



**PUBLIC NOTICE**  
**WILLIAMSBURG PLANNING COMMISSION**

The Williamsburg Planning Commission will hold a public hearing on Wednesday, July 14, 2021, at 3:30 p.m. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

**PCR#21-003:** Zoning Text Amendment to Article IV, Supplemental District Regulations, Section 21-619 of the Zoning Ordinance pertaining to a temporary moratorium on the issuance of new certificates of occupancy for an increase in residential occupancy for single-family detached dwellings in the city.

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

If you are disabled and need an accommodation to participate in the public hearing, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than noon, Wednesday, July 7, 2021.

Carolyn A. Murphy, AICP  
Planning and Codes Compliance Director



CITY OF WILLIAMSBURG  
MEMORANDUM

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**DATE:** June 23, 2021

**SUBJECT:** PCR#21-003: Zoning Text Amendment to Article IV, Supplemental District Regulations, Section 21-619 of the Zoning Ordinance pertaining to a temporary moratorium on the issuance of new certificates of occupancy for an increase in residential occupancy for single-family detached dwellings in the city.

This is a request to amend Article IV, Supplemental District Regulations, Section 21-619 of the Zoning Ordinance by putting a 3-year temporary moratorium on the issuance of new certificates of occupancy for the increase in residential occupancy for single-family detached dwellings on the date of adoption. Owners holding a valid certificate of occupancy on the adoption date may apply for renewal of an existing certificate of occupancy during the three years if all requirements of Section 21-619 are met.

City Council has instructed staff to proceed with an ordinance amendment to allow for a three-year moratorium to assess the effects of additional occupancy and the future impacts of additional student-oriented housing construction in Williamsburg based on a recommendation of the Neighborhood Balance Committee.

**PUBLIC HEARING DATE**

A Planning Commission public hearing is scheduled for the July 14, 2021, regular meeting in the Council Chambers of the Stryker Center at 3:30 p.m. at 412 North Boundary Street.

*Carolyn A. Murphy*

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Planning and Codes Compliance Director

**ORDINANCE # 21-**

**PROPOSED ORDINANCE #21-**

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF NEW CERTIFICATES OF OCCUPANCY PURSUANT TO CHAPTER 21, ARTICLE IV, SECTION 21-619 OF THE CODE OF THE CITY OF WILLIAMSBURG**

**WHEREAS**, the City of Williamsburg Neighborhood Balance Committee has recommended that the Williamsburg City Council impose a temporary moratorium on the issuance of certificates of occupancy pursuant to Section 21-619 of the Williamsburg City Code; and

**WHEREAS**, the purpose of the moratorium is to assess the effects of the additional occupancy and the future effects of additional student-oriented housing being constructed in the City of Williamsburg;

**WHEREAS**, City Council desires to impose such moratorium for the purpose of making such assessment.

**NOW, THEREFORE**, be it ordained that the Code of the City of Williamsburg is hereby amended to add subsection (d) to Chapter 21, Article IV, Section 21-619, imposing a moratorium on the issuance of new certificates of occupancy during the next three years.

**Sec. 21-619. - Increase in residential occupancy for single-family detached dwellings.**

a) The residential occupancy in a single-family detached dwelling may be increased from three unrelated persons to four unrelated persons with administrative approval by the zoning administrator or his/her designee, and subject to the following:

(1) The application shall include: a floor plan showing the location, name, dimensions and floor area of all rooms; and a plot plan showing the location of the dwelling, the location of on- and off-site parking, the lot coverage of the driveways and parking areas, and the location of trash and recycling containers.

(2) The single-family detached dwelling unit shall be the only dwelling unit on the lot.

(3) The single-family detached dwelling unit shall be located in a rental inspection district that has been established in accordance with Chapter 5 Building and Building Regulations, Article VII, Identification and Inspection of Rental Dwelling Units.

(4) The dwelling unit shall have a floor area of at least 2,000 square feet of living space, excluding garages, unfinished basements, or other unfinished areas.

(5) Four parking spaces shall be provided. Parking spaces may be off-street in accordance with Article V, Parking, or located along the frontage of the adjoining

public street and contiguous to the lot. The minimum length of a parking space located on an adjoining public street shall be 18 feet and shall not include curb cuts for driveways.

(6) Trash and recycling containers shall be enclosed by a fence or wall.

(7) The requirements of the Virginia Uniform Statewide Property Maintenance Code and the rental inspection program as set forth in Article VII of Chapter 5 (where applicable) shall be met at all times. Said inspection(s) must be complete before a certificate of occupancy is issued for the increase in occupancy.

(b) Upon the zoning administrator's determination that all of the requirements of subparagraph (a) of this section have been met, the zoning administrator shall provide a conditional certificate of occupancy, at which point, the owner or agent may proceed to lease the property to no more than four unrelated persons. The conditional certificate is intended as a temporary certificate demonstrating that all the pre-occupancy conditions of subparagraph (a) have been met, and shall include an expiration date of no longer than 30 days from the date of the proposed occupancy date in the application, after which time, the dwelling may not be occupied by four unrelated people unless the owner and occupants have satisfactorily completed the additional requirements as hereinbelow provided. The zoning administrator may grant a 30-day extension of the conditional certificate of occupancy upon good cause shown and with a written request by the owner.

(1) Prior to occupancy, the owner shall provide the zoning administrator with a copy of the written lease for the four occupants containing the names of the occupants, and the telephone numbers for the occupants. Only occupants that are signatories to the lease shall reside in the dwelling. If the occupants of the dwelling change during the duration of the lease, or if a new lease is executed, the owner shall provide the zoning administrator or his/her designee with a copy of the updated lease, and the name and telephone number of the new occupant(s) and the fourth unrelated person shall not occupy the dwelling prior to the new lease and occupant information is provided to the zoning administrator or his/her designee. The owner may redact from the lease the yearly and monthly rental amount prior to submitting the lease to the zoning administrator or his/her designee.

All subleases must be in writing. The sublease must clearly state the name and telephone number of the vacating tenant, the name and telephone number of the new tenant, and must contain the starting and ending date of the sublease. The owner or tenant shall provide a copy of the sublease to the zoning administrator prior to the effective date of the sublease.

The owner or agent shall distribute to each of the occupants a pamphlet provided by the zoning administrator or his/her designee which outlines the requirements of this section at least seven days prior to occupancy of the dwelling by the occupants and shall file with the zoning administrator or his/her designee an affidavit that said pamphlet has been provided to the occupants, including the date of when the pamphlet was provided.

(2) The zoning administrator or his/her designee shall provide to the owner, and the owner shall return to the zoning administrator or his/her designee a form wherein the occupants acknowledge that they have read and understand and agree to comply with the requirements of the program, which form shall be signed by all of the occupants of the property including new occupants at change of tenancy, and returned to the zoning administrator or his/her designee prior to the occupancy of the dwelling.

(3) The dwelling shall be inspected by the zoning administrator or his/her designee on an annual basis. The initial inspection shall occur upon occupancy of the property or as soon thereafter as practicable. Subsequent inspections shall occur annually if the property continues to be occupied by more than three unrelated people under this section. The zoning administrator or his/her designee shall arrange to inspect the property with the owner and/or occupants, which inspection shall be permitted by the owner and/or occupants, should the property be occupied at the time of the inspection.

(4) A certificate of occupancy shall be issued by the zoning administrator or his/her designee when all of the required conditions have been met. The duration of the certificate of occupancy shall not exceed four years and shall expire on May 31 of the fourth year. Renewal shall require the issuance of a new certificate of occupancy.

(5) Repeated, founded complaints of excessive noise, litter, or other violations of this chapter, Chapter 12, the Virginia Uniform Statewide Building Code, or the Virginia Statewide Fire Prevention Code, as such are amended from time to time, or other behaviors at the dwelling constituting a nuisance under the City Code and Code of Virginia as amended from time to time, shall be cause for the revocation of the certificate of occupancy granted herein. Complaints shall be deemed to be founded when after an investigation by the police, fire marshal, building inspector, zoning administrator, or other appropriate member of city staff, said member of staff determines that it is more probable than not that the violation has occurred.

(6) If the zoning administrator or his/her designee receives a complaint that more than the permitted number of occupants are residing at the dwelling, and after investigation the zoning administrator or his/her designee deems the complaint to have been made in good faith, and with reasonable cause, then the zoning administrator shall provide notice to the occupants of the property that an inspection of the property has been scheduled, and provide the time wherein the property shall be inspected. Posting of the notice on the front door of the property by the zoning administrator or his/her designee shall constitute sufficient notice. The zoning administrator or his/her designee will make reasonable efforts to contact the owner and provide the owner with the notice that the property will be inspected. However, failure of the owner to receive notice that the property is scheduled for an inspection shall not cause the inspection to be postponed or cancelled. The occupants of the property shall permit the inspection of every room of the dwelling for the sole purpose of determining the number of people residing at the property. No inspection pursuant to this section shall be conducted by the zoning administrator or his/her designee with less than 24 hours' notice to the occupants that such an inspection has been scheduled.

(c) If at any time the dwelling does not meet the requirements of the applicable regulations, or the owner, agent or occupants of the property fail to fully comply with the provisions of this section, the certificate of occupancy shall be revoked and the normal occupancy limit of three persons shall be enforced. Any owner or agent, whose certificate under this section has been revoked under this paragraph, shall not be eligible to receive a new certificate for that dwelling for a period of four calendar years. A certificate may be applied for after the four-year period of time, or, an application may be submitted by the owner or agent for that dwelling prior to that four-year period of time if the property has been sold by the previous owner to a third party purchaser in an arm's length transaction. The four-year period will continue if such sale was made to a legal entity of which the previous owner or agent has any ownership stake or made to a close family member of the previous owner or agent.

(d) Notwithstanding the above, no new certificates of occupancy shall be issued for a period of three years, beginning on the date of approval of the ordinance adopting this subparagraph (d). Owners holding a valid certificate of occupancy on such date may apply for renewal of the certificate of occupancy during the three-year period, and the zoning administrator may issue a new certificate of occupancy if all of the requirements of this section are met.

This ordinance shall be effective immediately upon its adoption.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

Clerk

**Four Person Option since 2010  
As of June 2021**

**We currently have the following properties receive approval for four persons and are active rentals as of June 2021:**

504 Boundary Street South	2010
106 Braxton Court	2017
126 Braxton Court	2015
108 Brooks Street	2010
203 Burns Lane	2012
205 Cary Street	2019
307 Cary Street	2017
312 Cary Street	2015
700 Goodwin Street	2019
713 Goodwin Street	2015
234 Griffin Avenue	2011
416 Griffin Avenue	2010
219-B Harrison Avenue	2012
117 Indian Springs Road	2011
123 Indian Springs Road	2019
202 Indian Springs Road	2016
210 Indian Springs Road	2016
520 Jamestown Road	2017
610 Jamestown Road	2018
800 Jamestown Road	2015
804 Jamestown Road	2013
906 Jamestown Road	2018
1007 Lafayette Street	2020
116 Matoaka Court	2019
121 Matoaka Court	2013
126 Matoaka Court	2015
201 Matoaka Court	2010
203 Matoaka Court	2016
209 Matoaka Court	2014
701 Monumental Avenue	2021
203 Nelson Avenue	2010
205 Nelson Avenue	2013
702 Powell Street	2017
721 Richmond Road	2019
101 Rolfe Road	2019
210 Virginia Avenue	2018
605 Wythe Lane	2017

**Based on the above, we currently have 37 properties with approval for four individuals.**