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## Sec. 9-36. Definitions.

As used in this Article II, the following terms are defined as follows:

*Long-term special event* means any special event that takes place on public property with a greater frequency or for a greater number of days per calendar month than specified in the definition of a short-term special event.

*Public property* means all public streets, sidewalks and other public passageways owned by the City, City Square Park and Bicentennial Park, and including all City owned public streets and public pedestrian ways located within the zoning district designated as the Colonial Williamsburg Historic Area on the City's official zoning map, whether or not open to vehicular traffic.

*Short-term special event* means any one-time special event that takes place on a public property for not more than 15 days in a calendar month.

*Special events* include, but are not limited to, parades, processions, marathons, bicycles races, and other activities or events involving the concerted movement of groups of people and/or machines over and across public rights-of-way; art shows, farmers markets, block parties, bazaars, exhibitions, concerts, animal rides or games of skill, informal live entertainment, theatrical performances, reenactments of events, exhibitions and similar activities or events.

(Ord. No. 06-18, 8-10-06; Ord. No. 16-22, 12-8-16; Ord. No. 19-15, 8-8-19)

## Sec. 11-56. Definitions.

Where applicable, the definitions set forth in Code of Virginia, § 46.2-100 are incorporated herein by reference, and the following additional definitions are hereby adopted:

*Micromobility device* is any motorized skateboard or foot scooter, electric power-assisted bicycle, or other device with an electric motor designed to operate at speeds of less than 25 mph (other than electric personal assistive mobility device as defined by Code of Virginia, § 46.2-100).

*PMD ("PMD")* means a micromobility device as herein defined that is privately owned and not rented or leased for compensation to the general public.

*Shared micromobility Device ("SMD")* as used in this division is any micromobility device which is offered to the public for rent or lease for compensation.

(Ord. No. 19-25, 12-12-19)

## Sec. 11-147. Helmets required for bicycle riders fourteen years of age and younger.

- (a) Every person 14 years of age or younger shall wear a protective helmet meeting the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway, street, sidewalk or bicycle path.
- (b) The parent, or guardian or any other adult person having custody or supervision of any person 14 years of age or younger who is present when such person is riding or being carried on upon a bicycle on any highway, street, sidewalk or bicycle path in the city shall be responsible to assure compliance with subsection (a) above.
- (c) Any person engaged in the business of bicycle rentals in the city shall post in a clear and conspicuous manner at the rental location a sign setting forth the requirements of subsection (a) and, when renting a bicycle for

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use by any person 14 years of age or younger, and shall make available, at reasonable cost, a protective helmet meeting the standards there set forth.

- (d) **Violation of any provision of this section shall be punishable by fine of \$25.00.** However, with respect to any person riding or being carried on a bicycle, such fine shall be suspended (i) for first-time violators and (ii) for any violator who, subsequent to the violation but prior to imposition of the fine, purchases a helmet of the type required by this section.
- (e) Pursuant to section 46.2-906.1 of the Code of Virginia, as amended, violation of subsection (a) or (b) shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

(Ord. No. 15-97, 9-11-97)

### **Sec. 11-266. Operation and parking prohibited during certain hours; exceptions; erection of signs and markers.**

- (a) Except as hereinafter provided, it shall be unlawful for any person to operate or park a motor vehicle, including mopeds and bicycles with helper motors, or permit such motor vehicle to remain parked between 8:00 a.m. and 10:00 p.m. of any day on the following highways or portions thereof within the Historic Colonial [Area] and:
  - (1) Duke of Gloucester Street between Nassau Street and Blair Street.
  - (2) Palace Street between Duke of Gloucester Street and Scotland Street Extended.
  - (3) Scotland Street Extended and Scotland Street between Palace Street and North England Street.
  - (4) Spotswood Street between Duke of Gloucester Street and Scotland Street Extended.
  - (5) Prince George Street between Nassau Street and Palace Street.
  - (6) Nicholson Street between Spotswood Street and North England Street.
  - (7) Queen Street between Nicholson Street and Francis Street.
  - (8) Colonial Street between Nicholson Street and Francis Street.
  - (9) Blair Street between Duke of Gloucester Street and Francis Street.
  - (10) North England Street between the Scotland Street entrance to the Parkway and Nicholson Street.
  - (11) Nicholson Street between North England Street and Waller Street.
  - (12) Botetourt Street between Franklin Street and Francis Street; provided, however, that during any scheduled service at Mount Ararat Baptist Church the provisions of this section shall not apply to that portion of Botetourt Street between Franklin Street and Nicholson Street.
- (b) The city manager shall cause appropriate signs, markers or barriers to be provided to designate the portions of the highways of the city which are subject to the provisions of this section.

(Code 1975, § 19-141; Ord. No. 18-94, 10-13-94; Ord. No. 22-96, 12-12-96)

## **ARTICLE IX. BICYCLES<sup>1</sup>**

### **Sec. 11-371. Disposition of unclaimed bicycles.**

- (a) Any bicycle (other than a bicycle found and delivered to the police department by private persons) which has been in the possession of the police department unclaimed for more than 30 days may be disposed of at public sale if such bicycle is not needed in any criminal prosecution. Prior to the sale of any unclaimed bicycle the chief of police shall make reasonable attempts to notify the rightful owner of the bicycle and shall cause to be published in a newspaper of general circulation in the city once a week for two successive weeks notice that there will be a public sale of unclaimed bicycles. Each bicycle to be sold shall be described generally in the notice, together with the date, time and place of sale. Any bicycle advertised for sale which remains unsold may in the discretion of the city manager be donated to a charitable organization. The chief of police shall pay from the proceeds of sale the cost of advertisement, removal, storage, investigation as to ownership and other related expenses and the balance of the funds resulting from the sale of each bicycle shall be held by the chief of police and paid to the owner of such bicycle upon satisfactory proof of ownership. If no claim has been made by the owner for the proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general funds of the city. Any owner of a bicycle sold shall be entitled to apply to the city within three years from the date of the sale of his bicycle and, if timely application is made therefor, the city shall pay the remaining proceeds of sale to the owner without interest or other charges. No claims shall be made nor any suit, action or proceeding be instituted for the recovery of such funds after 90 days from the date of sale.
- (b) Any bicycle found and delivered to the police department by a private person which thereafter remains unclaimed for 60 days after the final date of publication of the notice as required herein shall be given to the finder. There shall be published at least once a week for two successive weeks in a newspaper of general circulation within the city the location and description of the bicycle and, in addition, if there is a license tag affixed to the bicycle the record owner shall be notified directly.

(Code 1975, § 19-168)

Cross reference(s)—Junked, wrecked, abandoned property, § 12-96 et seq.

### **Sec. 12-31. Disposition except for bicycles and mopeds.**

- (a) The chief of police is authorized to provide for (i) the public sale in accordance with this section or (ii) the retention for use by the city's police department of any unclaimed personal property which has been in the possession of the police department and unclaimed for a period of more than 60 days. As used herein, "unclaimed personal property" shall be any personal property, other than motor vehicles, bicycles or mopeds which has been acquired by a law compliance administrator or such administrator's designee pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the Treasurer of Virginia has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) of the Code of Virginia.

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<sup>1</sup>State law reference(s)—Bicycles, Code of Virginia, § 46.2-903 et seq.

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- (b) Prior to the sale or retention for use by the police department of any unclaimed item, the chief of police or his designee shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth a written statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the city once a week for two successive weeks, notice that there will be a public display and sale of the unclaimed personal property. Such property, including property selected for retention by the police department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief police or his designee shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the fund shall be held by the city department of finance for the owner and paid to the owner upon satisfactory proof of ownership.
  - (c) Any unclaimed items retained for use by the police department shall become the property of the city and shall be retained only if, in the opinion of the chief police, there is a legitimate use for the property by the department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.
  - (d) If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the city and retained property may be placed in use by the police department.
  - (e) Any owner of unclaimed property which has been sold or retained pursuant to this section shall be entitled to apply to the police department within three years from the date of sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the city shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

(Ord. No. 09-08, 7-9-09)

### **Sec. 12-32. Disposition of bicycles and mopeds.**

The chief of police is authorized to donate to any government agency or qualified charitable organization any bicycle or moped which has been in the possession of the police department for more than 60 days. For the purposes of this section, a qualified charitable organization means a nonprofit or civic organization which serves, in whole or in part the residents of the city and which is exempt under Section 501(c)(3) of the United States Internal Revenue Code. Prior to donating any bicycle or moped, the chief police or his designee shall make a reasonable attempt to notify the rightful owner thereof and shall publish a notice indicating the location and general description of such property at least once a week for two successive weeks in a newspaper of general circulation within the city. (Ord. No. 09-08, 7-9-09)

### **Sec. 12-40. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Abandoned motor vehicle.* A motor vehicle or part of a motor vehicle that:
  - (1) Is inoperable and is left unattended on public property for more than 48 hours;
  - (2) Has remained illegally on public property for more than 48 hours; or

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- (3) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of owner or person in control of the private property.
  - (b) *Inoperative abandoned motor vehicle.* An abandoned motor vehicle which is inoperable and whose fair market value, as determined by the city official responsible for assessing motor vehicles under Code of Virginia, § 58.1-3503, is less than the cost of its restoration to an operable condition.
  - (c) *Motor vehicle.* Every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of this article bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, golf carts, boats and boat trailers and mopeds shall be vehicles while operated on a highway.
  - (d) *Owner.* The person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle.

(Ord. No. 09-08, 7-9-09)

### **Sec. 21-322. Permitted uses.**

The uses permitted in the corridor business district B-2 are as follows:

- (1) Automobile rental agencies with no storage of vehicles on the premises.
- (2) Bake shops.
- (3) Banks and financial institutions.
- (4) Churches and other permanent buildings used for religious worship.
- (5) 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.
- (6) Convenience stores.
- (7) Day care centers.
- (7.1) Fitness studios.
- (7.2) Fitness centers.
- (8) Freestanding automatic teller machines.
- (9) Funeral homes.
- (10) Hotels/motels and timeshare units, and associated meeting facilities. Hotels/motels are further regulated by chapter 9, Licenses, Permits and Business Regulations.
- (10.1) Medical and dental offices and clinics.
- (11) Museums and art galleries without outdoor display.
- (12) Offices in buildings with a gross floor area not exceeding 50,000 square feet.

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- (13) Parking lots as a principal use.
  - (14) Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
  - (15) Printing and photocopying shops.
  - (16) Public art approved through the City's public arts program.
  - (16.1) Public buildings owned and/or operated by the City of Williamsburg.
  - (17) Public or private elementary, middle and 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.
  - (18) Repair services and businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, other home appliances, toys, typewriters, watches and the like.
  - (19) Restaurants.
  - (20) Retail sales establishments in buildings with a gross floor area not exceeding 50,000 square feet.
  - (21) Service stations, provided that repair of vehicles and components thereof takes place in a fully enclosed building.
  - (22) 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.
  - (23) Theaters and assembly halls, but excluding drive-in theaters.
  - (23.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.
  - (24) Off-street parking and loading areas for permitted uses in accordance with article V.
  - (25) Signs in accordance with article VI.
  - (26) Accessory uses in accordance with section 21-603.
  - (27) Home occupations in accordance with section 21-606.

(Ord. No. 862, 10-10-91; Ord. No. 2-94, § 4, 1-13-94; Ord. No. 11-98, 4-9-98; Ord. No. 35-98, 11-12-98; Ord. No. 01-7, 4-12-01; Ord. No. 03-31, 11-13-03; Ord. No. 07-02, 1-11-07; Ord. No. 08-23, 8-14-08; Ord. No. 13-13, 5-9-13; Ord. No. 14-09, 3-13-14; Ord. No. 14-27, 11-13-14; Ord. No. 15-06, 4-9-15, eff. 7-1-15; Ord. No. 21-13, 10-14-21)

### **Sec. 21-352. Permitted uses.**

The uses permitted in the urban business district B-3 are as follows:

- (1) Bake shops.
- (2) Banks and financial institutions.
- (3) Churches and other permanent buildings used for religious worship.
- (4) 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.
- (5) Convenience stores.
- (6) Day care centers.

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- (6.1) Fitness studios.
  - (6.2) Fitness centers.
  - (6.3) Food trucks in accordance with Section 21-622.
  - (7) Freestanding automatic teller machines.
  - (8) Funeral homes.
  - (9) Hotels/motels and timeshare units, and associated meeting facilities. Hotels/motels are further regulated by chapter 9, Licenses, Permits and Business Regulations.
  - (9.1) Medical and dental offices and clinics.
  - (10) Museums and art galleries without outdoor display.
  - (11) Offices in buildings with a gross floor area not exceeding 50,000 square feet.
  - (12) Parking lots as a principal use.
  - (13) Pet shops, but not including boarding kennels on the premises.
  - (14) Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
  - (15) Printing and photocopying shops.
  - (16) Private clubs and lodges.
  - (17) Public art approved through the City's public arts program.
  - (17.1) Public buildings owned and/or operated by the City of Williamsburg.
  - (18) Public or private elementary, middle and 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.
  - (19) Radio and television broadcasting stations, studios and offices, but excluding onsite towers.
  - (20) Repair services and businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, other home appliances, toys, typewriters, watches and the like.
  - (21) Restaurants.
  - (22) Retail sales establishments in buildings with a gross floor area not exceeding 50,000 square feet.
  - (23) 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.
  - (24) Theaters and assembly halls, but excluding drive-in theaters.
  - (24.1) Veterinary hospitals and clinics, provided that there are no outdoor activities.
  - (25) Off-street parking and loading areas for permitted uses in accordance with article V.
  - (26) Signs in accordance with article VI.
  - (27) Accessory uses in accordance with section 21-603.
  - (28) Home occupations in accordance with section 21-606.

(Ord. No. 862, 10-10-91; Ord. No. 2-94, § 4, 1-13-94; Ord. No. 11-98, 4-9-98; Ord. No. 35-98, 11-12-98; Ord. No. 01-7, 4-12-01; Ord. No. 03-31, 11-13-03; Ord. No. 08-10, 5-8-08; Ord. No. 08-23, 8-14-08; Ord. No. 13-19, 6-13-13;

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Ord. No. 14-09, 3-13-14; Ord. No. 14-27, 11-13-14; Ord. No. 15-06, 4-9-15, eff. 7-1-15; Ord. No. 19-02, 1-10-19; Ord. No. 19-17, 9-12-19; Ord. No. 21-13, 10-14-21)

**Sec. 21-481. Planned development residential district PDR.**

- (a) *Statement of intent.* The PDR district is established to encourage innovative and creative design on large parcels of land under a single ownership or control; to allow the option of a variety of housing types in an orderly relationship to each other and to surrounding neighborhoods; to promote high standards in the layout, design and construction of residential development; to protect the natural beauty of the landscape by providing the greatest amount of open space with the least amount of disturbance to natural features; and to implement the goals and objectives of the adopted comprehensive plan.
- (b) *Where permitted.* PDR districts shall be permitted only in the RS-1, RS-2 and RM-1 zoning districts.
- (c) *Minimum size of district.* The minimum permitted size for any PDR district shall be five acres for property located in the RS-1 Single Family Dwelling District and three acres for property located in the RS-2 Single Family Dwelling District or RM-1 Multifamily Dwelling District.
- (d) *Permitted dwelling unit occupancy.* The permitted dwelling unit occupancy in the planned development residential district PDR is as follows:
  - (1) A family;
  - (2) No more than three unrelated persons; or
  - (3) Four unrelated persons in a single-family detached dwelling if the provisions of section 21-619 et seq. are met.
- (e) *Permitted uses.* The uses permitted in the planned development residential district PDR are as follows:
  - (1) Single-family detached dwellings.
  - (2) Duplex dwellings.
  - (3) Multifamily dwellings.
  - (4) Townhouses.
  - (5) Churches and other permanent buildings used for religious worship.
  - (5.1) Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
  - (6) Public or private elementary, middle and 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) Day care centers.
  - (8) Nursing homes.
  - (9) Recreational uses, including clubhouses, golf courses, pools, tennis courts and similar recreational improvements and facilities.
  - (10) [Reserved.]
  - (11) Off-street parking and loading areas for permitted uses in accordance with article V.
  - (12) Signs in accordance with article VI.
  - (13) Accessory uses in accordance with section 21-603.



- (14) Home occupations in accordance with section 21-606.
- (f) *Uses permitted as special exceptions.* Uses permitted in the planned development residential district PDR with a special exception approved by the board of zoning appeals in accordance with section 21-97(f) are as follows:
- (1) Rental of bedrooms in a single-family detached dwelling to roomers in accordance with section 21-605.
  - (2) Bed and breakfast establishments in accordance with section 21-605.1.
- (g) *Uses permitted with special use permit.* Uses permitted in the planned development residential district PDR with a special use permit approved by the city council in accordance with article II, division 2, are as follows:
- (1) Public buildings owned and/or operated by the City of Williamsburg.
  - (2) Lighted athletic fields owned and/or operated by the City of Williamsburg.
- (h) *Density.* For PDR districts, there shall be a maximum density of three dwelling units per net acre when rezoned from property located in the RS-1 single-family dwelling district, a maximum density of five dwelling units per net acre when rezoned from property located in the RS-2 single-family dwelling district, and a maximum density of eight dwelling units per net acre when rezoned from property located in the RM-1 multifamily dwelling district. When a PDR district is rezoned from more than one zoning district, the density shall be calculated based on the density allowed for each of the underlying zoning districts, and the total dwelling units allowed may be located anywhere within the PDR district. Net acreage shall be calculated based on existing land conditions, as specified in the following chart. Twenty percent shall be subtracted from the net acreage so calculated to allow for street rights-of-way, unless it can be demonstrated to the satisfaction of the zoning administrator that the proposed street rights-of-way will be less than 20 percent of the calculated net acreage.

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%

- (i) *Lot area, lot width and yards.*
- (1) Individual lots in a PDR district shall be exempt from the minimum lot area, lot width and yard requirements, provided that front, side or rear yards shall not be less than five feet.
  - (2) Lots on the perimeter of the PDR district may be required to follow the normal lot areas, lot width and/or yard requirements of the adjoining zoning district or districts.
  - (3) The required lot area, lot width and yards shall be as shown on the approved development plan and final subdivision plat, and shall remain in effect unless the approved development plan and final subdivision plat are amended in accordance with this chapter and with chapter 16, Subdivisions. The board of zoning appeals may, under the criteria contained in sections 21-96 to 21-99, grant variances from these requirements.

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- (j) *Greenbelts.* 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. 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.
- (k) *Height.* The height requirements in the planned development residential district PDR are as follows:
- (1) Buildings may be erected up to 35 feet from grade except that:
    - a. A public or semipublic building such as a school, church or library may be erected up to 45 feet from grade; provided that the required front, side and rear yards shall be increased one foot for each foot of height over 35 feet.
    - b. When height is increased over 35 feet, no reduction of a front yard, as allowed by section 21-192(1)a., shall be permitted.
    - c. Parapet walls shall not exceed the building height by more than four feet.
    - d. 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.
- (l) *Common open space.*
- (1) A minimum of 25 percent of the gross area of the PDR district shall be common open space.
  - (2) All common open space shall be preserved for its intended purpose as shown on the approved development plan. The common open space shall be either dedicated to the city (subject to acceptance by the city), or administered by a nonprofit organization, subject to the following:
    - a. The developer must establish the organization prior to the recordation of the subdivision.
    - b. Membership in the organization shall be mandatory for all lot owners, present and future, within the cluster subdivision.

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- c. The organization shall own all common open space and recreational facilities, and shall provide for their maintenance, administration and operation.
- (3) Common open space shall be defined for the purpose of this section as the total area of land, water, or land and water within the exterior boundaries of a PDR district designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street, road or parking area, except for recreational structures and parking for recreational use. Said common open space shall not include individual lots and yards located between buildings and parking areas.
  - (4) All open space shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (m) *Streets, lots and blocks.*
- (1) Variations from the regulations in chapter 16, Subdivisions, pertaining to streets, lots and blocks may be approved when it can be shown that:
    - a. Safe and convenient access will be provided to dwelling units, open space, community facilities and other nonresidential areas in the development;
    - b. Adequate access and circulation for emergency and service vehicles will be provided; and
    - c. Principal vehicular access points will be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic.
  - (2) Private streets may be permitted in a PDR district provided that the private streets are constructed in accordance with subsection 21-783(4), and that provisions are made for their maintenance in accordance with subsection 21-482(k).
- (n) *Management of common open space, recreational facilities and private streets.*
- (1) All common open space, recreational facilities and private streets shall be preserved for their intended purpose as shown on the development plan and subsequently on the final site plan and final plat. The developer shall choose one or a combination of the following methods of administering said common open space, recreational facilities and/or private streets:
    - a. Dedication to the city of the common open space and/or recreational facilities (subject to acceptance by the city).
    - b. Establishment of a nonprofit association to ensure the maintenance of common open space, recreational facilities and/or private streets, subject to the following:
      - 1. The developer must establish the organization prior to the recordation of the subdivision plat for the development.
      - 2. Membership in the organization shall be mandatory for all lot owners, present or future, within the planned development.
      - 3. The organization shall own all common open space, recreational facilities and/or private streets, and shall provide for their maintenance, administration and operation.

(Ord. No. 862, 10-10-91; Ord. No. 2-94, §§ 4, 6, 1-13-94; Ord. No. 11-98, 4-9-98; Ord. No. 15-98A, 6-11-98; Ord. No. 16-99, 5-13-99; Ord. No. 01-13, § 1, 6-14-01; Ord. No. 08-23, 8-14-08; Ord. No. 08-25, 9-11-08; Ord. No. 09-19, 12-10-09; Ord. No. 13-24, 7-11-13; Ord. No. 14-13, 6-12-14)

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

- (a) *Statement of intent.* The PDU district is established to encourage innovative and creative multifamily housing in the Midtown Planning Area in areas designated as Urban Residential land use. This area, because of its proximity to existing commercial and multifamily development, and to the College of William and Mary, has potential to accommodate additional dwelling units in an evolving urban mixed-use area. Development and redevelopment in the PDU district should promote high standards of design and construction, encourage pedestrian scale urban development and take advantage of proximity to existing transit routes and pedestrian and bicycle facilities.
- (b) *Where permitted.* PDU districts shall be permitted only on land designated as urban residential land use in the adopted comprehensive plan.
- (c) *Minimum size of district.* The minimum permitted size for any PDU district shall be two and one-half acres.
- (d) *Permitted dwelling unit occupancy.* The permitted dwelling unit occupancy in the planned development urban district PDU is as follows:
- (1) A family;
  - (2) No more than two unrelated persons in an efficiency or one bedroom dwelling unit; or
  - (3) No more than four unrelated persons in a two or more bedroom dwelling unit.
- (e) *Permitted uses.* The uses permitted in the planned development urban district PDU are as follows:
- (1) Multifamily dwellings.
  - (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 development plan and shall remain in effect unless the approved development plan is amended in accordance with this chapter.
  - (3) Playgrounds, parks and unlighted athletic fields owned and/or operated by the City of Williamsburg.
  - (4) Recreational uses, including clubhouses, pools, tennis courts and similar recreational improvements and facilities.
  - (5) Off-street parking and loading areas for permitted uses in accordance with article V.
  - (6) Signs in accordance with article VI.
  - (7) Accessory uses in accordance with section 21-603.
  - (8) Home occupations in accordance with section 21-606.
- (f) *Uses permitted as special exceptions.* Uses permitted in the planned development residential district PDU with a special exception approved by the board of zoning appeals in accordance with subsection 21-97(f) are as follows:
- No special exception uses are listed for this district.
- (g) *Uses permitted with special use permit.* Uses permitted in the planned development residential district PDU with a special use permit approved by the city council in accordance with article II, division 2, are as follows:
- No special use permit uses are listed for this district.

- (h) *Density.* For PDU districts residential density shall be determined as a part of the rezoning process. In deciding on the density to be allowed, city council shall consider the quality of the building and site design of the proposed development, and how the scale and character of the development relates to its immediate surroundings and to the Midtown Planning Area as a whole. The approved density shall be based upon the net acreage, which 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%

- (i) *Lot area, lot width and yards.*
- (1) Individual lots in a PDU district shall be exempt from the minimum lot area, lot width and yard requirements, provided that front, side or rear yards shall not be less than five feet.
  - (2) Lots on the perimeter of the PDU district may be required to follow the normal lot areas, lot width and/or yard requirements of the adjoining zoning district or districts.
  - (3) The required lot area, lot width and yards shall be as shown on the approved development plan, and shall remain in effect unless the approved development plan is amended in accordance with this chapter. The board of zoning appeals may, under the criteria contained in sections 21-96 to 21-99, grant variances from these requirements.
- (k) *Height.* The height requirements in the planned development urban district PDU 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 subsection 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.
- (l) *Landscaped open space.*
- (1) The landscaped open space requirements in the planned development urban district PDU are as follows:

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- a. At least 20 percent of the total land area of the lot shall be landscaped open space.

(Ord. No. 12-09, 6-14-12; Ord. No. 13-20, 6-13-13; Ord. No. 17-17A, 10-12-17)

### **Sec. 21-483.1. Planned development housing district PDH.**

- (a) *Statement of intent.* The PDH district is established to encourage adaptive housing by allowing conversion of a limited number of existing hotel/motel rooms located in the B-2 zoning district into affordable housing for individuals and families, and thereby fulfilling a housing need not addressed by the city's existing housing inventory. The PDH district should be located so as to take advantage of proximity to existing transit routes and pedestrian and bicycle facilities, and should not be located on sites that have significant redevelopment potential.
- (b) *Where permitted.* PDH districts shall be permitted only in the B-2 zoning district.
- (c) *Minimum size of district.* There is no minimum size required for a planned development housing district PDH.
- (d) *Permitted dwelling unit occupancy.* The permitted occupancy in a planned development housing district PDH is as follows:
  - (1) No more than three persons in an efficiency or one bedroom unit; or
  - (2) No more than five persons in a two or more bedroom unit.
- (e) *Permitted uses.* The uses permitted in the planned development housing district PDH are as follows:
  - (1) Adaptive housing, subject to the following:
    - a. *Definition.* "Adaptive housing" is defined for the purpose of this section [21-483.1] as primarily efficiency and one-bedroom units with adequate cooking facilities created from all or part of an existing hotel/motel, and used for the purpose of providing non-permanent, affordable and flexible-term housing for individuals and families who may not have access to traditional housing alternatives existing in the City of Williamsburg but who are not visitors as defined in section 21-2.
    - b. *Management.* Management shall be provided 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, and shall remain in effect unless the approved development plan is amended in accordance with this chapter. The management plan shall include procedures to link residents with the Williamsburg Human Services Department and with other non-governmental organizations addressing human service needs.
    - c. *Number.* No more than a total of 150 adaptive housing units shall be permitted in the city; there shall be no more than 100 units in an individual adaptive housing facility and the total number of adaptive housing facilities allowed shall be limited to no more than two in the Planned Development Housing District (PDH).
    - d. *Review standards.* When reviewing an application for rezoning to planned development housing district PDH, city council shall consider the location of the hotel/motel, the potential of the site for significant redevelopment, the history of property maintenance and fire code violations for the proposed site, the proximity of the site to existing transit routes, the proximity of the site to pedestrian and bicycle facilities, the inclusion of housing for suitable for seniors and for persons with disabilities when it is appropriate as part of the adaptive housing facility, the suitability of the proposed management plan, and the compatibility of the adaptive housing facility with existing residential and commercial development in the vicinity of the proposed location.

- e. *Reversion.* In the event that the owner of the property desires to convert or redevelop the property to a use or uses allowed in the corridor business district B-2, the owner may apply for a rezoning to the previous corridor business district B-2 zoning in accordance with article II, division 3.
- (2) Hotels/motels and associated meeting facilities.
  - (3) Off-street parking and loading areas for permitted uses in accordance with article V.
  - (4) Signs in accordance with article VI.
  - (5) Accessory uses in accordance with section 21-603.
  - (6) Home occupations in accordance with section 21-606.
- (f) *Uses permitted as special exceptions.* Uses permitted in the planned development housing district PDH 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.
- (g) *Uses permitted with special use permit.* Uses permitted in the planned development housing district PDH with a special use permit approved by the city council in accordance with article II, division 2, are as follows:  
No special use permit uses are listed for this district.
- (h) *Density.* For the planned development housing district PDH residential density shall be determined as a part of the rezoning process. In deciding on the density to be allowed, city council shall consider the quality of the building and site design of the proposed development, and how the scale and character of the development relates to its immediate surroundings. The approved density shall be based upon the net acreage, which 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%

- (i) *Lot area, lot width and yards.*
- (1) *Lot area.* There shall be no lot area required in the planned development housing district PDH.
  - (2) *Lot width.* The minimum lot width at the building line in the planned development housing district PDH shall be 50 feet, and the lot width shall not be less than 25 feet at the street line.
  - (3) *Yards.* The yard requirements in the planned development housing district PDH are as follows:

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- a. *Front.* There shall be a front yard of not less than 35 feet, except that for lots fronting on Richmond Road between New Hope/Bypass Road and Ironbound Road, Parkway Drive, Penniman Road and Second Street, there shall be a front yard of not less than 15 feet; and except that for lots fronting on Second Street between Page Street and Parkway Drive there shall be a front yard of not less than five feet.
1. 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.
  2. 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 21-483.1(i)(3)a.1. above.
  3. No accessory building shall be located in a front yard.
- b. *Side.*
1. There shall be side yards of not less than ten feet.
  2. 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 (not less than 15 feet for both main and accessory buildings adjacent to Parkway Drive, Penniman Road and Second Street), 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.
  3. Side yards for accessory buildings, except for those on corner lots, shall not be less than three feet.
  4. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with subsection 21-483.1(i)(3)d. below.
- c. *Rear.*
1. There shall be a rear yard of not less than 15 feet.
  2. Rear yards for accessory buildings shall not be less than five feet.
  3. Transitional screening shall be required when a lot is adjacent to a residential zoning district, in accordance with subsection 21-483.1(i)(3)d. below.
- d. *Transitional screening.*
1. A landscaped open space area for transitional screening at least 35 feet in width 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:
    - i. A landscaped open space area for transitional screening at least ten feet in width shall be provided along side 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,



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planning commission may require a screening fence or wall in conjunction with or in lieu of the required landscaping.

- ii. No transitional screening open space shall be required when multifamily dwellings adjoin multifamily zoning districts.
2. Landscaping of transitional screening open space areas shall be in accordance with landscaping standards contained in subsection 21-784(e).
  3. 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.
  4. Transitional screening open space shall be in addition to the required side and rear yards, unless otherwise specified.
  5. The planning commission may reduce the required width of transitional open space. A reduction shall not be approved unless it is found that:
    - i. 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
    - ii. Additional landscaping and/or screening is proposed that will provide screening equivalent to that required by this section.
- (j) *Height.* The height requirements in the planned development housing district PDH 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 subsection 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.

(k) *Landscaped open space.*

- (1) The landscaped open space requirements in the planned development housing district PDH are as follows:
  - a. At least 20 percent of the total land area of the lot shall be landscaped open space.

(Ord. No. 15-09, 4-9-15; Ord. No. 17-07, 5-11-17)

## **Sec. 21-622. Food Trucks.**

When not in conjunction with a special event regulated by Chapter 9, Article II, Special Events, the operation of food trucks when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator subject to the following provisions:

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- (a) The applicant shall provide the following to the zoning administrator:
- (1) A copy of a valid Williamsburg business license. Such business license or registration shall be posted in the vehicle at all times.
  - (2) A copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit.
  - (3) A copy of an approved inspection certificate from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food truck must be re-inspected on an annually basis and must be inspected each day of operation in the City.
  - (4) Applicant shall provide a valid driver's license for each person who will drive the food truck.
  - (5) A \$50.00 application fee.
- (b) Applicant shall provide current registration for the food truck, proof of current motor vehicle inspection, and proof of valid motor vehicle insurance for the food truck.
- (c) The administrative permit shall be issued for a period not to exceed one year but may be renewed annually upon written request by the operator.
- (d) The following standards and conditions shall apply to all food truck operations:
- (1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the food truck will be operated;
  - (2) Unless otherwise approved, food trucks shall operate only on developed and occupied property and only during the hours when the business establishment on the premises is open for business;
  - (3) The Zoning Administrator may approve food trucks remaining on-site for multi-day events or late closings on a case-by-case basis. Unless otherwise approved, food trucks shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the food truck operator shall pick up, remove, and dispose of all trash or refuse within at least 25 feet of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle;
  - (4) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located, or at a distance of 100 feet from the food truck, whichever is less;
  - (5) Any lighting attached to the exterior of the food truck or used to illuminate the menu boards or the customer waiting areas adjacent to the food truck shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;
  - (6) Receptacles, either those already available on a site or temporary/portable ones provided by the food truck operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;
  - (7) Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the food truck and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway, or into the atmosphere;

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- (8) In the LB-1 and B-1 zoning districts food trucks shall be located at least 100 feet from a restaurant;
  - (9) Food trucks shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required parking spaces are not obstructed and made unavailable;
  - (10) Food trucks shall not be parked in or operated from a public street right-of-way;
  - (11) Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the food truck operation. Such signs shall not exceed six square feet in area and four feet in height, shall be positioned within 30 feet of the food truck, and shall not be placed within a public street right-of-way. Signage that is permanently affixed to the food truck shall be permitted; however, the Zoning Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached on a case-by-case basis;
  - (12) Food trucks may operate in residential districts in the City, however, said operation is limited to not more than two times per calendar year at any specific residential property, and food trucks must meet the criteria contained in this section for operation in all residential districts;
  - (13) Food trucks are prohibited in the Colonial Williamsburg Historic Area CW, except as permitted with an event and located on city streets as permitted by special event permit issued by the city manager pursuant to Chapter 9, Article II of the Williamsburg City Code;
  - (14) Food trucks are permitted at 100 Visitor Center Drive in the Museum Support District MS as shown on the Museum Support food truck overlay map below. They are prohibited in other areas of the Museum Support District.
- (e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.
- (Ord. No. 16-15A, 11-10-16; Ord. No. 19-02, 1-10-19; Ord. No. 19-09, 5-9-19; Ord. No. 19-17, 9-12-19)