

Section 5-10. Regulations for Zoning District VMX, Village Mixed Use District

5-10.1 Intent.

The intent of the VMX 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.

- (a) Flexibility in the Gloucester Court House and Gloucester Point/Hayes Village Areas
- (1) Where any use, by virtue of physical limitations relating to the built-out nature of development in this area, cannot reasonably comply with the lot coverage and setback requirements listed herein, the Zoning Administrator may modify or waive such requirements to the extent necessary, excluding setbacks requirements of Article 6A Highway Corridor Development District (HCDD).
 - (2) The above flexibility may be applied to the following areas including logical extensions:
 - a. Gloucester Court House - For uses within a polygonal boundary defined by: Lines running parallel to the center line of Main Street five hundred feet to the north and south extending from the western edge of the Court Circle to the bridge at Fox Mill Creek, approximately seventeen hundred (1,700) feet south of the Route 3/14 intersection with Main Street; and
 - b. Gloucester Point / Hayes - Parcels fronting on Greate Road (Rte. 1208) and Hayes Road (Rte. 1216)

5-10.2 Permitted Uses (also identified in Table of Uses Permitted by District, Sec. 5-14).

The following table 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.)**

The Zoning Administrator may permit similar uses by written determination if the Administrator determines that nature of the use is essentially the same as the listed use and that the impacts are no greater. **Uses not specifically defined may be permitted by a Conditional Use Permit.** The uses are subject to all other applicable requirements contained in the ordinance. Certain uses have additional, modified or more stringent standards listed in Article 9 Supplementary Use Regulations.

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.

Permitted Uses	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Farmers market	9-23	√		
Forestry operation		√		
Animal				
None permitted				
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				√
Fire and/or EMS company stations		√		
Funeral Home		√		
Lodge halls and clubs		√		

Permitted Uses	Supplemental Regulations	P	SE	CUP
Long-term care facility		√		
Museum		√		
Park, natural area or community facility		√		
Public buildings		√		
Residential group homes, 8 or fewer individuals		√		
Residential group homes, 9+ individuals				√
Schools, public elementary/secondary		√		
Schools, private and post-secondary		√		
Consumer Products & Services (commercial)				
Commercial indoor amusement, entertainment, sports		√		
Commercial outdoor amusement, entertainment, sports, minor				√
Event facilities		√		
Micro beverage production establishment		√		
Office, general		√		
Parking lots or structures		√		
Personal service establishment	9-XX	√		
Restaurant and catering facilities		√		
Sales, retail/ wholesale, indoor	9-XX	√		
Sales, seasonal	9-23	√		
Studio, fine and performing arts		√		
Veterinary clinic & other animal related services		√		
Consumer Products and Services (commercial) Lodging				
Bed and breakfast		√		
Inn		√		
Industrial & Utilities				
Industrial				
Industry, light		√		
Manufacturing, craft		√		
Utilities				
Commercial communication facility, major	9-xx		√	

Permitted Uses	Supplemental Regulations	P	SE	CUP
Commercial communication facility, minor	9-xx	√		
Solar energy facility, large-scale	9-28			√
Solar energy facility, small-scale	9-28	√		
Utilities		√		
Residential				
Dwelling, multifamily	9-xx	√		
Dwelling, secondary	9-27	√		
Dwelling, single-family attached (townhouse)	9-xx	√		
Dwelling, two family		√		
Home occupation, Type I	9-9	√		
Home occupation, Type II	9-9		√	

5-10.3 Minimum Lot Area and Maximum Density.

(a) Lot size:

- (1) Minimum lot area: 2,500 square feet (or as specified in Article 9 Supplementary Regulations for specific uses)
- (2) Minimum frontage/average lot width: 25 feet (or as specified in Article 9 Supplementary Regulations for specific uses)

(b) Density:

- (1) Maximum residential density: 16 dwelling units / gross acre; Public water and sewer required.

5-10.4 Lot coverage. At least ten (10) percent of the total lot area must be in open space or other landscaped area. 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. See 5-10.1a for situations in which a modification or waiver may be granted for this requirement.

5-10.5 Setback requirements. See 5-10.1a for situations in which a modification or waiver may be granted for this requirement.

Coordination w/ VDOT r-o-w needs? Trees (need ample space)?

	Front		Side	Rear
	Minimum	Maximum		
Principal Building	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	Shall not be located in the front yard.	None	5 feet <i>See 4 below</i>	5 feet <i>See 4 below</i>

1 - For principal buildings 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 - Or 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 ~~may~~ 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 5-10.7a Streetscape Requirements) if the additional space is used for greens, squares, courts, plazas or other similar civic features, including outdoor dining areas.

4 - Setback may be reduced if waived by the Gloucester County Building Official based on fire code.

Yard, front - **The area between** ~~An open space on the same lot as a building between the front line of the building~~ **the principal building** (excluding steps/required landings) and the front lot or street line, and extending across the full width of the lot. (Add a diagram for clarification)

(a) Additional Setback Regulations:

1. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
2. There is no setback requirement for fences, however fences on corner lots must comply with General Development Regulations “Visibility at Intersections” section x-xx and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks. (confirm we don't want fences in the 50' setback area of HCDD).
3. 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.
 - a. Awnings attached to principal buildings fronting on the VMX Village Mixed Use zoned portions of Main Street (Business 17) shall not be subject to setback requirements under the following conditions:
 1. An awning extending into the public right-of-way shall meet VDOT requirements.
 2. 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.
 3. Awnings shall not obstruct the line of sight or accessibility of pedestrians, cyclists, or vehicles traveling on or entering streets, driveways or sidewalks.
 4. 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.

5. 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.

Architectural projections - Extensions of a structure such as stoops, landings, decks, porches, canopies, balconies, carports, awnings or other similar elements. This definition does not include steps, ADA accessible ramps, chimneys, and on-grade features such as patios, walkways and driveways.

5-10.6 Building Requirements.

- (a) Maximum building footprint and height

	Maximum Footprint	Maximum Height
Principal Building	10,000 square feet <i>See 1 & 2 below.</i>	45 feet
Accessory Building	Cannot exceed principal building footprint	35 feet <i>See 3 below.</i>

1 - 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)

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

3 - If the accessory building meets the setbacks for the principal building, it may also utilize the same maximum height.

- (b) Façade requirements for principal buildings
 - (1) 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.
- (2) 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.
 - (3) 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))
- (1) 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.
 - (2) All garage and carport openings shall face to the rear or side of the lot.

5-10.7 Other Requirements

- (a) Streetscape Requirements (Coordinate this section with transportation plan update, VDOT r-o-w, subdivision ordinance related to r-o-w dedication, etc.)
 - (1) **Front setback areas, shall include the combination of a planting strip, public sidewalk (located within or adjacent to the right-of-way) and other hardscape or planted area (located in front setback areas) providing a minimum streetscape area no less than 15 feet in width, measured from the back of curb or edge of pavement where no curb exists or is planned in any county or state approved plan. The streetscape area shall be organized as follows (See figure 5-10.7a):**

- a. Curb Zone.** The curb zone is at least five feet wide, measured from the back of curb or edge of pavement where no curb exists or is planned. Street trees shall be located in the curb 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, street lights, street signs, etc.
- 1.** 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.
- b. Pedestrian Clear Zone.** A pedestrian clear zone at least five feet (5') wide shall be provided on all streetscapes. 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.
- c. Remaining front setback area.** The remaining front setback area within the minimum 15' wide streetscape 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.

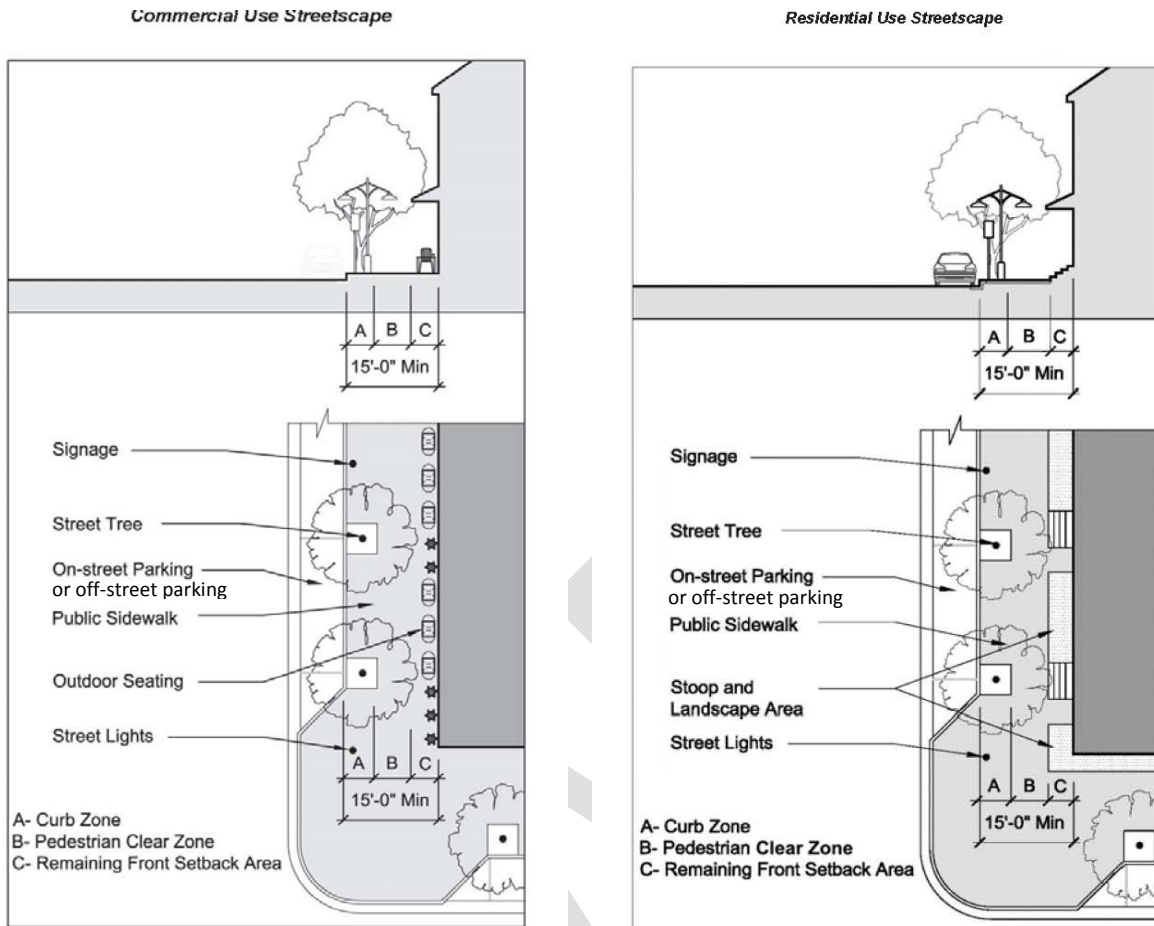


Figure 5-10.7a

(b) Pedestrian Accommodations

- (1) 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.

(c) Parking and Loading

- (1) No parking lots or parking structures are permitted between the front façade of the principal building and the front lot line except for driveways.
 - a. For residential uses individual access drives may be used for temporary parking but cannot be used to satisfy the

requirements for off-street parking. (look at this closely to ensure no conflicts/confusion exists)

- (2) Off street parking must be located behind the buildings.
 - (3) Parking may be located on site or within 400 feet of any lot line if connected by a pedestrian walkway 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.
 - (4) Loading activity may occur at the front of the principal building, but no loading docks, doors, or other structural elements are permitted on the front façade or the first thirty-five (35) feet of the side facades.
- (d) Drive-through facilities must be located at the rear or side of the principal building.
- (e) Requirements affecting townhouse units (single-family attached) in the VMX district supersede any conflicting language pertaining to Article 9-xx Supplemental Requirements for single family attached dwellings (town homes).
- (f) **General Development Standards.**
- (1) See Article 11 General Development Standards for requirements related to Screening and Buffering, Off-Street Parking and Loading Facilities, and Signs.
 - (2) Development and use activities shall not result in the destruction, loss, or damage of a natural, scenic, or historic features listed on the national or state register of historic places.