



## **PUBLIC NOTICE WILLIAMSBURG PLANNING COMMISSION**

The Williamsburg Planning Commission will hold public hearings on Wednesday, October 16, 2019 at 3:30 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

**PCR#19-020:** Request of John & Deborah Keane to amend Section 21-2 Definitions of the Zoning Ordinance by adding the definition of a "small inn" and Section 21-605 by adding a "small inn on" Jamestown Road and Richmond Road with a special use permit as outlined in the proposed ordinance.

**PCR#19-021:** Request of John & Deborah Keane for a special use permit for a small inn (A Williamsburg White House) at 718 Jamestown Road located in the Single-Family Dwelling District RS-2 for an increase from six rooms to nine rooms rented to visitors.

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

If you are disabled and need accommodation in order to participate in the public hearings, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Wednesday, October 9, 2019.

Carolyn A. Murphy, AICP  
Planning and Codes Compliance Director



# CITY OF WILLIAMSBURG

## MEMORANDUM

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**DATE:** September 25, 2019

**SUBJECT:** PCR#19-020: Text amendment to define a “small inn” and to allow a “small inn” with a special use permit on Richmond Road and Jamestown Road meeting the conditions set forth in Section 21-605.3 of the Zoning Ordinance.

PCR#19-021: Request of John & Deborah Keane for a special use permit for a “small inn” (A Williamsburg White House) at 718 Jamestown Road located in the Single-Family Dwelling District RS-2 for an increase from six rooms to nine rooms rented to visitors.

### **APPLICANT’S REQUEST**

John and Deborah Keane are requesting to amend the Zoning Ordinance to define a “small inn” and to allow a “small inn” with a special use permit approved by City Council on portions of Jamestown Road and Richmond Road as outlined in Section 21-605.3 of the Zoning Ordinance. The definition of a “small inn” proposed is “an establishment with ten rooms or less rented to transient visitors”.

The applicants propose to increase the number of rooms rented to visitors from six rooms to nine rooms. The applicants received approval from City Council on February 12, 2007 (PCR#06-034).

### **CURRENT REGULATIONS**

#### **Comprehensive Plan**

The 2013 Comprehensive Plan designates 718 Jamestown Road as Low-Density Single-Family Detached Residential, which is defined in the Plan as follows:

*This category addresses the lowest intensity of residential development – large lot single-family detached residential areas – with densities of up to 3 dwelling units/net acre. Lot sizes will generally range from 10,000 square feet to 20,000 square feet. This category is implemented by the RS-1, RS-2 and PDR zoning districts.*

Lands to the east, south, and west are designated Low-Density Single-Family Detached Residential with the property to the north designated William & Mary land use.

## **Zoning**

This property along with properties to the east, south, and west are designated Single-Family Dwelling District RS-2 with the William & Mary to the north designated William & Mary.

The statement of intent for the Single-Family Dwelling District RS-2 reads:

*This district is established as a single-family residential area with low population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the land and to promote and encourage a suitable environment for family life. To these ends, development is limited to a relatively low density and permitted uses are limited basically to providing homes for the residents. Certain additional uses that may be compatible with single-family neighborhoods, such as churches, schools and, day care centers, may be allowed with the issuance of special permits.*

## **Special Use Permit**

The special use permit section of the Zoning Ordinance (Sec. 21-42) establishes the following criteria for special use permits:

- (a) *The proposed use shall be:*
  - (1) *In harmony with the adopted comprehensive plan;*
  - (2) *In harmony with the intent and purpose of the zoning district in which the use is proposed to be located;*
  - (3) *In harmony with the character of adjacent properties and the surrounding neighborhoods, and with existing and proposed development.*
- (b) *The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection, and public water and sewer facilities.*
- (c) *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*
- (d) *The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.*

Additional reasonable standards as deemed necessary to protect the public interest and welfare may be imposed, including more restrictive sign standards; additional open space, landscaping or screening requirements; additional yard requirements; special lighting requirements; limitation on hours of operation; and additional off-street parking and loading requirements.

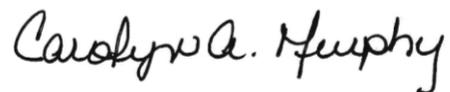
The Planning Director or Planning Commission may require the following additional information:

- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning Director or the Planning Commission may request the City Council to provide funds for the preparation of this study by the City.

Staff does not feel that any additional studies are needed to decide on this request.

**PUBLIC HEARING DATE**

A Planning Commission public hearing is scheduled for the October 16, 2019, Planning Commission meeting.

A handwritten signature in black ink that reads "Carolyn A. Murphy". The signature is written in a cursive, flowing style.

Carolyn A. Murphy, AICP  
Planning & Codes Compliance Director



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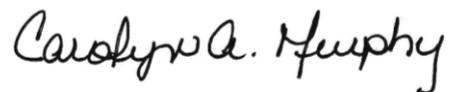
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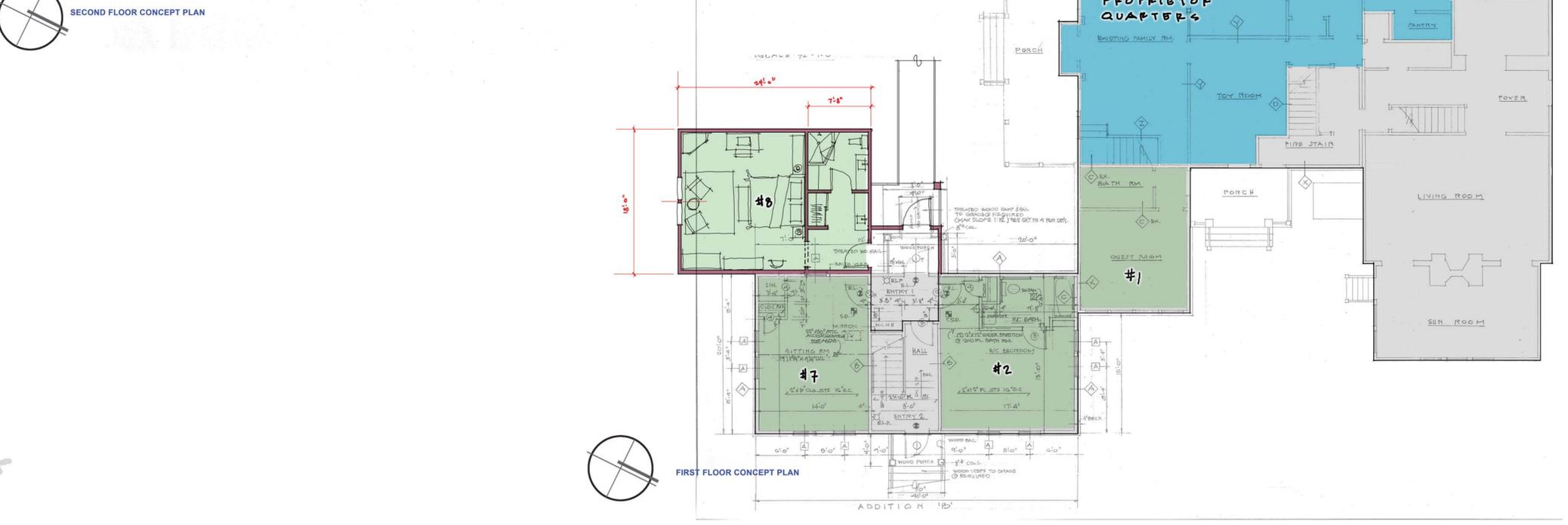
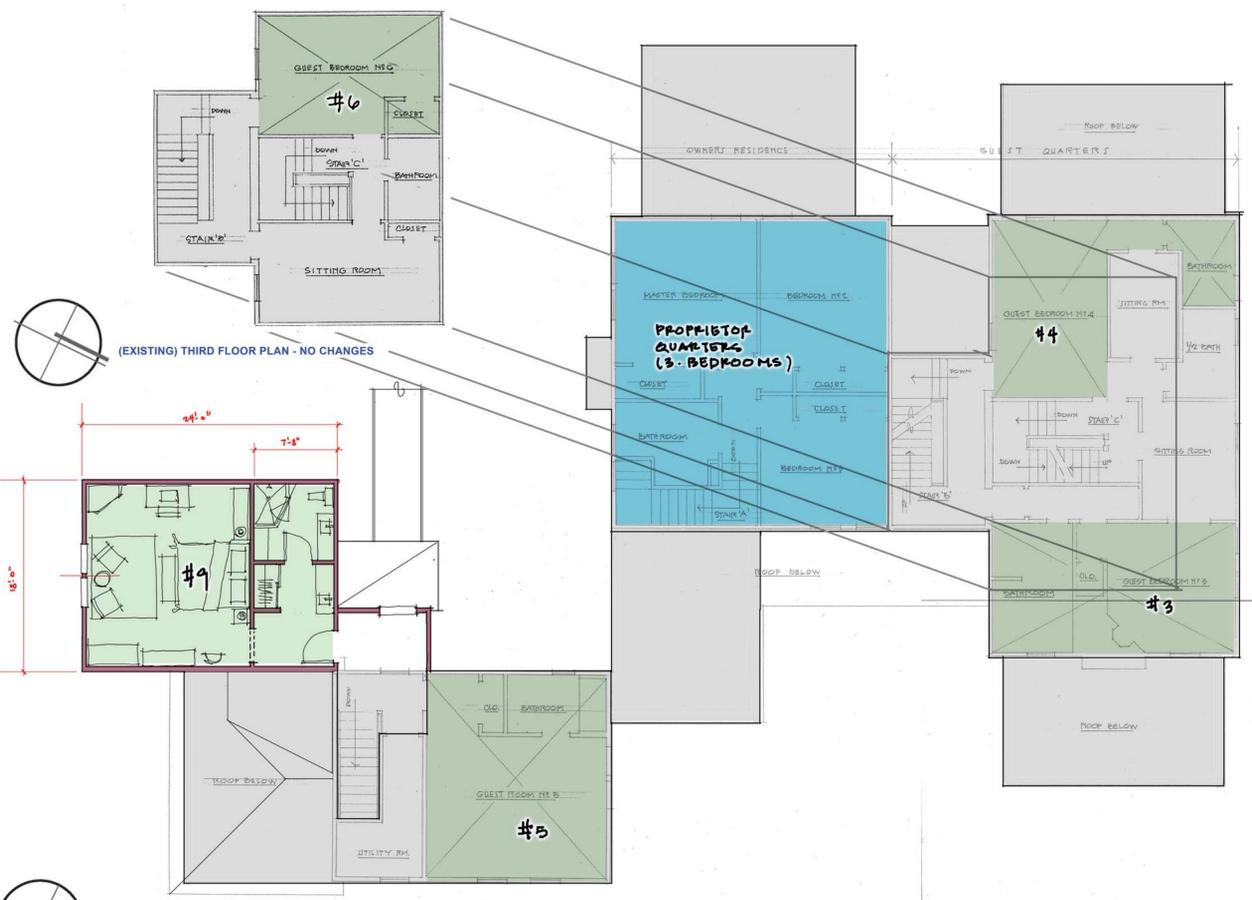
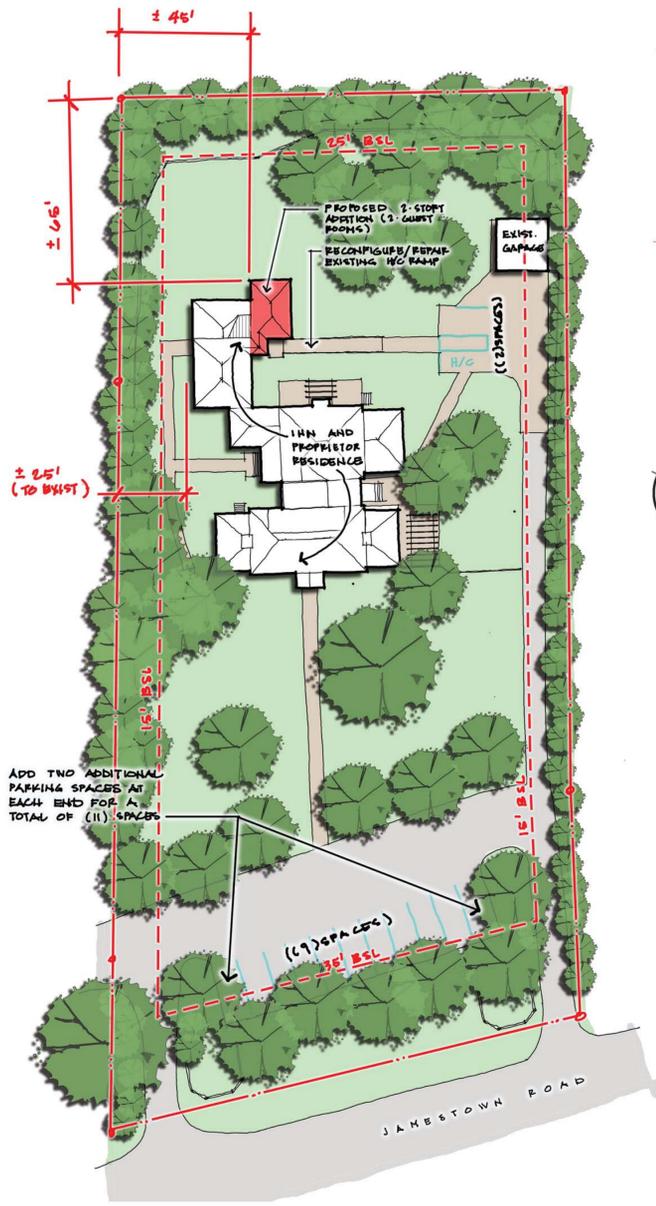
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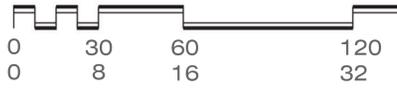


SCHEMATIC DESIGN for  
**ADDITION TO WILLIAMSBURG WHITE HOUSE INN**

H & A # 39006

CITY OF WILLIAMSBURG, VA

19 AUG 2019





**ORDINANCE #19-\*\***  
**PROPOSED ORDINANCE #19-\*\***

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,  
ARTICLE I. IN GENERAL, SECTION 21-2. DEFINITIONS BY ADDING A DEFINITION  
FOR SMALL INN AND  
ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS, BY ADDING SECTION  
21-605.3 SMALL INN WITH A SPECIAL USE PERMIT  
(PCR #19-020)**

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, Section 21-2 Definitions by adding Small Inn and Article IV. Supplemental District Regulations Sec. 21-605.3. Small inn shall be amended to read as follows:

ARTICLE I. IN GENERAL

Sec 21-2. Definitions.

*Small Inn is an establishment with seven to ten bedrooms rented to transient visitors.*

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

*Sec. 21-605.3. Small Inn.*

*(a) Intent. These regulations are established to allow the operation of small inns along two City entrance corridors while preserving the residential character of the neighborhoods in which they are located. By limiting the location of small inns only along these specified entrance corridors, bringing increased traffic and congestion by non-residents into residential districts is minimized.*

*(b) Owner-occupied small inn defined.*

*(1) For the purpose of this section, a small inn shall be deemed "owner-occupied" only so long as it is regularly occupied by:*

*a. An adult individual who owns at least a 50 percent undivided fee simple interest in such small inn and the lot upon which it is located and regularly occupies said small inn as his or her principal place of residence; or*

*b. The stockholders of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the members of a limited liability company chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company owns full fee simple title to the small inn and the lot on which it is located.*

*(2) Ownership shall be established as follows:*

- a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.*
- b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney.  
Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the small inn as their primary residence.*
- c. On the first business day of each January following the issuance of the special use permit, the ownership and occupancy of the small inn and lot, if unchanged, shall be established as follows:*
  - 1. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;*
  - 2. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or*
  - 3. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that all of said members continue to occupy the small inn and lot as their primary residence shall be established by their affidavits.*
- d. If a change in fee simple ownership of the small inn and lot has occurred since the last annual certification, than [then] the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of Limited Liability Company and the facts regarding occupancy shall be established by affidavits as provided in section 21-605.3(b)(2)c above.*
- e. Should ownership, control or occupancy of a small inn for which a special use permit has been issued at any time fail to meet the requirements of this section 21-605.3(b), and if compliance has not*

*been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special use permit shall become null and void.*

*(c) Small inns shall be approved as a special use permit by the city council in accordance with Article II, Division 2, and subject to the following:*

*(1) Small Inns may be:*

- a. Owner-occupied and may have either a full-time live-in manager (which may include the manager's family) or one non-resident employee; or*
- b. Non-owner-occupied with a full-time live-in manager (which may include the manager's family and/or one non-resident employee) residing on the premises, provided, however, that a full-time live-in non-owner manager shall only be permitted to reside on the premises in lieu of an owner occupant if the owner of the small inn, as defined by section 21-605.3(b)(1)a or the stockholders or members as defined by section 21-605.3(b)(1)b also resides in the City of Williamsburg.*
- c. A change in occupancy from category 21-605.3(c)(1)a to category 21-605.3(c)(1)b as described above, shall require the issuance of a new special use permit.*

*(2) No more than ten bedrooms in a small inn may be rented to visitors with a special use permit approved by the city council, with a minimum lot size of one acre (43,560 square feet).*

- a. No more than two visitors shall occupy a bedroom at the same time, except for any child under 16 years of age, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.*

*(3) No persons other than members of the immediate family residing on the premises, a full-time live-in manager (which may include the manager's family) or an authorized employee for an owner-occupied small inn as provided in section 21-605.1(c)(1)a above, or the full-time live-in manager (which may include the manager's family and/or one non-resident employee) as provided in section 21-605.1(c)(1)b above, shall be involved in the operation of the small inn and in the serving of meals.*

*(4) Meals may be provided, subject to the following conditions:*

- a. Meals may only be served to visitors renting bedrooms in the small inn, and to the guests of visitors currently renting bedrooms in the small inn. The maximum number of guests allowed to be served meals shall be two guests for each authorized bedroom for the small inn.*
- b. As a part of the special exception or special use permit application, a letter from the Virginia Department of Health indicating compliance with their food establishment regulations shall be submitted.*

*(5) Weddings, receptions and other special events: A small inn meeting the requirements sections 21-605.3(c)(15) and 21-605.3(c)(16), and located on a lot contiguous to the major streets listed in section 21-605.3(c)(6), may host weddings, receptions and other special events. The following requirements shall apply:*

- a. *Maximum number of guests shall be 50 people and approved as part of the special use permit in accordance with Article II Division 2, and subject to the following additional requirements:*
    1. *For events above the standard capacity, there shall be no more than one per day, or two in any seven-day period. A wedding ceremony and its associated reception shall be considered a single event.*
    2. *A parking plan shall be submitted and approved as a part of the special use permit process. Parking may be accommodated on-site, on adjacent property or on property directly across the street, and/or on available and conveniently located public parking spaces from which attendees can walk safely. Valet parking may also be used.*
    3. *When food service is proposed as a part of the proposed weddings, receptions and other special events, a letter from the Virginia Department of Health indicating compliance with their food establishment regulations shall be submitted as a part of the special exception application.*
  - b. *Facilities:* Any building or temporary tents used to accommodate weddings, receptions and special events shall comply with all applicable requirements of the Uniform Statewide Building Code and the Fire Prevention Code (Chapter 8, Fire Protection, Williamsburg Code). Any tent shall be removed within 48 hours of the conclusion of each event, unless the special exception allows a greater time.
  - c. *Duration of event:* Weddings, receptions and special events shall be limited to between 10:00 a.m. and 10:00 p.m. Set-up and take-down activities may take place no earlier than 8:00 a.m. and no later than 11:00 p.m.
  - d. *Lighting:* Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 foot-candles at the property line.
  - e. *Noise:* Events shall be subject to all requirements Article V, Noise Control of the Williamsburg Code. No amplified music shall be allowed.
  - f. *Food service:* When food service is proposed as a part of the proposed weddings, receptions and other special events, approval must be obtained from the Virginia Department of Health.
  - g. *The use of a small inn for weddings, receptions and special events shall be subject to the applicable provisions of the Uniform Statewide Building Code, the Fire Prevention Code (Chapter 8, Fire Protection, Williamsburg Code), Virginia Department of Health requirements, and all other applicable laws and regulations. A certificate of occupancy shall be issued by the Williamsburg Codes Compliance Division prior the small inn hosting weddings, receptions and special events.*
- (6) *Small Inns shall be permitted only on lots contiguous to Jamestown Road and Richmond Road (between Brooks Street and Virginia Avenue) and only if its front door faces Jamestown or Richmond Road respectively.*
- (7) *Vehicular access shall be permitted only from the streets listed above, or from a side street intersecting with a listed street. When necessary to preserve the character of the surrounding neighborhood and streetscape,*

*City Council may prohibit vehicular access from a side street intersecting with a listed street.*

- (8) The following parking requirements shall apply:*
- a. Two off-street parking spaces for the small inn, plus one off-street parking space for each bedroom rented to visitors shall be provided (as required by Article V, Parking).*
  - b. City Council, when ruling on the special use permit shall consider the location of the off-street parking and its impact on adjoining residences and the adjacent street(s). When necessary to preserve the character of the surrounding neighborhood and streetscape, council may prohibit the location of off-street parking in front yards and/or the street side yards for corner lots.*
  - c. Parking shall be screened from adjoining residences and adjacent street(s) by an element of the building, fence, wall or landscape buffer, and shall be approved by city council when ruling on the special use permit.*
  - d. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.*
  - e. As part of a request for a special use permit (which requires a minimum lot size of one acre (43,560 square feet)], city council may allow parking spaces and driveways to occupy up to 15 percent of the total lot area. This shall supersede the restrictions stated in section 21-705.1(b).*
  - f. Parking shall be allowed only in driveways or parking spaces meeting these requirements, and shall be prohibited elsewhere on the lot.*
- (9) Applicable provisions of the Uniform Statewide Building Code, Virginia Department of Health regulations, and all other applicable laws and regulations, shall be met.*
- (10) The application for a special use permit shall include: a floor plan showing the location of each bedroom to be rented, including its dimensions and floor area, the location of exits and the location of smoke detectors; and a minor site plan in accordance with Article VII, Site Plans, showing the location of the parking to be provided, the location of proposed screening and landscaping, and lot coverage of the driveways and parking areas.*
- (11) It shall be a violation of this section to advertise for rent to visitors any bedroom exceeding the number of bedrooms authorized herein or which are determined by the zoning administrator to be legally nonconforming.*
- (12) No bedrooms in a small inn may be rented to roomers.*
- (13) The owner-occupant or the full-time live-in manager of the detached dwelling renting bedrooms to visitors shall keep records of all bedrooms rented, which shall be submitted to the zoning administrator for the previous quarter on April 20, July 20, October 20 and January 20 of each year, and at any other time upon the request of the zoning administrator. The records shall be submitted on a form provided by the zoning administrator, and shall include each bedroom rented, the date rented, the number of persons occupying the bedroom, the number of motor vehicles parked on the premises by the occupant(s) of the bedroom, and the names of all persons residing in the dwelling for the reporting period. The owner-*

*occupant or the full-time live-in manager shall certify by affidavit at the bottom of each page that the records are true and correct and represent all bedrooms rented and the occupants thereof for the stated time period.*

*(14) A special use permit approved by the city council, shall expire 180 days from the date of the approval unless the applicant has obtained a certificate of occupancy and a business license for the small inn.*

*(15) A special use permit approved by the city council, shall remain valid only as long as there are at least 100 bedroom rental nights each calendar year. If there are less than 100 bedroom rental nights in a calendar year, the special use permit approval shall expire. If less than a full calendar year remains following the approval of the special use permit approved by the city council, the required bedroom rental nights shall be prorated based upon the portion of the calendar year remaining. A bedroom rental night is defined as the rental of an individual bedroom for one night.*

*(16) Any special use permit granted by the city council for a small inn pursuant to this section shall become null and void if within any 48-month period a court of competent jurisdiction has found that there have been two or more valid zoning violations pertaining to such special use permit, or of any provision of this section 21-605.3, to the same record owner of such small inn and lot or to one or more of the same individuals identified in the zoning administrator's records as regularly occupying the subject dwelling as their residence. The special use permit shall, however, not become null and void until all appeal periods have run regarding such zoning violations.*

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

Adopted:

\_\_\_\_\_  
Paul T. Freiling, Mayor

Attest: \_\_\_\_\_  
Debi Burcham. Clerk of Council