

ADOPTED

JUL 13 1999

ORDINANCE NO. 31A-199

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING; BY AMENDING AND RENUMBERING SECTION 24-52, WIDENING OF HIGHWAYS AND STREETS WITH NEW NUMBER 24-53; BY ADDING NEW SECTION 24-52, STATEMENT OF INTENT; BY RENUMBERING SECTION 24-53, MINIMUM OFF-STREET PARKING WITH NEW NUMBER 24-54; BY ADDING SECTION 24-55, GENERAL PROVISIONS; BY ADDING SECTION 24-56, HANDICAP PARKING; BY ADDING SECTION 24-57, PARKING LOT DESIGN; BY ADDING SECTION 24-58, SPECIAL PROVISIONS FOR BUS PARKING; BY ADDING SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS; BY ADDING SECTION 24-60, BICYCLE PARKING FACILITIES; BY RENUMBERING SECTION 24-54, OFF-STREET LOADING REQUIREMENTS WITH NEW NUMBER 24-61; BY RENUMBERING SECTION 24-55, PROVISIONS FOR PRIVATE STREETS IN QUALIFYING INDUSTRIAL PARKS WITH NEW NUMBER 24-62.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-52, Statement of Intent; Section 24-53, Widening of highways and streets; Section 24-54, Minimum off-street parking; Section 24-55, General provisions; Section 24-56, Handicap Parking; Section 24-57, Parking lot design; Section 24-58, Special provisions for bus parking; Section 24-59, Minimum off-street parking requirements; Section 24-60, Bicycle parking facilities; Section 24-61, Off-street loading requirements; and Section 24-62, Provisions for private streets in qualifying industrial parks.

Chapter 24. Zoning

ARTICLE II. SPECIAL REGULATIONS

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Sec. 24-52. Widening of highways and streets. *Statement of intent.*

This division seeks to effectively manage traffic flow and to provide for an adequate number of parking spaces for vehicles while creating and maintaining vehicle areas which are safe, attractive, and functional for pedestrians and motorists. The ordinance establishes minimum standards for parking and is intended to be flexible in order to reduce impervious surfaces, monetary costs, and improve the function and appearance of parking areas.

Sec. 24-53. Widening of highways and streets.

Whenever there shall be plans in existence, approved by either the State Department of Transportation or by the governing body, for the widening, extension or construction of any street or highway, the commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way roads or planned roads shown on county approved development plans, or the dedication or reservation of additional right-of-way in order to preserve and protect the planned future right-of-way road for such proposed street or highway as part of its review of subdivision plats, site plans or master plans.

Sec. 24-5354. Minimum off-street parking.

~~(a) Purpose.~~ This section is intended to protect the health, safety and general welfare of the community, to effectively manage traffic flow, to provide for an adequate number of spaces and to reduce traffic hazards and conflicts.

~~(b) Provision of off-street parking required.~~ There shall be provided at the time of erection of any main building or at the time any main building is enlarged, except detached single-family residential units, minimum off-street parking with adequate landscaping as required in section 24-86 article II, division 4 of the Zoning Ordinance and provision for entrance and exit by standard-sized automobiles, as follows: provided herein.

~~(1) Sec. 24-55. General provisions:~~

- ~~(a) Certificate of occupancy required and exemptions.~~ No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:
- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
 - (2) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; *and*
 - (3) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the planning commission may waive the setbacks and geometric design requirements found in subsections (c)(1), (2) and (6) below sections 24-57 (a), (b), and (f) as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15 percent or reduces the landscaped areas of the parking lot by more than 15 percent. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of

curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

(b) *Location of off-street parking.*

(1) Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification or a zoning classification that would allow the use that the parking will serve. The rights of use of any such adjacent property shall be secured by ownership, easement or similar recorded covenant or agreement approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

1. (2) Off-site parking spaces shall be permitted by the *Development Review Committee (DRC)* which are not located on the same property or use they serve, a special use permit on lots that are noncontiguous with the property or use they serve, provided they meet the criteria specified in this section. All such parking located on noncontiguous lots shall be easily and safely accessible to pedestrians. The rights of use of any such noncontiguous lots property and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(c) *Types of vehicles permitted in parking spaces.* Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.

d. *Sec. 24-56. Handicap parking.* Parking spaces for the handicapped and any necessary curb cuts, ramps and accessible routes to the proposed use shall be provided in and from parking areas in conformance with the regulations issued by the U.S. Department of Justice pursuant to the Americans with Disabilities Act (ADA) (See 28 CFR Part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities).

(a) *Dimensions.* The required dimensions for parking spaces and aisles shall be in conformance with those provided in the following table.

<i>Dimensions for Handicap Parking</i>			
<i>Type of Handicap Space</i>	<i>Required Space Dimensions</i>	<i>Required Width of Adjacent Aisle</i> <i>(Aisle shall be clearly marked)</i>	<i>Minimum Number of Spaces Required</i>
<i>Standard</i>	<i>9' x 18'</i>	<i>5-feet</i>	<i>Refer to Sec. 24-56 (d)</i>
<i>Van Accessible</i>	<i>9' x 18'</i>	<i>8-feet</i>	<i>1 in every 8 required handicap accessible spaces shall be van-accessible, but not less than one (1).</i>

No more than two spaces may share an aisle. Each aisle shall be headed by a curb cut or ramp, with a detectable warning, to allow unimpeded access to the use.

1. Except as required for van-accessible spaces, each handicapped space shall be nine feet wide with a clearly marked five-foot wide aisle next to it. Van-accessible spaces shall be nine feet wide with a clearly marked eight-foot wide aisle next to it. One in every eight handicapped accessible spaces, but not less than one, shall be designated van accessible.

No more than two spaces may share an aisle. Each aisle shall be headed by a curb cut or ramp, with a detectable warning, to allow unimpeded access to the use.

(b) Signage.

- (1) Each space shall be headed with a sign clearly marking the space as handicapped (with the international symbol of accessibility). Such signs shall not exceed 1.5 square feet in area and shall be positioned so that the bottom edge of the sign is no less than four feet above grade and no more than seven feet above grade.

(2) All signs shall include the following language: "Penalty, \$100-\$500 Fine, TOW-AWAY ZONE." Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

2. (c) **Location.** Location of handicapped spots shall be determined as follows. Such spaces shall generally be closest to the entrance to the building or use for which they are provided. The spaces shall be connected to the use by a paved walk with a grade not to exceed 1:20, no less than five feet wide, with curb cuts, ramps and detectable warnings where necessary, which shall allow unimpeded access to the use. When a ramp is required to provide an accessible route, it shall be constructed in conformance with ADA regulations.

3. (d) **Number of handicap spaces required.** The number of handicapped parking spaces shall be determined by the following chart:

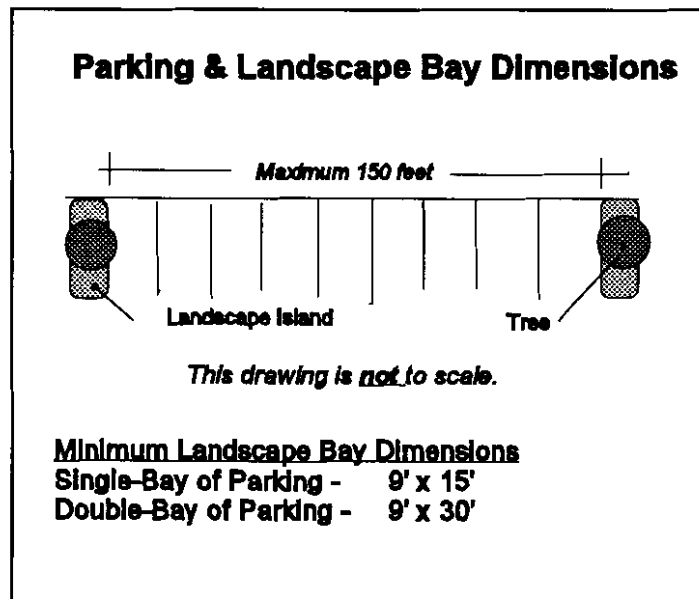
Total Off-Street Parking Required	Handicap Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

(c) **Sec. 24-57. Parking lot design.**

Parking areas shall be arranged for functional efficiency and convenience *and safety for both vehicles and pedestrians* and shall be designed to be amenable to surrounding property. Parking areas, accessory or otherwise, shall comply with the following:

(±) (a) **Dimensions of parking bays and required islands.** The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscape island shall be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than 150 feet without constructing a landscape island. The director of planning *director* may approve islands which vary from nine-foot by 15-foot or nine-foot by 30-foot rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

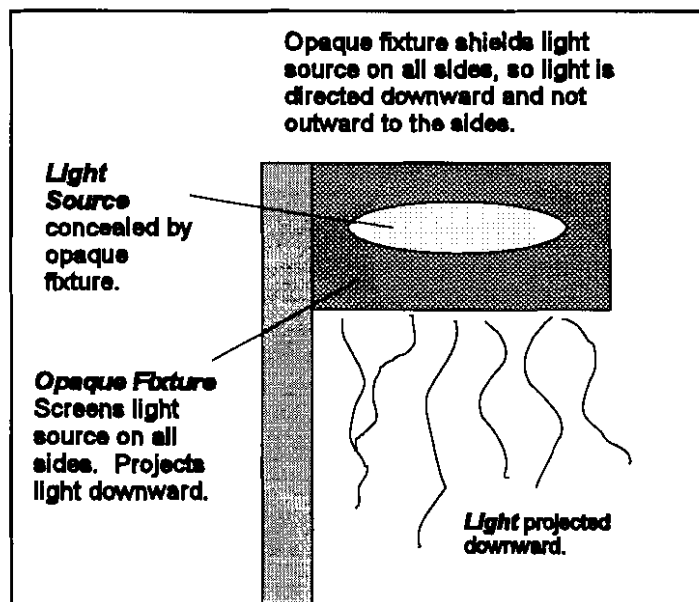


(±) (b) **Protection of landscape areas and location of parking areas and drive aisles.** All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers. Parking areas shall not be located within five feet of any building. Driveways shall not be located within five feet of any building except where vehicular access is necessary. *The above-mentioned five-foot setback for parking areas*

and drives shall not be required for vehicle parking areas and drives (including those serving the parking area) located underneath a building or within a parking garage.

(3) (c) *Required lighting.*

- (1) Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night.
- (2) The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right-of-way and no lighting fixture shall exceed a height of 30 feet. Height of the light fixture shall be the distance from ground or finished grade level to the highest point of a luminary.
- (3) *The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right-of-way.* Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. *The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side (refer to the following graphic).* Plans detailing the illumination patterns (Iso-footcandle diagrams) and specific design of all lighting fixtures shall be submitted for review along with the site plan.



- a. (4) Upon application to the director of planning *director*, the applicant may request a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade which ever is less. Such a waiver shall only be granted if the following conditions are met:
 - i.a. The horizontal distance of the luminary from any public right-of-way or adjacent residential or agricultural property shall be at least four times the height of the luminary.

2.b. The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.

(4) (d) *Geometric standards.*

(1) The design of the parking lot shall meet the minimum geometric standards presented in the following table:

Minimum Off-Street Parking Area Dimensions			
Angle of Parking (Degrees)	Direction of Traffic	Dimension of Stall (in feet)	Width of Aisle (in feet)
Parallel	One-Way	8 x 22	12
30	One-Way	9 x 18	14
45	One-Way	9 x 18	14
60	One-Way	9 x 18	18
90	Two-Way	9 x 18	24

(2) *Other parking angle and aisle dimensions other than those listed in the chart contained in (d) (1) above may be permitted by the planning director or his designee upon finding that they conform to commonly accepted engineer design standards and do not compromise the safety, appearance, or function of the parking area. In no case shall the stall dimensions for angle parking be less than nine feet by 18 feet.*

(3) The minimum aisle dimension of any parking lot designed to accommodate at least 500 vehicles and intended for long-term parking may be reduced by four feet, provided the lot is designed and marked for one-way traffic, the parking spaces form an angle of 80 degrees to 90 degrees with the aisle, each vehicle is individually guided to a parking space by an attendant, and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section, the phrase "long-term parking" shall mean parking the duration of which is on the average six hours or more.

(5) (e) *Surface and drainage of parking areas.* Parking areas, driveways and entrances shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided in all parking areas for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the director of code compliance *environmental director.*

The use of grass pavers may be permitted in low-traffic areas (i.e. overflow parking for churches, special events, etc.) upon approval from the planning director, where it can be demonstrated that the vegetation will survive the amount of expected traffic.

(6) (f) *Entrances to parking areas from public or private roads.* The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, offsite traffic flow or public safety would be *impaired or* improved, the

planning commission may require the location, number, and/or size of proposed entrances to be modified, limited, or increased.

(d) *Sec. 24-58. Special provisions for bus parking.*

If provided, bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of section 24-57 paragraph (c) above, but shall comply with the requirements of paragraph (b)(1) section 24-55 (a) and with the following:

(1) (a) *Site plan required.* Site plans, in accordance with article III of this chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses.

(2) (b) *Signs for bus parking only.* Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.

(3) (c) *Location.* No parking area for buses shall be located closer than 20 30 feet to adjacent residential uses, hotels, motels, hospitals or institutes of human care and occupancy. Upon finding that due to enhanced landscaping, the use of berms, or other site characteristics and/or improvements the bus parking area is sufficiently screened from the uses listed above, the planning director may reduce this buffer/setback requirement to a minimum of 20 feet.

(4) — For perpendicular or angled parking, the minimum size of a bus parking space shall be 12 feet wide and 40 feet long. For parallel bus parking spaces, the minimum size shall be 12 feet wide by 50 feet long.

(d) *Dimensions.* The design of the bus parking lot shall meet the minimum geometric standards presented in the following table.

<i>Minimum Off-Street Bus Parking Dimensions</i>		
<i>Type</i>	<i>Dimension of Stall (in feet)</i>	<i>Minimum Width of Aisle(s) (in feet)</i>
<i>Perpendicular or Angled Parking</i>	<i>12 x 40</i>	<i>24</i>
<i>Parallel Parking</i>	<i>12 x 50</i>	<i>24</i>

The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces, however, shall in no case be less than 24 feet wide.

(5) (e) *Entrances to parking areas.* The location, size and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, offsite traffic flow or public safety would be impaired or improved, the planning commission may require the location, number, and/or size of proposed entrances to be modified, limited, or increased.

(6) (f) *Surface and drainage of parking areas.* Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for

the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the county engineer *environmental director*.

(7) (g) Adequate lighting shall be provided *in accordance with section 24-57 (c)*, if the uses which are served by the bus parking area will be in operation at night. The lighting shall be directed so as not to produce glare on any adjacent property or public right-of-way and no lighting fixture shall exceed a height of 30 feet. Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. Plans detailing the illumination patterns (iso-footcandle diagrams) and specific design of all lighting fixtures shall be submitted for review along with the site plan.

a. Upon application to the director of planning, the applicant may request a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade whichever is less. Such a waiver shall only be granted if the following conditions are met:

1. The horizontal distance of the luminary from any public right-of-way or adjacent residential or agricultural property shall be at least four times the height of the luminary.
2. The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.

(e) *Sec. 24-59. Minimum off-street parking requirements:*

(1) (a) *Residential uses.*

(1) Minimum number of resident parking spaces. The minimum number of off-street parking spaces *required for residential uses is provided in the following table*, shall be two spaces per single-family residential unit, three spaces per single-family dwelling with an accessory apartment, two spaces per townhouse dwelling unit and two spaces per manufactured home. Other residential uses shall provide 1½ spaces per residential unit. Spaces in accessory garages conforming to the size and area requirements for parking spaces and having suitable ingress and egress shall be counted towards the required minimum number of parking spaces for each dwelling:

<i>Type of Residential Unit</i>	<i>Minimum Number of Spaces Required</i>
<i>Single-Family Unit</i>	<i>2</i>
<i>Single-Family Unit with an accessory apartment</i>	<i>3</i>
<i>Townhouse Unit</i>	<i>2.5</i>
<i>1-Bedroom Apartment</i>	<i>1.5</i>
<i>2 or more Bedroom Apartment</i>	<i>2.2</i>
<i>Manufactured Home</i>	<i>2</i>
<i>Other Residential Units</i>	<i>1.5</i>

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle, and interior access to the residential unit.

(2) (b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A - High demand. High parking demand generators shall provide one parking space per 200 square feet of retail and/or office floor area, to include:

- *All other commercial uses not specified in Category B or C below.*
- *Arcades.*
- *Dance Halls/Clubs.*
- *Drug stores.*
- *Laundries and dry cleaners.*
- *Libraries.*
- *Lodges, civic clubs, fraternal organizations, service clubs, and private clubs.*
- *Post offices.*
- *Public billiard parlors and pool rooms.*
- *Retail stores, general.*
- *Retail food stores, bakeries and fish markets.*
- *Retail and service stores, including: antiques, arts and crafts, books, candy, coin, dressmaking, duplicating services, florist, furrier, garden supply, gift shops, greeting card, handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, novelty, office supply, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.*

Category B - Moderate demand. Moderate parking demand generators shall provide one parking space per 250 square feet of retail and/or office floor area, to include:

- *Banks and financial institutions.*
- *Corporate, business, and professional offices.*
- *Lumber and building supply.*
- *Machinery sales and service.*
- *Photography studios and sales and artist and sculptor studios.*
- *Plumbing and electrical supply.*
- *Tire, transmission, glass, body and fender, and other automotive product sales and service.*

Category C - Uses with unique requirements.

(1) *Bowling alleys. Three spaces per alley plus one space for every 200 square feet of accessory business use.*

- (2) Barber shops and beauty shops. At least three spaces plus two spaces for every barber or beautician chair.
- (3) Furniture and carpet stores and/or show rooms. One space for every 400 square feet of retail floor area.
- (4) Hospitals. Two parking spaces for every bed.
- (5) Indoor vehicular sales show rooms. One space for every 400 square feet of retail floor area.
- (6) Medical office/clinic (reference (18) below for Veterinary Hospitals). Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- (7) Mini-storage warehouses. One space per 100 units, plus two spaces per on-site caretaker residence.
- (8) Mortuaries and funeral homes. The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (9) Motels, hotels, and tourist homes. One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
- (10) Nursing homes or convalescent homes. One space for every four residents, plus one parking space for each employee on the largest shift.
- (11) Outdoor retail sales/display areas. At least one space per 500 square feet of area.
- (12) Outlet malls. Five spaces per 1,000 square feet.
- (13) Planned shopping centers, excluding outlet malls, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

Total Retail Floor Area per 1,000 square feet	Number of Spaces per 1,000 square feet
1 to 300,000	4
Over 300,000	4.5

Where a theater is proposed in conjunction with any shopping center which contains at least 60,000-square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25 percent of what would have been required under subsection (17) below.

- (14) *Recreation facilities. For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.*
- (15) *Rental of rooms. Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.*
- (16) *Restaurants. One space for every four seats based upon the maximum seating capacity allowed.*
- (17) *Theaters, auditoriums, and places of public assembly. One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.*
- (18) *Veterinary hospital. Three spaces per examination or treatment room, plus one space per employee on the largest shift.*

Category A. High parking demand generators shall provide one parking space per 200 square feet of retail and/or office floor area, to include:

- Antique, novelty, arts and crafts, and gift shops.*
- Drug stores.*
- General retail stores.*
- Laundries and dry cleaners.*
- Libraries and post offices.*
- Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls and private clubs.*
- Plants and garden supply, hardware and paint, and home appliance sales and service.*
- Retail food stores, bakeries and fish markets.*
- Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florists, furriers, locksmiths, pets, picture framing, stamp and coin, travel bureaus, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.*
- All other commercial uses not specified in Category B or C below.*

Category B. Moderate parking demand generators shall provide one parking space per 250 square feet of retail and/or office floor area, to include:

- Banks and financial institutions.*

- Corporate, business and professional offices.
- Lumber and building supply.
- Machinery sales and service.
- Photography studios and sales and artist and sculptor studios.
- Plumbing and electrical supply.
- Fire, transmission, glass, body and fender, and other automotive product sales and service.

Category C. Uses with unique requirements:

- a. ~~Motels, hotels and tourist homes shall have one parking space per rental unit plus four parking spaces for every 50 rental units plus one parking space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.~~
- b. ~~Theaters, auditoriums and places of public assembly shall have one parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.~~
- c. ~~Hospitals shall provide at least two parking spaces for every bed. Nursing homes or convalescent facilities shall provide one parking space for every three beds, plus one parking space for each employee on the largest shift.~~
- d. ~~Outdoor retail sales/display areas shall provide at least one parking space per .500 square feet of area.~~
- e. ~~Bowling alleys shall have three parking spaces per alley plus one space for every 200 square feet of accessory business use.~~
- f. ~~Barber shops and beauty shops shall have at least three spaces plus two spaces for every barber or beautician chair.~~
- g. ~~Planned shopping centers, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:~~

<i>Total Retail Floor Area per 1,000 Square Feet</i>	<i>Number of Spaces per 1,000 Square Feet</i>
1-100,000	4
100,001-300,000	5
Over 300,000	5.5

~~Where a theater is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25 percent of what would have been required under subsection b. above.~~

- h. ~~Medical and dental clinics shall provide at least three parking spaces for each doctor or dentist having offices in such clinic.~~
- i. ~~Mortuaries and funeral homes shall provide at least 30 parking spaces.~~
- j. ~~Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every 400 square feet of retail floor area.~~
- k. ~~Restaurants shall have one parking space for every four seats based upon the maximum seating capacity allowed.~~

1. Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.

(3) (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

(4) (d) *All other uses - Planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the director of planning ~~director~~ shall determine the number of spaces to be provided.

(e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with section 24-55 (b). Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

(1) *The names and addresses of the uses and of the owners or tenants that are sharing the parking;*

(2) *The location and number of parking spaces that are being shared;*

(3) *An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*

(4) *A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.*

(f) *Mass or alternate transportation plans.*

(1) *The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees, and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.*

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

(2) *Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.*

(3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.

(4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.

(5) (g) Appeals and waivers:

- a. (1) Appeals. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the planning commission.
- b. (2) Waivers. A property owner may be granted a waiver by the planning commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission may place conditions upon the granting of a waiver and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

Sec. 24-60. Bicycle parking facilities.

Bicycle parking facilities shall be provided for all retail and office development 20,000 square feet in floor area and above. The facilities shall be permanently affixed to the ground and shall be provided in accordance with the following schedule:

Required Bicycle Parking	
Building Square Footage	Number of Facilities and Parking Spaces
20,000 to 50,000	1 facility with a minimum of five (5) parking spaces.
50,001 to 200,000	2 facilities with a minimum of five (5) parking spaces per facility.
200,001 or more	3 facilities with a minimum of five (5) parking spaces per facility.

Sec. 24-5461. Off-street loading requirements.

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirement, nor shall the space for loading and unloading of vehicles be so located that a vehicle using such loading space projects into any public or private street or alley or driving aisle required for circulation within a parking lot.

Such loading and unloading space shall:

- (1) Be an area ten feet by 50 feet, with 15-foot height clearance; and
- (2) Be provided according to the following schedule:

<i>Off-Street Loading - Minimum Space Requirements</i>	
Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in terms of square feet of gross floor area (GFA)
5,001 to 30,000	1 space
30,001 to 150,000	1 space plus 1 space for each 30,000 square feet
150,001 to 750,000	5 spaces plus 1 space for each 60,000 square feet in excess of 150,000 square feet
Over 750,000	15 spaces plus 1 space for each 120,000 square feet

For the above uses, with gross floor areas of 2,000 to 5,000 square feet, one loading and unloading space measuring ten feet by 30 feet, with 15-foot height clearance, shall be provided.

Sec. 24-5562. Provisions for private streets in qualifying industrial parks.

(a) Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be coordinated with existing or planned streets on the approved master plan of development and the county comprehensive plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

~~The construction of streets, whether public or private, shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the county attorney.~~

(a) ~~(b)~~ A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied, to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed below: ~~in the following chart.~~

QUALIFYING INDUSTRIAL PARK SQUARE FOOTAGE
 ADJUSTMENTS

Use	Square Footage Credit
Existing industrial/office/warehouse development	1
Other Permitted Development	0.75
Planned industrial/office/warehouse development	0.75
Other Permitted Development	0.5

The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Limited Industrial District, M-3 ~~Research and Technology District, RT~~; and Planned Unit Development and allows nonindustrial/office and/or nonwarehouse activity to occur based on master plan projections which have been approved by the board of supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying 0.75 by 25 percent of the net-developable area of the project.

If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.

~~(b) Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be coordinated with existing or planned streets on the approved master plan of development and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets, whether public or private, shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney.~~

(c) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the planning commission ~~county attorney~~ that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan shall be assessed the cost of maintaining the private streets, and that if assessments are not paid, it shall constitute a pro rata lien upon the individual lots shown on the final plan.

(d) The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and stormwater drainage be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the planning commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying industrial park and that the modifications of such specifications are not inconsistent with the interests of the county.


It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification that:

- (1) The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- (2) The waiver or modification is reasonable because of the uniqueness of the qualifying industrial park or because of the large area of the qualifying industrial park within which the design and construction will be coordinated, preplanned and controlled;
- (3) Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the qualifying industrial park;
- (4) Any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and
- (5) Traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case shall two lane roadways be less than 20 feet wide.

Secs. 24-5663 - 24-64. Reserved.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 1999.