Uses.

The uses permitted in the downtown business district B-1 are as follows:

- (8) 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.

(10.1) Fitness studios.

(12.1) Medical and dental offices and clinics.

DIVISION 9. CORRIDOR BUSINESS DISTRICT B-2

Sec. 21-322. Permitted Uses.

The uses permitted in the corridor business district B-2 are as follows:

- (5) 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.

(7.1) Fitness studios.

(7.2) Fitness centers.

(10.1) Medical and dental offices and clinics.

(23.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.

DIVISION 10. URBAN BUSINESS DISTRICT B-3

Sec. 21-352. Permitted Uses.

The uses permitted in the urban business district B-3 are as follows:

- (4) 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.

(6.1) Fitness studios.

(6.2) Fitness centers.

(9.1) Medical and dental offices and clinics.

(24.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.

DIVISION 10.1. ECONOMIC DEVELOPMENT DISTRICT ED

Sec. 21-362. Permitted Uses.

The uses permitted in the economic development district ED are as follows:

- (5) 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.

(7.1) Fitness studios.

(7.2) Fitness centers.

(22.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.

DIVISION 10.2. ECONOMIC DEVELOPMENT DISTRICT ED-2

Sec. 21-372. Permitted Uses.

The uses permitted in the economic development district ED are as follows:

- (5) 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.

(7.1) Fitness studios.

(7.2) Fitness centers.

(21.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.

DIVISION 15. PLANNED DEVELOPMENT DISTRICTS PDR, PDC AND PDU

Sec. 21-482. Planned development college district PDC.

(d) *Permitted uses.* The uses permitted in the planned development college district PDC are as follows:

- (4) 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.

(5.1) Fitness studios.

(5.2) Medical and dental offices and clinics.

ARTICLE V. PARKING.

Sec. 21-707. Amount of offstreet parking required.

<i>Use Type</i>	<i>Required Parking Spaces</i>
(g) <i>Cultural, entertainment and recreational uses</i>	
<u>(5) Fitness studios and fitness centers</u>	1 for each 200 square feet of floor area
(6)(5) Golf course or miniature golf course	2 for each hole

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

Adopted: November 13, 2014

Clyde A. Haulman, Mayor

Attest: _____
Gerry S. Walton, Deputy Clerk