

NOV 22 2011

ORDINANCE NO. 31A-254BOARD 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, SECTION 24-55, GENERAL PROVISIONS; SECTION 24-57, PARKING LOT DESIGN; AND SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article II, Special Regulations, Division 2, Highways Streets, Parking and Loading is hereby amended and reordained by amending Section 24-55, General provisions; Section 24-57, Parking lot design; and Section 24-59, Minimum off-street parking requirements.

Chapter 24. Zoning

ARTICLE II. SPECIAL REGULATIONS

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Section 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~~

planning director may waive the setbacks and geometric design requirements found in 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.
- (2) Off-site parking spaces shall be permitted by the ~~Development Review Committee (DRC)~~ *planning director* which are not located on the same property or use they serve, provided they meet the criteria specified in this section. All such parking shall be easily and safely accessible to pedestrians. The rights of use of any such 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.

(3) Incentive to reduce visibility of off-street parking. Applicants of a development proposal that:

- a. provides off-street parking to the side or rear of the site only;*
- b. provides parking that is screened by landscaping or a building;*
- c. is located along an urban/suburban community character corridor as designated on the James City County Community Character Corridors Type Designation and Buffer Treatment Map; and*
- d. complements the design standards of the corridor or area to the satisfaction of the planning director;*

may request the planning director to grant one of the following incentives:

- a. front building setback reduction;*
- b. front landscape area width reduction; or*
- c. minimum parking lot landscaping requirement reduction.*

In no case shall a reduction be greater than 20 percent of the ordinance requirement.

(c) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Section 24-57. Parking lot design.

Parking areas shall be arranged for functional efficiency 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 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.

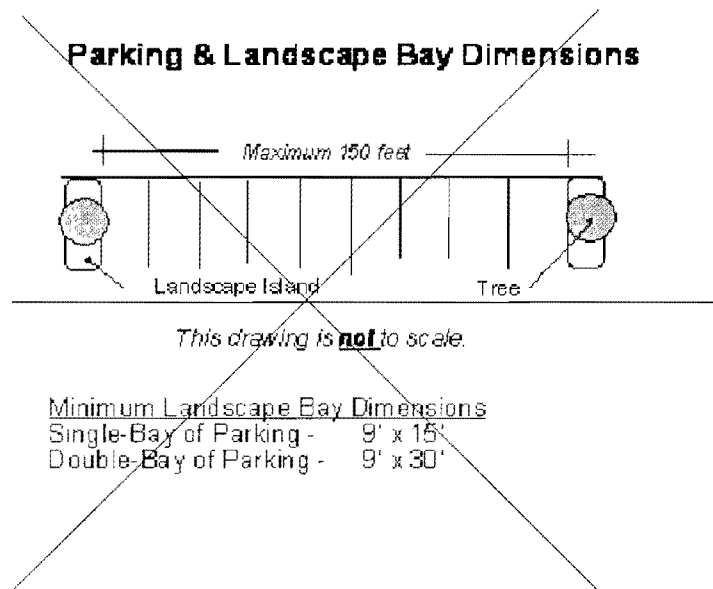
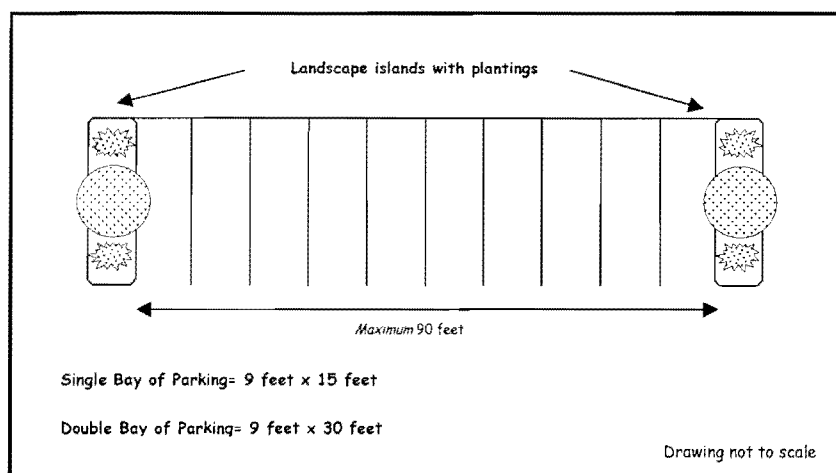


Figure 1-Parking Bays and Landscape Islands Dimensions



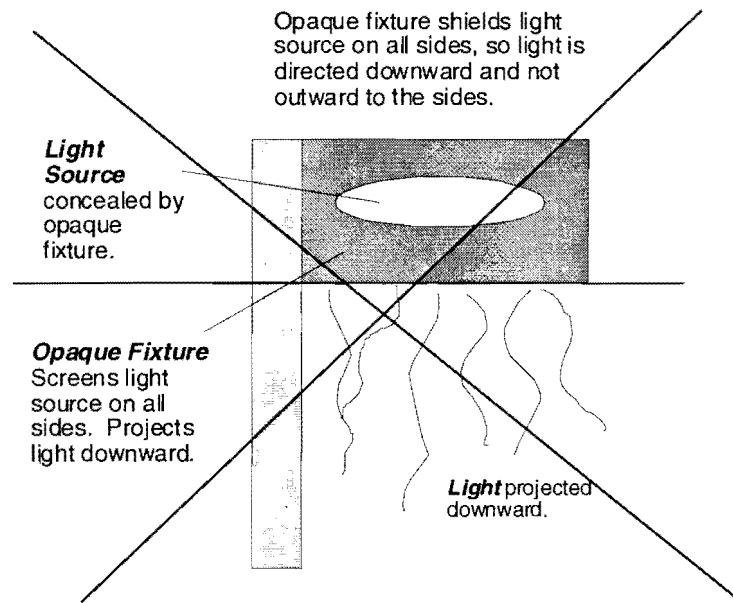
(b) *Protection of landscape areas and location of parking areas and drive aisles.* All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles ~~by~~ *through installation of* curbs or bumpers. Parking areas shall not be located within five feet of any building. Driveways 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.

~~(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) 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.~~



~~(4) Upon application to the 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 whichever is less. Such a waiver shall only be granted if the following conditions are met:~~

- ~~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.~~
- ~~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.~~

(c) Connections to adjacent parcels. Commercial development designated as community commercial or neighborhood commercial on the Comprehensive Plan shall connect to similarly designated adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The planning director may waive the connection requirement upon finding that such connection is found to be impractical or is opposed in writing by the adjacent property owner.

Section 24-59. Minimum off-street parking requirements.

(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.

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

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.

(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 a minimum of one parking space per 200 square feet of retail and/or office floor area but not more than 120 percent of the minimum requirement, 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.~~
- *Convenience stores*
- *Liquor stores*
- *Truck stops*

Category B - Moderate demand. Moderate parking demand generators shall provide *a minimum of one parking space per 250 square feet of retail and/or office floor area but not more than 120 percent of the minimum requirement*, to include:

- *Arcades.*
- *All other commercial uses not specified in Category A or C.*
- Banks and *other* financial institutions.
- ~~Corporate~~, Business, *governmental* and professional offices.

- *Laundries and dry cleaners.*
- *Lumber and building supply.*
- *Machinery sales and service.*
- *Photography, studios and sales and artist and sculptor stores and studios.*
- *Plumbing and electrical supply.*
- *Billiard parlors and pool rooms.*
- *Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods.*
- *Retail stores, general.*
- *~~Tire, transmission, glass, body and fender, and other automotive product sales and service~~
Automobile and trailer sales and service.*

Category C - Uses with unique requirements. Category C uses shall provide minimum parking as stated below but not more than 120 percent of the minimum requirement:

- (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~~ parlors.* 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 of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which (1) are physically connected or are otherwise arranged in an integrated manner, (2) share a common parking area, and (3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock, and/or similar goods.

- (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 *or other place of public assembly* 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 including houses of worship and public meeting halls*~~. 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 hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.

(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.

(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 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.

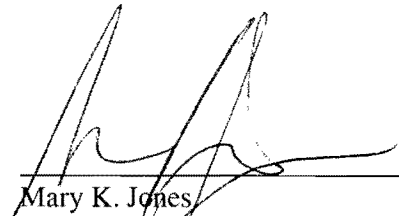
Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- (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.

(g) Parking Garages. The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

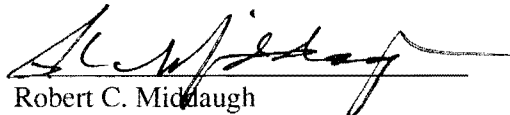
~~(g)~~ (h) *Appeals and waivers:*

- (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 director* ~~planning commission~~.
- (2) *Waivers.* A property owner may be granted a waiver by the ~~planning commission~~ *planning director* from the ~~minimum 120 percent maximum off-street parking cap requirements~~ if it can be shown that due to unique circumstances a particular activity would ~~not reasonably~~ be expected to generate *more* parking demand ~~sufficient to justify the~~ *than that allowed by the maximum parking requirement cap*. 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~~ *planning director* shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The *planning director* 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. *In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.*



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. McLaughlin
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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