

**ORDINANCE #08- 01**  
**PROPOSED ORDINANCE #08-01**

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,  
BY THE ADDITION OF ARTICLE III, DIVISION 6.2,  
LIMITED BUSINESS NEIGHBORHOOD DISTRICT LB-2  
(PCR #07-032)**

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, of the Code of the City of Williamsburg, Virginia is hereby amended by adding Article III. District Regulations, Division 6.2 Limited Business Neighborhood District LB-2, which shall read as follows:

**Division 6.2. Limited Business Neighborhood District LB-2**

**Sec. 21-255.1. Statement of intent**

This district is established to allow a mixture of office, commercial and residential uses in areas that are designated by the Comprehensive Plan as Mixed Use land use, and which are located outside of the Center City area. In keeping with the urban mixed use character of these areas, studios and workshops for artists and artisans are allowed with a special exception. Higher intensity uses such as banks, offices and retail sales establishments large buildings, restaurants, and hotels with more than 10 rooms may be allowed with a special use permit to ensure that the use is compatible with surrounding neighborhoods.

**Sec. 21-255.2. Permitted uses**

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

- (1) Single-family detached dwellings. There shall be only one single-family dwelling on an individual lot.
- (2) Duplex dwellings.
- (3) Hotels/motels with 10 or less bedrooms.
- (4) Playgrounds, parks and athletic fields, except those operated primarily for profit.
- (5) Uses in buildings with a gross floor area not exceeding 10,000 square feet per building:
  - a. Bake shops.
  - b. Banks and financial establishments.
  - c. Convenience service establishments, limited to parberships, beauty parlors, tailors, and shoe repair shops.
  - d. Museums and art galleries.
  - e. Offices.

- f. Printing and photocopying shops.
  - g. Restaurants with a gross floor area not to exceed 1,000 square feet.
  - h. Retail sales establishments with a gross floor area not to exceed 5,000 square feet.
- (6) Offstreet parking and loading areas for permitted uses in accordance with Article V.
  - (7) Signs in accordance with Article VI.
  - (8) Accessory uses in accordance with section 21-603.
  - (9) Home occupations in accordance with section 21-606.

**Sec. 21-255.3. Uses permitted as special exceptions**

Uses permitted in the limited business neighborhood district LB-2 with a special exception approved by the board of zoning appeals in accordance with section 21-97(f) are as follows:

- (1) Studios or workshops for artists and artisans, either as a separate use or in conjunction with a residential use on the premises, as follows:
  - a. Artists may include, but are not limited to, woodworkers, potters/ceramicists, candle makers, stained-glass makers, glass artists, textile artists, jewelers, painters, printmakers, photographers, musical instrument makers, papermakers, sculptors, and other arts and crafts uses of a similar nature.
  - b. Use of the premises may include the showing and sale of art, made either on- or off-premises.
  - c. An electric or gas-fired kiln with an interior volume of up to 50 cubic feet may be used for pottery and/or ceramics.
  - d. Materials and supplies shall not be stored outdoors.

**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:

- (1) Multifamily dwellings.
- (2) Churches and other buildings used for religious worship.
- (3) Day care centers located in the same building as a church or public or private school.
- (4) Hotels/motels and timeshare units, and associated meeting facilities with more than 10 bedrooms.
- (5) Laundry and dry cleaning establishments.
- (6) 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.
- (7) Public buildings erected and used by any department of the city, state or federal government.

- (8) Radio and television broadcasting stations, studios and offices, but excluding onsite towers.
- (9) Uses in buildings with a gross floor area exceeding 10,000 square feet per building:
  - a. Bake shops.
  - b. Banks and financial establishments.
  - c. Convenience service establishments, limited to barbershops, beauty parlors, tailors, and shoe repair shops.
  - d. Museums and art galleries.
  - e. Offices.
  - f. Printing and photocopying shops.
  - g. Restaurants with a gross floor area exceeding 1,000 square feet.
  - h. Retail sales establishments with a gross floor area exceeding 5,000 square feet.

**Sec. 21-255.5. Lot Area/Density**

The density requirements in the limited business neighborhood district LB-2 are as follows:

- (1) Dwelling units: There shall be a maximum density of eight dwelling units per net acre, except that the maximum density may be increased up to 14 dwelling units per net acre with a special use permit approved by the city council in accordance with article II, division 4. Net acreage shall be based on existing land conditions, as specified in the following chart:

<i>Physical Land Unit</i>	<i>% Credited Toward Net Acreage</i>
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. 21-255.6. Lot width**

The lot width requirements in the limited business neighborhood district LB-2 are as follows:

- (1) Single-family detached dwellings: The minimum lot width at the building line shall be 50 feet and shall not be less than twenty-five 25 feet at the street line.
- (2) Duplex dwellings: The minimum lot width at the building line shall be 60 feet; however, when each dwelling unit is located on a separate lot the minimum lot width at the building line shall be 30 feet for each lot. The lot width shall not be less than 25 feet for each lot at the street line.
- (3) Multifamily dwellings: The minimum lot width at the building line shall be 50 feet and shall not be less than twenty-five 25 feet at the street line.
- (4) Other uses: The minimum lot width at the building line shall be 50 feet and shall not be less than twenty-five 25 feet at the street line.

### **Sec. 21-255.7. Yards**

The yard requirements in the limited business neighborhood district LB-2 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 subsection 21-255.7(1)a.
  - c. No accessory building shall be located in a front yard.
- (2) *Side.*
  - a. Single-family detached and duplex dwellings: There shall be side yards of not less than 7½ feet.
  - b. Duplex dwellings with each dwelling unit on a separate lot: There shall be side yards of not less than 7½ feet, except that no side yard shall be required for the common property line between attached units.

- c. Multifamily dwellings: There shall be side yards of at least 10 feet.
- b. Other uses: There shall be a side yard of at least 10 feet.
- d. 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. Parking shall be prohibited in the side yard abutting the street.
- e. Side yards for accessory buildings, except for those on corner lots, shall not be less than three feet.
- f. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with section 21-255.7(4).

(3) *Rear.*

- a. There shall be a rear yard of not less than 25 feet.
- b. Rear yards for accessory buildings shall not be less than five feet.
- c. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with section 21-255.7(4).

(4) *Transitional screening.*

- a. A landscaped open space for transitional screening at least 10 feet in width shall be provided along side and rear property lines when adjacent to a lot in a residential zoning district. The transitional screening open space shall include the required side and rear yards.
- 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 driveways, parking spaces, accessory buildings, mechanical equipment, or be used for storage purposes. No more than 25 percent of a transitional screening open space shall be used for stormwater management facilities.
- d. Transitional screening open space may be counted toward the landscaped open space required by section 21-255.9.
- e. In conjunction with site plan review, planning commission may, in accordance with section 21-784(f), reduce the required width of transitional screening 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 will be provided that will provide screening equivalent to that required by this section.

### **Sec. 21-255.8. Height**

The height requirements in the limited business neighborhood district LB-2 are as follows:

- (1) Buildings may be erected up to 35 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% of the total roof area and shall not exceed the building height by more than 10 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 Sec. 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. 21-255.9. Landscaped open space.**

The landscaped open space requirements in the limited business neighborhood district LB-2 are as follows:

- (1) At least 15 percent of the total land area of the lot shall be landscaped open space.

This ordinance shall become effective on the tenth day following its passage.

Adopted: February 14, 2008

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Jeanne Zeidler, Mayor

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Clerk of Council