

5-40.1. Regulations for Zoning District B-2, Village Mixed Use District.

(1) **Intent.**

The intent of the B-2 district is to provide for the orderly growth and development of selected retail sales, office, service, and public use establishments, as well as compatible and supportive residential uses, which are primarily oriented to central business concentrations, particularly in and around the county’s designated village areas (Gloucester Court House and Gloucester Point/Hayes).

The district is designed to foster village scale commercial, high density residential, and mixed-use developments in and around historic activity centers, and to encourage pedestrian activity and convenience through and interconnected network of streets, walkways and bikeways, with a mix of pedestrian-oriented uses, buildings, and streetscapes that create a sense of place and vitality, as called for in the Comprehensive Plan. Development in this district is intended to be served by public water and sewer; rezoning to this district for new development is appropriate only if public water and sewer service to the proposed site is available.

(2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).

- a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
- d. **In the B-2 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
- e. **Use Table for the B-2 Village Mixed-Use District.**

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Farmers’ market	9B-2.50	√		
Forestry operation		√		

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
Animal				
Animal training services	9B-3.20		√	
Domestic pets		√		
Outdoor				
Nature based tourism		√		
Civic and Institution Uses				
Churches and other places of worship		√		
Day care center, adult		√		
Day care center, child		√		
Family day home, 5-12 children	9B-5.20			√
Fire and/or EMS company stations		√		
Food pantry / soup kitchen				√
Funeral Home and/or crematorium		√		
Lodge halls and clubs		√		
Long-term care facility		√		
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 8 or fewer individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, private elementary / secondary		√		
Schools, private in-home		√		
Schools, public elementary /secondary		√		
Schools, post-secondary		√		
Consumer Products & Services (commercial)				
Commercial indoor amusement, entertainment, sports		√		
Commercial outdoor amusement, entertainment, sports, major	9B-6.60			√
Commercial outdoor amusement, entertainment, sports, minor	9B-6.60		√	
Engine / equipment repair, small	9B-6.70			√
Event facilities	9B-6.80	√		
Micro beverage production establishment		√		

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
Office, general		√		
Parking lots or structures		√		
Personal service establishment		√		
Restaurant and catering facilities		√		
Sales, retail/ wholesale, indoor	9B-6.110	√		
Sales, seasonal	9B-6.130	√		
Studio, fine and performing arts		√		
Taxidermy and/or pet crematorium		√		
Veterinary clinic	9B-6.140	√		
Wellness and fitness center		√		
Consumer Products and Services (commercial) Lodging				
Bed and breakfast		√		
Inn		√		
Industrial & Utilities				
Industrial				
Manufacturing, craft		√		
Manufacturing, light		√		
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale ground mounted	9B-8.30			√
Solar energy facility, private large-scale roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, multifamily	9B-9.30	√		
Dwelling, single-family attached (townhouse)	9B-9.40	√		
Dwelling, two family	9B-9.40	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

- f. **The following use is exempt from certain district regulations as detailed below.**
- **Fire and EMS company stations are exempt from the following regulations:**
 - **Section 5-40.1(5) the maximum front setback.**
 - **section 5-40.1(6) all building / structure regulations except for maximum heights.**
 - **Section 5-40.1(7)(d) parking and loading item ii. Parking may be located to the rear or side of the principal building, but not in the front yard.**

(3) **Minimum Lot Area and Maximum Density.**

- a. Lot size:
- i. Minimum lot area: 2,500 square feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 25 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 16 dwelling units / net acre; Public water and sewer required.

(4) **Lot coverage.** At least ten (10) percent of the total lot area must be in open space, landscaped area, **or civic space for community gathering and events.** In the case of large developments where multiple lots are created, the ten (10) percent can be calculated for the development as a whole rather than for each individual lot.

(5) **Setback requirements.**

a. Setback table.

	Front		Side	Rear
	Minimum	Maximum		
Principal Building / Structure	5 feet from the Pedestrian Clear Zone. See Figure 5-10.7a <i>See 1 below</i>	30 feet <i>See 1, 2, & 3 below</i>	None	None
Accessory Building / Structure	Shall not be located in the front yard.	None	None	None

1 - For principal buildings/structures along the following divided highways the minimum setback shall be 35' and there is no maximum setback. For lots located along George Washington Memorial Hwy (Rte. 17) see Article 6A Highway Corridor Development District for additional setback requirements.

- George Washington Memorial Hwy (Rte. 17);
- Main Street (Rte. 17B) from George Washington Memorial Hwy (Rte. 17) to John Clayton Memorial Hwy (Rte. 3/14); and
- John Clayton Memorial Hwy (Rte. 3/14)

*2 - **Alternatively to 1 above, applicant may apply a setback** in conformance with adjacent developed properties, **where fifty (50) percent of the lots are occupied by buildings or structures and the average front yard depth of the existing buildings or structures is more than the maximum allowed by this ordinance, the average so established shall be taken in lieu of that which is normally required.** For the purpose of this calculation, a block shall be lots on the same side of a street on either side of the lot in question for a distance of six hundred (600) feet or to the nearest street intersection, whichever is less.*

3 - A maximum of thirty (30) percent of the front façade may be recessed up to an additional twenty (20) feet (total of 50 feet) from the back of the Pedestrian Clear Zone (See 5-40.1(7)(a) Streetscape Requirements) if the additional space is used for greens, squares, courts, plazas or other similar civic features, including outdoor dining areas.

- b. Additional Setback Regulations:
- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
 - ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
 - iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
 - iv. Awnings attached to principal buildings fronting on the B-2 Village Mixed Use zoned portions of Main Street (Business 17) shall not be subject to setback requirements under the following conditions:
 - (a) An awning extending into the public right-of-way shall meet VDOT requirements.
 - (b) Awnings shall be installed in a manner that does not obstruct the visibility from the right-of-way of existing on-structure signs on adjacent structures.
 - (c) Awnings shall not obstruct the line of sight or accessibility of pedestrians, cyclists, or vehicles traveling on or entering streets, driveways or sidewalks.

- (d) Awnings shall be maintained in a safe, secure, and good condition, free from holes, tears, shredding, fading or the development of any rust, corrosion, rotting, or other deterioration. Should an awning become unsafe, be in danger of falling, or otherwise become subject to the maintenance requirements contained in this Section, the owner of the building on which the awning is located shall, upon written notice from the administrator, remove or repair the awning in such a manner as to render it compliant with the requirements of this Article.
- (e) In addition to the requirements of Sections 15-1 and 15-2 of this ordinance, applications for awnings shall provide information relative to the awning's proximity to features such as sidewalks, curb, streetlights, street trees, benches and other elements necessary to demonstrate compliance with the above conditions.
- v. There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- vi. Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) Building / Structure Requirements.

a. Maximum footprint and height

	Maximum Footprint	Maximum Height
Principal Building / Structure	10,000 square feet <i>See i & ii below.</i>	45 feet <i>See iii & iv below.</i>
Accessory Building / Structure	Cannot exceed principal building footprint	35 feet <i>See v below.</i>

i - For principal buildings along the following divided highways the maximum building footprint is 15,000 square feet:

- *George Washington Memorial Hwy (Rte. 17);*
- *Main Street (Rte. 17B) from George Washington Memorial Hwy (Rte. 17) to John Clayton Memorial Hwy (Rte. 3/14); and*
- *John Clayton Memorial Hwy (Rte. 3/14)*

ii - Multiple buildings on a lot may be connected by enclosed walkways or subordinate connective building sections; the connecting sections are considered separate buildings.

iii - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*iv - **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.*****

v - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

b. Façade requirements for principal buildings

i. Fenestration

- (a) Ground floor – A minimum forty (40) percent of the front facade surface shall be in fenestration on the ground floor
- (b) Upper floors – A minimum twenty-five (25) percent of the front facade surface shall be in fenestration on upper floors.

ii. **Pedestrian** Entrances. The front façade must have at least one ground floor entrance. A primary entrance providing both ingress and egress, operable during normal business hours, if applicable, is required to meet the street-facing entrance requirements. An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements. Facades greater than 50 feet must have an entrance an average of at least every 50 feet.

iii. The front façade must have a break in the wall surface at least every fifty (50) feet such that the break creates the visual appearance of separate building masses.

c. Additional requirements for principal buildings fronting on Main Street (Rte. 17B) from Justice Drive (Private) to Fox Mill Run Creek

(approximately 1,600 feet south of John Clayton Memorial Highway (Rt. 3/14))

- i. At least fifty (50) percent of the lineal frontage of ground floor space along a depth of at least 30 feet deep into the building from the front façade must be used for commercial, office, or institutional uses.
- ii. All garage and carport openings shall face to the rear or side of the lot.

(7) Other Requirements.

a. Streetscape Requirements

i. **Front setback areas shall include the following**

- 1) **Buffer Zone. An area at least five (5) feet in width, commonly referred to as the verge, measured from the back of curb or edge of pavement where no curb exists or is planned. Street trees shall be located in the buffer zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies. This zone also accommodates public infrastructure needs such as utility poles, streetlights, street signs, etc. Street trees shall be planted at an average of one (1) tree per thirty (30) feet with a minimum requirement of 1 tree per lot. Acceptable street trees will be a minimum of 2 inches in caliper at planting. Trees shall be planted in accordance with guidelines established in the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.**
- 2) **Pedestrian Clear Zone. An area at least five (5) feet in width shall be provided for pedestrians. Any portion of the pedestrian clear zone within the front setback area shall be improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition.**
- 3) **Remaining front setback area. An area at least five (5) feet in width shall be detailed appropriately for the ground story use of the building incorporating elements such as outdoor dining for commercial uses, foundation plantings for residential uses, etc.**

b. All utility lines, including electrical, telephone, and cable television service shall be placed below ground except where not feasible based on documentation from the utility provider.

c. Pedestrian Accommodations. **ADA accessible routes shall be provided along all road frontages and** all structures shall be served by ADA accessible routes to encourage pedestrian movement throughout the site

and provide convenient access to internal facilities, including parking lots, and to the adjacent streetscape.

- d. Parking and Loading
 - i. No parking lots or parking structures are permitted **in the front yard** except for driveways.
 - ii. Off street parking must be located behind the buildings.
 - iii. Parking may be located on site or within 400 feet of any lot line if connected by a **sidewalk or multi-use path** meeting the Americans with Disabilities Act (ADA) Standards for Accessible Design, and if permanent use agreement is in place. Additional parking flexibility for the Gloucester Court House Village area is provided for in the parking ordinance. See **Sec. 11-12** Parking and loading space requirements.
 - iv. Loading activity may occur at the front of the principal building, but no loading docks, doors, or other structural elements **used exclusively for loading activities** are permitted on the front façade.
- e. Drive-through facilities must be located at the rear or side of the principal building.
- f. Mechanical equipment, whether ground-level or roof **mounted**, shall be shielded and screened from view from the public right of way, and shall be designed to be perceived as an integral part of the building.
- g. Requirements affecting townhouse units (single-family attached) in the B-2 district supersede any conflicting language pertaining to Section 9B-9.40 Supplemental Use Regulations for single family attached dwellings (town homes).

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.

h. See Article 12 for regulations related to Signs.