

**ORDINANCE #17-17A**

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,  
ARTICLE I, IN GENERAL BY ADDING "DESIGNED" TO THE STUDENT DWELLING  
DEFINITION;  
ARTICLE III, DISTRICT REGULATIONS, DIVISION 6.3 LIMITED BUSINESS MIXED-  
USE DISTRICT LB-3 BY ADDING "STUDENT DESIGNED DWELLING" TO  
PERMITTED DWELLING UNIT OCCUPANCY & SPECIAL USE PERMIT SECTION;  
ARTICLE III. DISTRICT REGULATIONS, DIVISION 10. URBAN BUSINESS DISTRICT  
B-3,  
BY ADDING "STUDENT DESIGNED DWELLING TO THE PERMITTED DWELLING  
UNIT OCCUPANCY AND SPECIAL USE PERMIT SECTION AND WITH A SPECIAL  
USE PERMIT APPROVED BY CITY COUNCIL FOUR UNRELATED PERSONS, AN  
INCREASE IN THE GROSS FLOOR AREA RATIO TO 80%, YARD AND  
TRANSITIONAL SCREENING REDUCATIONS, HEIGHT INCREASE UP TO 66 FEET,  
AND LANDSCAPE OPEN SPACE REDUCTION TO 15%; AND TO  
ARTICLE III, DISTRICT REGULATIONS, DIVISION 15. PLANNED DEVELOPMENT  
DISTRICTS PDR, PDC AND PDU BY ADDING "STUDENT DESIGNED DWELLING"  
TO THE PERMITTED DWELLING OCCUPANCY IN THE PLANNED DEVELOPMENT  
COLLEGE PDC AND PLANNED DEVELOPMENT URBAN PDU DISTRICTS**

**(PCR #17-019)**

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; Article III, Division 6.3. Limited Business Mixed-Use District LB-3, Sec 21-256.1 and 21-256.4; and Division 10. Urban Business District B-3, Sec. 21-351.1, Sec. 21-354, Sec. 21-357, Sec. 21-358 and Sec. 21-359 be amended to read as follows:

**ARTICLE I**

**Sec. 21-2. Definitions.**

Dwelling means any building or portion thereof which is designed or used exclusively for residential purposes, but not including hotels, motels, time-share units, travel trailers, recreational vehicles, or similar accommodations.

- (3.1) Student designed dwelling means a building containing three or more dwelling units located in close proximity to the campus of the College of William and Mary and designed to be occupied by students at the college.

**ARTICLE III**  
**DIVISION 6.3. LIMITED BUSINESS MIXED-USE DISTRICT LB-3**

**Sec. 21-256.1.1. Permitted dwelling unit occupancy**

The permitted dwelling unit occupancy in the limited business mixed-use district LB-3 is as follows:

- (4) For student **designed** dwellings in accordance with section 21-256.4(4), no more than two unrelated persons in an efficiency or one bedroom dwelling unit/or no more than four unrelated persons in a two or more bedroom dwelling unit.

**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:

- (4) Student **designed** dwellings, subject to the following:
  - a. Management shall be provided by either: (1) the College of William and Mary; or (2) in accordance with a management plan that is approved as a part of the rezoning and which provides for prompt and adequate performance of regular and emergency upkeep and maintenance on the complex and all dwelling units therein. The specific plan for the management of the student dwellings shall be approved as a part of the special use permit and shall remain in effect unless the approved special use permit is amended in accordance with article II, division 2.

**ARTICLE III**  
**DIVISION 10. URBAN BUSINESS DISTRICT B-3\***

**Sec. 21-351.1. Permitted dwelling unit occupancy.**

The permitted dwelling unit occupancy in the urban business district B-3 is as follows:

- (1) A family;
- (2) No more than three unrelated persons **unless increased to four unrelated persons in two or more bedroom unit pursuant to a special use permit approved by the city council;** or
- (3) For student **designed** dwellings in accordance with section 21-354, no more than two unrelated persons in an efficiency or one bedroom dwelling unit/or no more than four unrelated persons in a two or more bedroom dwelling unit.

**Sec. 21-354. Uses permitted with special use permit.**

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

- (1) Multifamily dwellings, provided that not more than 67 percent of the gross floor area of any new buildings on any lot may be devoted to multifamily use. The gross floor area may be increased up to 80 percent if a special use permit is approved by the city council. Non-residential floor area shall be constructed simultaneously with the construction of the multifamily floor area.
- (2) Senior housing, as defined.
- (3) Student **designed** dwellings, subject to the following:
  - a. Management shall be provided by either: (1) the College of William and Mary; or (2) in accordance with a management plan that is approved as a part of the rezoning and which provides for prompt and adequate performance of regular and emergency upkeep and maintenance on the complex and all dwelling units therein. The specific plan for the management of the student dwellings shall be approved as a part of the special use permit and shall remain in effect unless the approved special use permit is amended in accordance with article II, division 2.
- (4) Amusement arcades.
- (5) Billiard and pool rooms.
- (6) Bowling alleys.
- (7) Lighted athletic fields owned and/or operated by the City of Williamsburg.
- (8) Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with a capacity of not more than 15,000 barrels per year.
- (8.1) Museums and art galleries with outdoor display.
- (9) Nursing homes.
- (10) Offices in buildings with a gross floor area exceeding 50,000 square feet.
- (11) Parking garages.
- (12) Recreation centers.
- (13) Retail sales establishments in buildings with a gross floor area exceeding 50,000 square feet.
- (14) Tourist or visitor information centers.
- (15) Use of land as parking for and/or access to a use in an adjoining jurisdiction.

**Sec. 21-357. Yards.**

The yard requirements in the urban business district B-3 are as follows:

(1) *Front.* There shall be a front yard of not less than 15 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 section 21-357(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 15 feet for both main and accessory buildings, unless a greater side yard is designated on a recorded subdivision plat.
- 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 21-357(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 21-357(4).

(4) *Transitional screening.*

- a. A landscaped open space area for transitional screening 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 no transitional screening open space shall be required when multifamily dwellings adjoin multifamily zoning districts. The width of the transitional screening open space shall be determined by the adjacent use, as follows:

1. Parking lot or driveway: Ten feet.
  2. One Story Building: Ten feet.
  3. Two Story Building: 20 feet.
  4. Three or Four Story Building: 30 feet.
- 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, but may be counted toward the landscaped open space required by section 21-359.
  - 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.

(5) *Greenbelts.*

- a. Along streets designated by the comprehensive plan as greenbelts, a greenbelt of at least 50 feet shall be provided along the street line; except that at least 75 feet shall be required along Route 199. Excluded from this requirement shall be public streets and entrances located in the greenbelt areas that are approved during review of a minor site plan, site plan or subdivision.
- b. When the greenbelt is an existing wooded area, it shall be left in an undisturbed natural state, unless modifications are approved or required during review of a minor site plan, site plan or subdivision. Any modifications to an existing wooded greenbelt shall be for the purpose of maintaining its visual character as viewed from the adjacent public street. When a wooded greenbelt is part of a residential development, it may be required during review of a minor site plan, site plan or subdivision to be supplemented with evergreen trees and shrubs in order to provide an effective year-round visual screen between the proposed residential development and the street. When a greenbelt is in a non-wooded area, it shall be improved as an extensively landscaped open space between the street and the developed portion of the property. For a non-wooded greenbelt, at least one tree for each ten feet of frontage shall be planted or maintained, and the primary landscaping material

shall be deciduous shade trees, supplemented by evergreen trees, shrubs and other planting material. All landscape materials shall conform to the minimum size and height standards of section 21-784(c)(5). When a non-wooded greenbelt area borders a residential development, it may be required during review of a minor site plan, site plan or subdivision that the primary landscaping material used shall be evergreen trees and shrubs in order to provide an effective year-round visual screen between the proposed residential development and the street. The landscape plans for the greenbelt area shall be prepared and certified by a certified landscape architect licensed to practice in the State of Virginia. The landscape plans shall be subject to approval by planning commission in the case of a minor site plan, site plan or subdivision of less than 25 lots; and by city council, on recommendation of the planning commission, in the case of a subdivision of 25 or more lots. Trees planted in a greenbelt shall be consistent with the standards contained in section 21-614(g), Tree Planting, Replacement and Pruning Standards.

- c. Greenbelts may be counted toward required yards, and toward the landscaped open space required by section 21-359.

(6) Variation by Special Use Permit.

For redevelopment projects, the yard and transitional screening requirements of this section may be reduced to the widths shown on a master plan approved by a special use approved by the city council in accordance with article II, division 2.

**Sec. 21-358. Height.**

The height requirements in the urban business district B-3 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.
- (2) Buildings may be erected with a height greater than 45 feet from grade but not more than 66 feet from grade, subject to the exceptions set forth in Section (1), paragraphs a, b and c above, pursuant to a special use permit approved by the city council in accordance with article II, division 2.

**ARTICLE III**  
**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.

(1) Student **designed** dwellings, subject to the following:

a. Management shall be provided by either: (1) the College of William and Mary; or (2) in accordance with a management plan that is approved as a part of the rezoning and which provides for prompt and adequate performance of regular and emergency upkeep and maintenance on the complex and all dwelling units therein. The specific plan for the management of the student dwellings shall be approved as a part of the special use permit and shall remain in effect unless the approved special use permit is amended in accordance with this chapter.

**Sec. 21-483. Planned development urban district PDU.**

(e) Permitted Uses. The uses permitted in the planned development urban district PDU are as follows.


(2) Student **designed** dwellings, subject to the following:

a. Management shall be provided by either: (1) the College of William and Mary; or (2) in accordance with a management plan that is approved as a part of the rezoning and which provides for prompt and adequate performance of regular and emergency upkeep and maintenance on the complex and all dwelling units therein. The specific plan for the management of the student dwellings shall be approved as a part of the special use permit and shall remain in effect unless the approved special use permit is amended in accordance with this chapter.

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

Adopted: October 12, 2017

Attest:   
Donna Scott, City Council Clerk

  
Paul T. Freiling, Mayor