

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 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 and the 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 offices, 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 alongside 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 alongside 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:*

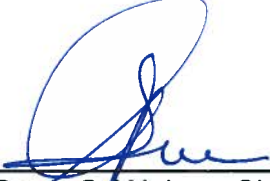
- a. A minimum of 200 square feet of recreation area shall be provided for each dwelling unit in a multifamily development of more than 25 dwelling units. Such areas shall be improved to provide active recreational opportunities for the residents of the development. Any playground equipment and other 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: October 13, 2016

Attest: 

Gerry S. Walton, City Council Clerk



Paul T. Freiling, Mayor