Building a Better Norfolk

a zoning ordinance for the 21st century



Zoning Ordinance

Adopted January 23, 2018
Updated January 13, 2026

ARTICLE 1: GENERAL PROVISIONS 1-1

1.1 Title 1-1

1.2 Authority 1-1

1.2.1. General Authority to Adopt Zoning Ordinance 1-1
1.2.2. References to the Code of Virginia and Federal law 1-1

1.3 General Purpose and Intent 1-1

1.3.1. Intent of Adopting the Zoning Ordinance 1-1

1.4 Applicability and Jurisdiction 1-2

1.4.1. General Applicability 1-2
1.4.2. Application to Governmental Units 1-2
1.4.3. No Development Until Compliance with this Ordinance 1-3
1.4.4. Exemptions 1-3
1.4.5. Annexed or Added Land 1-3

1.5 Relationship with other Laws 1-3

1.5.1. Conflicts Between Provisions of this Ordinance and with Other City Codes or Laws 1-3
1.5.2. Conflicts with State or Federal Law 1-3
1.5.3. Conflicts with Private Agreements 1-3
1.5.4. Existing Vested Rights 1-4

1.6 Official Zoning Map 1-4

1.6.1. Generally 1-4
1.6.2. Incorporated by Reference 1-4
1.6.3. Interpretation of Official Zoning Map Boundaries 1-4
1.6.4. Split Zoning District Classifications of Parcels 1-5
1.6.5. Changes to Official Zoning Map 1-6

1.7 Transitional Provisions 1-6

1.7.1. Effective Date 1-6
1.7.2. Violations Continue 1-6
1.7.3. Nonconformities 1-6

1.7.4. Complete Applications 1-6
1.7.5. Planned Development and Overlay Districts Approved Under Previous Ordinance 1-7
1.7.6. Other Approved Permits and Development Approvals 1-7
1.7.7. Approved Zoning Subject to Proffers 1-7
1.7.8. Vested Rights 1-7
1.7.9. Severability 1-8

ARTICLE 2: ADMINISTRATION 2-1

2.1 Summary of Development Review Responsibilities 2-1

2.1.1. Summary of Development Review Responsibilities 2-1

2.2 Advisory and Decision-Making Bodies And Persons 2-3

2.2.1. Generally 2-3
2.2.2. City Council 2-3
2.2.3. Planning Commission 2-4
2.2.4. Architectural Review Board 2-6
2.2.5. Board of Zoning Appeals 2-8
2.2.6. Director of the Department of City Planning 2-11
2.2.7. Zoning Administrator 2-11

2.3 Standard Review Procedures 2-13

2.3.1. General 2-13
2.3.2. Planning Commission Public Hearing Procedure 2-14
2.3.3. Development Certificate Review Procedure 2-26
2.3.4. Architectural Review Board Procedure 2-38
2.3.5. Board of Zoning Appeals Procedure 2-46
2.3.6. Administrative Review Procedure 2-52
2.3.7. Modification Procedure 2-58
2.3.8. Interpretation Procedure 2-59
2.3.9. Site Plan Review Procedure 2-61

2.4 Application-Specific Procedures 2-75

2.4.1. General 2-75
2.4.2. Zoning Text Amendment 2-75

2.4.3. Zoning Map Amendment 2-75
2.4.4. Conditional Rezoning 2-76
2.4.5. Planned Development District 2-78
2.4.6. Historic and Historic Overlay District 2-80
2.4.7. Historic Landmark Designation 2-81
2.4.8. Conditional Use Permit 2-82
2.4.9. Development Certificate 2-87
2.4.10. Certificate of Appropriateness 2-88
2.4.11. Variance (Zoning) 2-95
2.4.12. Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District) 2-98
2.4.13. Appeal to the Board of Zoning Appeals 2-99
2.4.14. Zoning Certificate 2-100
2.4.15. Floodplain / Coastal Hazard Overlay District Permit 2-102
2.4.16. Modification 2-102
2.4.17. Interpretation 2-104
2.4.18. Major Site Plan 2-106
2.4.19. Minor Site Plan 2-111

ARTICLE 3: ZONING DISTRICTS 3-1

3.1 General Provisions 3-1

3.1.1. Compliance with Zoning District Standards 3-1
3.1.2. Establishment of Zoning Districts 3-2
3.1.3. Organization of Zoning Districts 3-4
3.1.4. Organization of Zoning District Use Tables 3-6

3.2 Residential Base Zoning Districts 3-10

3.2.1. General Purposes Of Residential Base Zoning Districts 3-10
3.2.2. Established Residential Base Zoning Districts 3-10
3.2.3. SF-2: Single Family 2 3-12
3.2.4. SF-4: Single Family 4 3-14
3.2.5. SF-6: Single Family 6 3-16
3.2.6. SF-10: Single Family 10 3-18
3.2.7. SF-T: Single Family - Traditional 3-20

3.2.8. R-C: Residential - Coastal 3-22
3.2.9. MF-NS: Multi-Family - Neighborhood-Scale 3-38
3.2.10. MF-AC: Multi-Family - Apartment Complex 3-40
3.2.11. MF-HR: Multi-Family - High Rise 3-42
3.2.12. Uses for the Residential Base Zoning District 3-44

3.3 Commercial Base Zoning Districts 3-50

3.3.1. General Purposes of Commercial Zoning Districts 3-50
3.3.2. Established Commercial Base Zoning Districts 3-50
3.3.3. C-N: Neighborhood Commercial 3-52
3.3.4. C-C: Community Commercial 3-54
3.3.5. C-R: Regional Commercial 3-56
3.3.6. O: Office 3-58
3.3.7. BC-O: Business and Commerce Park - Office 3-60
3.3.8. BC-I: Business and Commerce Park - Industrial 3-62
3.3.9. Uses for the Commercial Base Zoning Districts 3-64

3.4 Downtown Base Zoning Districts 3-73

3.4.1. General Purposes Of Downtown Base Zoning Districts 3-73
3.4.2. Established Downtown Base Zoning Districts 3-73
3.4.3. Downtown District Review Procedures 3-74
3.4.4. Standards Applicable to All Downtown Base Zoning Districts 3-74
3.4.5. D-W: Downtown - Waterfront 3-76
3.4.6. D-BC: Downtown - Business Center 3-78
3.4.7. D-MU: Downtown - Mixed-use 3-80
3.4.8. D-AD: Downtown - Arts and Design 3-82
3.4.9. D-FN: Downtown - Fort Norfolk 3-84
3.4.10. D-SP: Downtown - Saint Paul's 3-86
3.4.11. Uses for the Downtown Base Zoning Districts 3-87

3.5 Industrial Base Zoning Districts 3-97

3.5.1. General Purposes of Industrial Base Zoning Districts 3-97
3.5.2. Established Industrial Base Zoning Districts 3-97
3.5.3. I-L: Industrial - Light 3-98

3.5.4. I-G: Industrial - General 3-100
3.5.5. I-W: Industrial - Waterfront 3-102
3.5.6. I-DW: Industrial - Deep Water 3-104
3.5.7. Uses for the Industrial Base Zoning Districts 3-106

3.6 Historic and Cultural Conservation Base Zoning Districts ... 3-115

3.6.1. Purpose 3-115
3.6.2. Established Historic and Cultural Conservation Base Zoning Districts 3-115
3.6.3. Historic District Guidelines 3-115
3.6.4. Standards Applicable to All Historic and Cultural Conservation Base Zoning Districts 3-116
3.6.5. HC-G1: Ghent Historic and Cultural Conservation 3-118
3.6.6. HC-G2: Ghent Historic and Cultural Conservation 3-120
3.6.7. HC-G3: Ghent Historic and Cultural Conservation 3-122
3.6.8. HC-WF1: West Freemason Historic and Cultural Conservation 3-124
3.6.9. HC-WF2: West Freemason Historic And Cultural Conservation 3-126
3.6.10. HC-EF: East Freemason Historic And Cultural Conservation 3-128
3.6.11. Uses for the Historic and Cultural Conservation Base Zoning Districts 3-130

3.7 Special Purpose Districts 3-137

3.7.1. General Purpose of Special Purpose Districts 3-137
3.7.2. Established Special Purpose Base Zoning Districts 3-137
3.7.3. IN: Institutional 3-138
3.7.4. IN-C: Institutional - Campus 3-140
3.7.5. A: Airport 3-144
3.7.6. OSP: Open Space and Preservation 3-146
3.7.7. RESOURCE: Resource Conservation 3-148
3.7.8. MI: Military Installation 3-150
3.7.9. MW: Monarch Way 3-152
3.7.10. EBH: East Beach Harbor 3-156
3.7.11. TOD: Transit-Oriented Development 3-160

3.7.12. G-1: Granby/Monticello Corridor Mixed-use 3-164
3.7.13. Uses for the Special Purpose Districts 3-167

3.8 Planned Development Districts 3-177

3.8.1. Established Planned Development Zoning Districts 3-177
3.8.2. General Provisions for Planned Development Zoning Districts 3-177
3.8.3. PD: Planned Development 3-182

3.9 Overlay Districts and Designations 3-188

3.9.1. General Purposes of Overlay Districts and Designations 3-188
3.9.2. Established Overlay Zoning Districts and Designations 3-188
3.9.3. Conflicting Standards 3-188
3.9.4. Classification of Overlay Districts 3-189
3.9.5. ASO/AICUZ: Airport Safety, Air Installation Compatibility Use Zone, and Noise Zone Overlays 3-189
3.9.6. CBPA-O: Chesapeake Bay Preservation Area Overlay 3-197
3.9.7. FPCH-O: Flood Plain / Coastal Hazard Overlay 3-220
3.9.8. HO: Historic Overlay 3-240
3.9.9. BCRO: Broad Creek Refresh Overlay 3-243
3.9.10. PCO: Pedestrian Commercial Overlay 3-250
3.9.11. PCO-Colley: Pedestrian Commercial Overlay-Colley Avenue 3-251
3.9.12. PCO-21st Street: Pedestrian Commercial Overlay-21st Street 3-254
3.9.13. PCO-Riverview: Pedestrian Commercial Overlay-Riverview 3-258
3.9.14. PCO-35th Street: Pedestrian Commercial Overlay-35th Street 3-260
3.9.15. PCO-Lafayette: Pedestrian Commercial Overlay-Lafayette Boulevard 3-263
3.9.16. NRO: Neighborhood Resilience Overlay 3-266
3.9.17. IRIO: Institutional Residential Impact Overlay District 3-278
3.9.18. CRO: Coastal Resilience Overlay 3-279
3.9.19. URO: Upland Resilience Overlay 3-281
3.9.20. HL: Historic Landmark Designation 3-283

3.9.21. Uses for the Overlay Districts 3-283

ARTICLE 4: PERFORMANCE STANDARDS 4-1

4.1 General Provisions 4-1

4.2 Performance Standards for Principal Uses 4-1

4.2.1. Purpose 4-1
4.2.2. Organization and Applicability 4-1
4.2.3. Performance Standards for all Principal Uses 4-1

4.3 Performance Standards for Accessory Uses 4-69

4.3.1. Purpose 4-69
4.3.2. Organization and applicability 4-69
4.3.3. Performance Standards for all Accessory Uses 4-69

4.4 Performance Standards for Temporary Uses 4-1

4.4.1. Purpose 4-1
4.4.2. Organization and Applicability 4-1
4.4.3. Performance Standards for all Temporary Uses 4-1

ARTICLE 5: DEVELOPMENT STANDARDS 5-1

5.1 Parking, Loading, and Bicycle Standards 5-1

5.1.1. Purpose 5-1
5.1.2. Applicability 5-1
5.1.3. Timing of Review 5-2
5.1.4. Conflict 5-2
5.1.5. Parking Plan 5-2
5.1.6. General Standards for Parking and Loading Areas 5-2
5.1.7. Motor Vehicle Parking Design Standards 5-6
5.1.8. Off-Street Loading 5-27
5.1.9. Bicycle Parking 5-30

5.2 Landscaping Standards 5-38

5.2.1. Purpose 5-38
5.2.2. Applicability 5-38

5.2.3. Timing of Review 5-38
5.2.4. Landscaping Plan 5-38
5.2.5. Equivalent Planting Units 5-39
5.2.6. Landscaping Standards 5-40
5.2.7. Credit Toward Other Standards 5-45
5.2.8. Alternative Landscaping Plan 5-46
5.2.9. Timing for Installation of Required Landscaping 5-46
5.2.10. Maintenance 5-47

5.3 Perimeter Buffers 5-48

5.3.1. Purpose 5-48
5.3.2. Applicability 5-48
5.3.3. Timing of Review 5-48
5.3.4. Perimeter Buffer Standards 5-48
5.3.5. Credit Toward Other Standards 5-53

5.4 Screening 5-54

5.4.1. Purpose 5-54
5.4.2. Applicability 5-54
5.4.3. Timing of Review 5-54
5.4.4. Screening Standards 5-54
5.4.5. Credit Toward Other Standards 5-55

5.5 Open Space Set-Asides 5-56

5.5.1. Purpose 5-56
5.5.2. Applicability 5-56
5.5.3. Timing of Review 5-56
5.5.4. Open Space Standards 5-56
5.5.5. Credit Toward Other Standards 5-61

5.6 Tree Preservation, Protection, And Replacement 5-62

5.6.1. Purpose Statement 5-62
5.6.2. Applicability 5-62
5.6.3. Timing of Review 5-62
5.6.4. Tree Protection, Preservation, and Replacement Standards 5-62

5.7 Signs 5-69

5.7.1. Legislative Statement and Findings 5-69
5.7.2. Applicability 5-70
5.7.3. Definition of Terms 5-71
5.7.4. General Standards 5-79
5.7.5. General Requirements 5-84
5.7.6. Specific Sign Construction, Installation, And Design Standards 5-87
5.7.7. Permitted Signs 5-88
5.7.8. Outdoor Advertising Signs 5-101
5.7.9. Applications and the Permitting Process 5-105
5.7.10. Enforcement 5-107

5.8 Exterior Lighting 5-109

5.8.1. Purpose and Intent 5-109
5.8.2. Applicability 5-109
5.8.3. Timing of Review 5-110
5.8.4. Lighting Plan 5-110
5.8.5. Prohibited Lighting 5-110
5.8.6. General Standards for Exterior Lighting 5-111
5.8.7. Lighting Design Standards for Specific Uses and Site Features 5-114
5.8.8. Measurement 5-116
5.8.9. Exemptions for a Security Plan 5-116

5.9 Form Standards 5-117

5.9.1. Purpose 5-117
5.9.2. Applicability 5-117
5.9.3. Single-Family Detached Dwellings Form Standards 5-118
5.9.4. Multi-Family Form Standards 5-121
5.9.5. Non-Residential and Mixed-Use Form Standards 5-125

5.10 Neighborhood Protection 5-133

5.10.1. Purpose and Intent 5-133
5.10.2. Applicability 5-133

5.10.3. Neighborhood Protection Standards 5-135

5.11 Accessory Structures 5-142

5.11.1. Purpose and Intent 5-142
5.11.2. Applicability 5-142
5.11.3. General 5-142
5.11.4. Reserved 5-143
5.11.5. Amateur Ham Radio Antenna 5-143
5.11.6. Fences and Walls 5-143
5.11.7. Freight Containers and Shipping Containers 5-148
5.11.8. Rainwater Cistern or Barrel 5-149
5.11.9. Satellite Dish Antenna 5-150
5.11.10. Small Cell Facility 5-151
5.11.11. Solar Energy Collection Facility, Small-Scale 5-154
5.11.12. Reserved 5-154
5.11.13. Vending Machine 5-154
5.11.14. Wind Energy Conversion System, Small-Scale 5-155

5.12 Resilience Quotient 5-157

5.12.1. Purpose 5-157
5.12.2. Applicability 5-157
5.12.3. Timing of Review 5-158
5.12.4. Compliance with Resilience Quotient Standards 5-158
5.12.5. Resilience Quotient Compliance for Single Family Development 5-159
5.12.6. Resilience Quotient Compliance for Multiple Dwelling Unit Residential Development 5-160
5.12.7. Resilience Quotient Compliance for Non-Residential Development 5-164
5.12.8. Minor Deviation from Resilience Quotient Compliance 5-167

ARTICLE 6: NONCONFORMITIES 6-1

6.1 General Applicability 6-1

6.1.1. Purpose and Scope 6-1
6.1.2. Authority to Continue 6-1

6.1.3. Determination of Nonconformity Status 6-1
6.1.4. Minor Repairs and Maintenance 6-2
6.1.5. Change of Tenancy or Ownership 6-2

6.2 Nonconforming Uses 6-3

6.2.1. Continuation of a Nonconforming Use 6-3
6.2.2. Generally 6-3
6.2.3. Alteration, Enlargement or Expansion 6-3
6.2.4. Abandonment and Continuance of Nonconforming Use 6-4
6.2.5. Change from One Nonconforming Use to Another Nonconforming Use 6-5

6.3 Nonconforming Structures 6-6

6.3.1. Nonconforming Structures 6-6

6.4 Nonconforming Zoning Lots 6-10

6.4.1. Purpose 6-10
6.4.2. Generally 6-10
6.4.3. Development of Nonconforming Zoning Lots 6-10
6.4.4. Governmental Acquisition of Land 6-15

6.5 Nonconforming Site Features 6-16

6.5.1. Purpose 6-16
6.5.2. Applicability 6-16
6.5.3. Continuance of Nonconforming Site Features 6-16
6.5.4. Improvement of Nonconforming Site Features 6-16

ARTICLE 7: ENFORCEMENT 7-1

7.1 Purpose 7-1

7.2 Compliance Required 7-1

7.2.1. Generally 7-1
7.2.2. Receipt of Permit or Development Approval Required 7-1
7.2.3. Permits or Development Approvals Only Authorize Development Approved 7-1

7.3 Violations 7-1

7.3.1. Violations Generally 7-1
7.3.2. Specific Violations 7-1

7.4 Persons Held Responsible for Violating Ordinance 7-2

7.5 Enforcement Generally 7-3

7.5.1. Responsibility for Enforcement 7-3
7.5.2. Enforcement Procedure 7-3

7.6 Remedies and Penalties 7-5

7.6.1. Remedies 7-5
7.6.2. Cumulative Remedies and Penalties 7-6

7.7 Revocation of Certificates or Permits 7-6

7.7.1. General 7-6
7.7.2. Notification of Revocation of Certificates or Permits 7-7
7.7.3. Appeal of Revocation of Zoning Certificate 7-7
7.7.4. Effect of Revocation 7-7

ARTICLE 8: DEFINITIONS AND RULES OF MEASUREMENT 8-1

8.1 General Rules for Interpretation 8-1

8.1.1. Meanings and Intent 8-1
8.1.2. Headings, Illustrations, and Text 8-1
8.1.3. Lists and Examples 8-1
8.1.4. Computation of Time 8-1
8.1.5. References to Other Regulations/Publications 8-2
8.1.6. Delegation of Authority 8-2
8.1.7. Technical and Non-technical Terms 8-2
8.1.8. Public Officials and Agencies 8-2
8.1.9. Mandatory and Discretionary Terms 8-2
8.1.10. Conjunctions 8-2
8.1.11. Tenses and Plurals 8-2
8.1.12. Terms Not Defined 8-3

8.2 Exceptions and Variations 8-3

8.2.1. Exceptions to Maximum Structure or Building Height 8-3

8.2.2. Allowable Encroachments into Required Yards/Build-to Zones 8-3

8.3 Definitions and Rules of Measurement 8-6

8.3.1. Rules of Measurement 8-6

8.3.2. Terms Defined 8-6

ARTICLE 9: LEGACY DEVELOPMENT APPROVALS 9-1

9.1 Approved Planned Development Districts 9-1

9.1.1. Planned Development – Broad Creek Renaissance District (PD-BCR) 9-1

9.1.2. Planned Development Harbor Walk (PD-Harbor Walk) 9-4

9.1.3. East Beach Planned Development Mixed-use (PD-MU-East Beach) 9-6

9.1.4. The Spectrum at Willoughby Mixed-use Planned Development District (PD-MU Spectrum at Willoughby) 9-11

9.1.5. Church Street Executive Center Planned Development (CSEC PD) 9-14

9.1.6. Taylor's Landing Planned Development (PD-MU Taylor's Landing) 9-18

9.1.7. River's Edge at Berkley Residential Planned Development District (PD-R River's Edge at Berkley) 9-21

9.1.8. Little Creek Apartments Planned Development District (PD-R LCA) 9-23

9.1.9. River House Residential Planned Development District (PD-R River House) 9-25

9.1.10. Watermark Residential Planned Development (PD-R WM) 9-26

9.1.11. Promenade Pointe Apartments Residential Planned Development (PD-R Promenade Pointe) 9-30

9.1.12. Edward Street Apartments Residential Planned Development District (PD-R Edward St.) 9-33

9.1.13. Park Crescent Residential Planned Development District (PD-R Park Crescent) 9-35

9.1.14. The Pointe at Pickett Farms Residential Planned Development District (PD-R Pickett Farms) 9-36
9.1.15. 1st Bay Planned Development District (PD-MU 1st Bay) 9-38
9.1.16. Water's Edge Mixed-Use Planned Development District (PD-MU-WE) 9-40
9.1.17. The Crossings at Campostella Station Residential Planned Development District (PD-R Campostella Station) 9-45
9.1.18. Church Street Station Residential Planned Development (PD-R Church Street Station) 9-47
9.1.19. Talbot Hall Residential Planned Development (PD-R Talbot Hall) 9-50
9.1.20. Pinewell Station Residential Planned Development (PD-R Pinewell Station) 9-52
9.1.21. Azalea Garden Place Residential Planned Development (PD-R Azalea Garden Place) 9-54
9.1.22. Other Approved Planned Developments 9-57

9.2 Approved Overlay Districts 9-58

9.2.1. Norfolk International Airport Localized Alternative Sign Overlay District (NIA-LASO) 9-58
9.2.2. Janaf Shopping Center Localized Alternative Sign Overlay District JANAF-LASO 9-58
9.2.3. Palace Shops Localized Alternative Sign Overlay District 9-60
9.2.4. Military Circle Localized Sign Alternative Sign Overlay District 9-60
9.2.5. Military Crossing Localized Sign Overlay District 9-62
9.2.6. Nauticus Localized Sign Overlay District 9-62
9.2.7. MacArthur Center Localized Alternative Sign Overlay District 9-63
9.2.8. Localized Sign Overlay District for Town Point 9-64
9.2.9. Roosevelt Gardens Localized Sign Overlay District 9-67
9.2.10. Medical Center Sign Overlay District 9-68
9.2.11. Super K-Mart Localized Alternative Sign Overlay District (Super K-Mart LASO) 9-68

9.2.12. Kimnach Ford Localized Sign Overlay District (Ford-LASO) 9-69
9.2.13. Best Square Sign Overlay District 9-69
9.2.14. Wells Theater Localized Sign Overlay District 9-70
9.2.15. Calvary Revival Church Localized Alternative Sign Overlay District 9-71
9.2.16. Christian Fellowship Church Localized Alternative Sign Overlay District 9-72
9.2.17. Thomas Corner Localized Alternative Sign Overlay District (TC-LASO) 9-73
9.2.18. Salvation Army Kroc Center Localized Alternative Sign Overlay District (KROC-LASO) 9-73
9.2.19. Sentara Leigh Localized Alternative Sign Overlay District (Sentara Leigh-LASO) 9-74
9.2.20. Little Creek Marketplace Localized Alternative Sign Overlay District (LCM-LASO) 9-76
9.2.21. Picadilly Mews Siting Overlay District 9-78
9.2.22. West Freemason Area Development Transition Overlay 9-78
9.2.23. Harris Teeter Overlay District 9-78

9.3 Other Approved Zoning Districts 9-79

9.3.1. Repealed 9-79

Article 1: General Provisions

ARTICLE 1: GENERAL PROVISIONS

1.1 Title

1.2 Authority

1.2.1. General Authority to Adopt Zoning Ordinance

1.2.2. References to the Code of Virginia and Federal law

1.3 General Purpose and Intent

1.3.1. Intent of Adopting the Zoning Ordinance

1.4 Applicability and Jurisdiction

1.4.1. General Applicability

1.4.2. Application to Governmental Units

1.4.3. No Development Until Compliance with this Ordinance

1.4.4. Exemptions

1.4.5. Annexed or Added Land

1.5 Relationship with other Laws

1.5.1. Conflicts Between Provisions of this Ordinance and with Other City Codes or Laws

1.5.2. Conflicts with State or Federal Law

1.5.3. Conflicts with Private Agreements

1.5.4. Existing Vested Rights

1.6 Official Zoning Map

1.6.1. Generally

1.6.2. Incorporated by Reference

1.6.3. Interpretation of Official Zoning Map Boundaries

1.6.4. Split Zoning District Classifications of Parcels

1.6.5. Changes to Official Zoning Map

1.7 Transitional Provisions

1.7.1. Effective Date

1.7.2. Violations Continue

1.7.3. Nonconformities

1.7.4. Complete Applications
1.7.5. Planned Development and Overlay Districts Approved Under Previous Ordinance
1.7.6. Other Approved Permits and Development Approvals
1.7.7. Approved Zoning Subject to Proffers
1.7.8. Vested Rights
1.7.9. Severability

ARTICLE 1: GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be officially known as the "Zoning Ordinance of the City of Norfolk, Virginia" or “Norfolk Zoning Ordinance,” and may be referred to as “the Zoning Ordinance” or "this Ordinance."

1.2 AUTHORITY

1.2.1. GENERAL AUTHORITY TO ADOPT ZONING ORDINANCE

The zoning ordinance establishes the city's zoning regulatory authority as authorized by the Code of Virginia, and is adopted in accordance with:

B. The enabling authority contained in Title 15.2, Chapter 22 of the Code of Virginia;

C. The Charter of the City of Norfolk (“City Charter”), granted to the city by the General Assembly of the Commonwealth of Virginia; and

D. All other relevant laws of the Commonwealth of Virginia.

1.2.2. REFERENCES TO THE CODE OF VIRGINIA AND FEDERAL LAW

Whenever any provision of this Ordinance refers to or cites a section of the Code of Virginia or federal laws or statutes, and that section is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that corresponds to the superseded section.

1.3 GENERAL PURPOSE AND INTENT

1.3.1. INTENT OF ADOPTING THE ZONING ORDINANCE

The City Council, in order to promote the public health, safety, and general welfare of the citizens and landowners of the City of Norfolk, and accomplish the objectives of the Code of Virginia and City Charter, and implement the city’s comprehensive plan and other adopted plans and planning documents, adopts this Ordinance with the following purpose and intent, where applicable:

A. To provide for adequate light, air, convenience of access, and safety from fire, flood, structure failure, crime, and other dangers;

B. To reduce or prevent congestion in the public streets;

C. To facilitate the creation of a convenient, attractive, and harmonious community;

D. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection,

schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

E. To protect against destruction of or encroachment upon historic areas;

F. To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, structure failure, panic, or other dangers;

G. To encourage economic development activities that provide desirable employment and enlarge the tax base;

H. To provide for the protection of the natural environment;

I. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

J. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the city residents as well as a reasonable proportion of the current and future needs of city residents;

K. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;

L. To include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water; and

M. To be consistent with the goals and policies of the city's adopted comprehensive plan and other adopted plans.

1.4 APPLICABILITY AND JURISDICTION

1.4.1. GENERAL APPLICABILITY

This Ordinance applies to the development of all lands within the City of Norfolk, unless it is expressly exempted by a specific section or subsection of this Ordinance.

1.4.2. APPLICATION TO GOVERNMENTAL UNITS

Except as stated herein, the provisions of this Ordinance do not apply to:

A. Development of land owned by the Commonwealth of Virginia, unless the Code of Virginia authorizes local regulation by this Ordinance;

B. Development of land by any agency created by the Commonwealth, unless the Code of Virginia authorizes local regulation by this Ordinance; and

C. Development owned or held in tenancy by the government of the United States, its agencies, departments or services, to the full extent required by law.

1.4.3. NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE

A. Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable state and federal regulations, including a Zoning Certificate, if required.

B. A building or structure shall not be occupied unless a Certificate of Occupancy is approved, if required, in accordance with the city's Building Code.

1.4.4. EXEMPTIONS

Activities related to the development and operation of railroads and public utilities are exempted from the requirements of this Ordinance.

1.4.5. ANNEXED OR ADDED LAND

In the event additional lands are annexed or added to the city's jurisdiction, such lands shall be classified the same base zoning district as adjacent lands in the city until otherwise classified in accordance with Section 2.4.3, Zoning Map Amendment, Section 2.4.4, Conditional Rezoning, or Section 2.4.5, Planned Development District, as appropriate, by the City Council.

1.5 RELATIONSHIP WITH OTHER LAWS

1.5.1. CONFLICTS BETWEEN PROVISIONS OF THIS ORDINANCE AND WITH OTHER CITY CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other codes or ordinances of the city, the more restrictive provision shall govern. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.5.2. CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the Commonwealth of Virginia or federal government, the more restrictive provision shall control, to the extent permitted by law.

1.5.3. CONFLICTS WITH PRIVATE AGREEMENTS

The City shall not be responsible for monitoring or enforcing private easements, covenants, declarations, and restrictions, although the city may inquire as to whether land is subject to easements, covenants, declarations, and restrictions during the review of development applications. Private easements, covenants, and restrictions

notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with the Ordinance's requirements.

1.5.4. EXISTING VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, provided such rights are lawfully established and remain in effect.

1.6 OFFICIAL ZONING MAP

1.6.1. GENERALLY

A. The Official Zoning Map is hereby established by this Ordinance. It designates the location and boundaries of the various base zoning districts, overlay zoning districts, and planned development districts under the Ordinance. The Official Zoning Map shall be kept on file in the Department of City Planning, and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zoning district classification of land in the city, and shall only be amended in accordance with Section 2.4.3, Zoning Map Amendment, Section 2.4.4, Conditional Rezoning, or Section 2.4.5, Planned Development District, as appropriate.

B. The Department of City Planning may maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

1.6.2. INCORPORATED BY REFERENCE

The Official Zoning Map and all notations made thereon by the Zoning Administrator ("ZA") in accordance with this Ordinance is incorporated herein by reference and made part of this Ordinance.

1.6.3. INTERPRETATION OF OFFICIAL ZONING MAP BOUNDARIES

The ZA shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 2.4.17, Interpretation, and the following standards:

A. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way. In the event of closure of a street or alley, the district boundary shall be construed as the centerline of the street or alley unless the zoning district boundary is amended in accordance with this Ordinance.

B. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from a court ordered settlement of a

boundary dispute or overlap) results in the property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.

C. Boundaries shown as approximately following the shoreline of the ocean, the intracoastal waterway, bay, or other body of water shall be interpreted as following the shoreline at mean high water and as moving with the mean high-water line to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

D. Boundaries shown as approximately following other rivers, streams, canals, and lakes, other than those set forth in subsection C, above, shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

E. Where the full extension course of a boundary extending into a body of water is not shown, the boundary shall be construed as continuing in a straight line to the intersection with another zoning district boundary or to the city limits if no such intersection with another zoning district boundary occurs first.

F. Boundaries shown as approximately following established political boundaries shall be interpreted as following the corporate or other jurisdictional limits or boundaries.

G. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

H. If distances or other dimensions are not specifically indicated on the Official Zoning Map, they shall be determined by the scale of the map.

I. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

J. Where the actual locations of existing physical or natural features vary from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the ZA shall have the authority to interpret the district boundaries (Section 2.4.17, Interpretation). The ZA's interpretation may be appealed to the BZA (Section 2.4.13, Appeals to the Board of Zoning Appeals).

1.6.4. SPLIT ZONING DISTRICT CLASSIFICATIONS OF PARCELS

Changes made in base zoning district boundaries on the Official Zoning Map shall not result in two or more zoning district classifications on an individual parcel of land.

1.6.5. CHANGES TO OFFICIAL ZONING MAP

Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with Section 2.4.3, Zoning Map Amendment, Section 2.4.4, Conditional Rezoning, or Section 2.4.5, Planned Development District, as appropriate. Changes shall be entered on the Official Zoning Map by the ZA promptly after the amendment is approved by the City Council. Where the Ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the ZA may enter on the Official Zoning Map notations reflecting the Ordinance wording.

1.7 TRANSITIONAL PROVISIONS

1.7.1. EFFECTIVE DATE

This Ordinance shall become effective on March 1, 2018, and repeals and replaces the "Zoning Ordinance of the City of Norfolk, 1992," as originally adopted on March 3, 1992, and subsequently amended.

1.7.2. VIOLATIONS CONTINUE

Any violation of the previous zoning ordinance shall continue to be a violation under this Ordinance, unless the development complies with the express terms of this Ordinance, a subsequently adopted ordinance, or other applicable ordinances, laws, or statutes.

1.7.3. NONCONFORMITIES

If any use, structure, lot, sign, or site feature legally existed on March 1, 2018, but does not fully comply with the standards of this Ordinance, the use, structure, lot, sign or site feature is considered legally nonconforming under this Ordinance and shall be subject to the requirements in Article 6, Nonconformities.

1.7.4. COMPLETE APPLICATIONS

A. Any development application submitted and accepted as complete before March 1, 2018, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6, Nonconformities.

B. Completed applications shall be processed and comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

C. An applicant with a pending application accepted before March 1, 2018 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the procedures and standards of this Ordinance.

1.7.5. PLANNED DEVELOPMENT AND OVERLAY DISTRICTS APPROVED UNDER PREVIOUS ORDINANCE

Planned development and overlay districts approved under the previous zoning ordinance are carried forward and made a part of this Ordinance. They are identified by name in Article 9, and shall be identified on the Official Zoning Map. Lands subject to these districts shall comply with the standards and requirements of the district in which they are located.

1.7.6. OTHER APPROVED PERMITS AND DEVELOPMENT APPROVALS

Any other permits or development approvals (special exception permits under the previous ordinance are called Conditional Use Permits under this Ordinance), variances, site plans, Zoning Certificates, and development certificates granted before March 1, 2018 shall remain valid until their expiration date. Developments with valid permits or development approvals may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or development approval is valid and has not expired. If the prior permit or development approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Ordinance. To the extent a prior-approved unexpired application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6, Nonconformities.

1.7.7. APPROVED ZONING SUBJECT TO PROFFERS

Lands subject to a zoning classification approved subject to proffers before March 1, 2018 shall continue to be subject to the approved conditional rezoning and proffers until or unless the City Council amends the zoning classification of the lands in accordance with the procedures and standards of this Ordinance and the Code of Virginia.

1.7.8. VESTED RIGHTS

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this Ordinance and upon which actual building construction has been carried on diligently, or impair rights otherwise vested in accordance with the Code of Virginia. Actual construction for a single building development is defined to include possession of a

valid building permit and commencement of construction of the foundation. Actual construction for a multiple building development is defined to include a complete approved site plan and valid building permits and commencement of construction of foundations for one or more buildings in the development.

1.7.9. SEVERABILITY

The provisions of this Ordinance are to be liberally construed to carry out the purposes of the Ordinance and to avoid conflict with the laws of the Commonwealth of Virginia or any other limitations imposed by law. However, if any provision of this Ordinance is determined by a court to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Article 2: Administration

ARTICLE 2: ADMINISTRATION

2.1 Summary of Development Review Responsibilities

2.1.1. Summary of Development Review Responsibilities

2.2 Advisory and Decision-Making Bodies And Persons

2.2.1. Generally
2.2.2. City Council
2.2.3. Planning Commission
2.2.4. Architectural Review Board
2.2.5. Board of Zoning Appeals
2.2.6. Director of the Department of City Planning
2.2.7. Zoning Administrator

2.3 Standard Review Procedures

2.3.1. General
2.3.2. Planning Commission Public Hearing Procedure
2.3.3. Development Certificate Review Procedure
2.3.4. Architectural Review Board Procedure
2.3.5. Board of Zoning Appeals Procedure
2.3.6. Administrative Review Procedure
2.3.7. Modification Procedure
2.3.8. Interpretation Procedure
2.3.9. Site Plan Review Procedure

2.4 Application-Specific Procedures

2.4.1. General
2.4.2. Zoning Text Amendment
2.4.3. Zoning Map Amendment
2.4.4. Conditional Rezoning
2.4.5. Planned Development District
2.4.6. Historic and Historic Overlay District
2.4.7. Historic Landmark Designation
2.4.8. Conditional Use Permit
2.4.9. Development Certificate

2.4.10. Certificate of Appropriateness

2.4.11. Variance (Zoning)

2.4.12. Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District)

2.4.13. Appeal to the Board of Zoning Appeals

2.4.14. Zoning Certificate

2.4.15. Floodplain / Coastal Hazard Overlay District Permit

2.4.16. Modification

2.4.17. Interpretation

2.4.18. Major Site Plan

2.4.19. Minor Site Plan

ARTICLE 2: ADMINISTRATION

2.1 SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

2.1.1. SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

Table 2.1.1, Summary of Development Review Responsibilities, identifies the application types, review procedures, and bodies and persons responsible for making advisory recommendations or decisions on applications reviewed under this Ordinance. The table also identifies whether and where a public hearing is required for a particular application type. Detailed responsibilities for each body and person identified by this Ordinance are specified in Section 2.2, Advisory and Decision-Making Bodies and Persons. Specific requirements and procedures for permits and development approvals are in Section 2.3, Standard Review Procedures, and Section 2.4, Application-Specific Procedures.

TABLE 2.1.1: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

<> = PUBLIC HEARING R = RECOMMENDATION D = DECISION A = APPEAL

APPLICATION TYPE	REVIEW PROCEDURE	ADVISORY AND DECISION-MAKING BODIES					
		ZONING ADMIN. (2.2.7)	PLANNING DIRECTOR (2.2.6)	ARCH. REVIEW BOARD (2.2.4)	PLANNING COMMISSION (2.2.3)	CITY COUNCIL (2.2.2)	BOARD OF ZONING APPEALS (2.2.5)
Zoning Text Amendment (2.4.2)	Planning Commission Public Hearing Procedure (2.3.2)		R	R [1]	<R>	<D>	
Zoning Map Amendment (2.4.3)							
Conditional Rezoning (2.4.4)							
Planned Development District (2.4.5)							
Historic and Historic Overlay District (2.4.6)							
Historic Landmark Designation (2.4.7)							
Conditional Use Permit (2.4.8)							

TABLE 2.1.1: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES

<> = PUBLIC HEARING R = RECOMMENDATION D = DECISION A = APPEAL

APPLICATION TYPE	REVIEW PROCEDURE	ADVISORY AND DECISION-MAKING BODIES					
		ZONING ADMIN. (2.2.7)	PLANNING DIRECTOR (2.2.6)	ARCH. REVIEW BOARD (2.2.4)	PLANNING COMMISSION (2.2.3)	CITY COUNCIL (2.2.2)	BOARD OF ZONING APPEALS (2.2.5)
Development Certificate (2.4.9)	Development Certificate Review Procedure (2.3.3)	R		R [1]	D [2]	A [2] D [3]	
Certificate of Appropriateness (2.4.10)	Architectural Review Board Procedure (2.3.4)	R		D		<A>	
Variance (Zoning) (2.4.11)	Board of Zoning Appeals Procedure (2.3.5)	R					<D>
Variance (CBPA-O or FPCH-O) (2.4.12)							
Appeal to the Board of Zoning Appeals (2.4.13)							<D>
Zoning Certificate (2.4.14)	Administrative Review Procedure (2.3.6)	D [4]		D [4]			<A> (2.4.13)
Floodplain Permit (2.4.15)							
Modification (2.4.16)	Modification Procedure (2.3.7)	D					<A> (2.4.13)
Interpretation (2.4.17)	Interpretation Procedure (2.3.8)	D					<A> (2.4.13)
Site Plan Review (2.4.18)	Site Plan Review Procedure (2.3.9)	D					
Single-Family Plan Review (2.4.19)							

Notes:
[1] If an application involves or is related to an historic or historic overlay district or an historic landmark, or a nonstandard lot review per Section 6.4.3.A(3)(b), ARB review required.
[2] Where the proposed development will meet all of the development standards set forth in the appropriate zoning district.
[3] Where waivers are requested from the development standards set forth in the appropriate zoning district.
[4] Where a development proposal requires a determination of architectural appropriateness to vary from certain standards, ARB decision required.

2.2 ADVISORY AND DECISION-MAKING BODIES AND PERSONS

2.2.1. GENERALLY

The following bodies and city staff have powers and responsibilities in administering and reviewing development applications under this Ordinance:

A. City Council;

B. Planning Commission ("Commission");

C. Board of Zoning Appeals ("BZA");

D. Architectural Review Board ("ARB");

E. Director of Department of City Planning ("Planning Director"); and

F. Zoning Administrator ("ZA").

In addition to the advisory and decision-making bodies and persons identified in this section, there are other agencies or departments who may review and comment on specific applications during the review process, as specified in the Procedures Manual to this Ordinance.

2.2.2. CITY COUNCIL

A. POWERS AND DUTIES

To exercise the authority granted to the City Council ("Council") by the Code of Virginia, and the Norfolk City Charter, the Council shall have the following powers and duties under this Ordinance.

(1) Review and Decide Applications

To review and decide applications on all items resulting from the following processes:

(a) Planning Commission public hearing items (see Section 2.3.2, Planning Commission Public Hearing Procedure):

(i) Zoning text amendments (see Section 2.4.2, Zoning Text Amendment);

(ii) Zoning map amendments (see Section 2.4.3, Zoning Map Amendment);

(iii) Conditional rezonings (see Section 2.4.4, Conditional Rezoning);

(iv) Planned Development districts (see Section 2.4.5, Planned Development District); and

(v) Conditional use permits (see Section 2.4.8, Conditional Use Permit).

(b) Development certificate applications where waivers are requested (see Section 2.3.3, Development Certificate Review Procedure).

(c) Appeals of decisions on development certificate applications proposing to meet all standards (see Section 2.3.3, Development Certificate Review Procedure).

(2) Review and Decide Revocations for Conditional Use Permit

To review and decide whether to revoke a Conditional Use Permit.

(3) Approve Schedule of Fees

To approve a schedule of fees governing applications for permits and development approvals reviewed under this Ordinance, to be contained in the Procedures Manual.

(4) Other Powers and Duties

To take any other action authorized by law.

2.2.3. PLANNING COMMISSION

The Planning Commission ("City Planning Commission" or "Commission") is established in accordance Chapter 32, Article II- Planning Commission, City Code, and the Code of Virginia.

A. POWERS AND DUTIES

In addition to the powers and duties of the Planning Commission established in Chapter 32, Article II - Planning Commission, City Code, the Planning Commission shall have the following powers and duties under this Ordinance.

(1) Review and Decide Applications

To review and decide on the following processes:

(a) Development Certificate applications proposing to meet all standards (see Section 2.3.3, Development Certificate Review Procedure); and

(b) Determinations in accordance with the Code of Virginia § 15.2-2232 *et seq*. (Procedures for such determinations are not part of the zoning ordinance).

(2) Review and Make Recommendations on Applications

To review and make recommendations to the City Council on the following processes:

(a) Planning Commission Public Hearing Items (see Section 2.3.2, Planning Commission Public Hearing Procedure):

(i) Zoning text amendments (see Section 2.4.2, Zoning Text Amendment);

(ii) Zoning map amendments (see Section 2.4.3, Zoning Map Amendment);

(iii) Conditional rezonings (see Section 2.4.4, Conditional Rezoning);

(iv) Planned Development Districts (see Section 2.4.5, Planned Development District); and

(v) Conditional Use Permits (see Section 2.4.8, Conditional Use Permit).

(b) Development Certificate applications where waivers are requested (see Section 2.3.3, Development Certificate Review Procedure).

(3) Make Studies, Plans, and Recommendations

(a) To prepare an annual report on Planning Commission activities to the City Council;

(b) To make studies for and recommendations to the City Council regarding growth, development, and redevelopment in the city, including preparation of, and amendments to the comprehensive plan;

(c) To prepare, after consultation with the City Council, a work program for the development of the city, including periodic review of the city's comprehensive plan, Zoning Ordinance, and Official Zoning Map, and recommendations for appropriate amendments to the comprehensive plan, Zoning Ordinance, and Official Zoning Map;

(d) To review a Capital Improvements Program (CIP) of projects based on the comprehensive plan, and recommend revisions to such program annually; and

(e) To review and make recommendations on other plans, studies, or proposals as the City Council may request.

(4) Other Powers and Duties

To carry out any other powers and duties delegated to it by the City Council, consistent with the Code of Virginia, or as required by law.

B. COMPOSITION AND CONDUCT OF MEETINGS

The composition, appointment, qualifications, oath of members, terms of office, filling of vacancies, election of officers, compensation, removal of members, and meetings and quorum for the Planning Commission is established in Sections 32-22 to 28, City Code.

(1) Staff

The staff of the Department of City Planning shall serve as the professional staff to the Planning Commission, and provide it with administrative and technical support.

(2) Record

The Planning Commission shall keep a record of its proceedings and make it available to the public within a reasonable period of time after they are completed.

(3) Meetings Open to the Public

All meetings of the Planning Commission shall be open to the public, except where a closed meeting is convened in accordance with the Virginia Freedom of Information Act.

(4) Continuing Body

The Planning Commission shall be a continuing body and no measure pending before the Commission shall abate or be discontinued by reason of the change in the number or terms of commission members as provided in this section.

2.2.4. ARCHITECTURAL REVIEW BOARD

The Architectural Review Board ("ARB") is established in accordance with the Code of Virginia.

A. POWERS AND DUTIES

The ARB shall have the following powers and duties:

(1) Review and Decide Applications

To review and decide applications for certificates of appropriateness (COA), including requests for demolition (see Section 2.3.4, Architectural Review Board Procedure).

(2) Review and Make Recommendations on Applications

To review and make recommendations on:

(a) Amendments to the Official Zoning Map for the designation and boundaries of historic districts or historic overlay districts and designation of individual historic structures or landmarks (see Section 2.3.2, Planning Commission Public Hearing Procedure);

(b) Zoning amendments that may impact historic districts or historic overlay districts, individual historic structures, or landmarks (see Section 2.3.2, Planning Commission Public Hearing Procedure);

(c) Conditional use permit applications that may impact historic districts or historic overlay districts, individual historic structures, or landmarks (see Section 2.3.2, Planning Commission Public Hearing Procedure); and

(d) Development certificates (see Section 2.3.3, Development Certificate Review Procedure).

(3) Other Powers and Duties

(a) To adopt historic or architectural standards and guidelines applicable to lands located in designated local historic districts, historic overlay districts, or lands designated as individual historic structures.

(b) To review applications for lands nominated for listing on the U.S. Department of the Interior's National Register of Historic Places.

(c) To advise the Planning Commission, the City Council, or any other committee or commission established by the City Council, with regard to regulations which may be appropriate to promote the preservation of historic areas, structures, lands, or landmarks in the city.

(d) To review and decide on development applications where a determination of architectural appropriateness is requested in accordance with the standards of Section 3.2.8.D(2)(b), Section 3.9.9.C(3), Section 3.9.9.F(2), Section 5.4.4.A(1), Section 5.9.2.B, Section 5.10.2.B, Section 6.3.1.A(1)(a), or Section 6.3.1.A(1)(b)(ii).

(e) To act in accordance with any directions, limitations, or guidance which may be given to it by the City Council with respect to any provision of this Ordinance or other provision of the City Code of Ordinances or the comprehensive plan, consistent with the Code of Virginia.

B. MEMBERSHIP

The ARB shall consist of nine residents of the city with demonstrated interest and knowledge in historic preservation. They shall be appointed by the City Council. The composition of the members shall comply with the following:

(1) At least two members shall be registered architects;

(2) At least two members shall be archaeologists, historians, or architectural historians by profession;

(3) At least one member shall be a registered landscape architect;

(4) At least one member shall have experience or training in the field of engineering, real estate, or planning;

(5) At least two members shall be residents or owners of land in one of the city's historic districts or historic overlay districts; and

(6) At least one member shall be a member of the Planning Commission.

(7) Members shall have resided in the city for at least one year immediately preceding their appointment.

(8) All members, except the Planning Commission member, shall be appointed for four-year, staggered terms.

(9) Members may serve an unlimited number of terms.

(10) Members shall continue to serve until their successors are appointed.

(11) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(12) Any member of the ARB may be removed for cause, in accordance with the provisions of local and state law.

C. ELECTION OF OFFICERS

At its first regular meeting of each calendar year, the ARB shall elect a Chair, Vice-Chair, and Secretary.

D. MEETINGS

(1) Schedule

The ARB shall meet on an as-needed basis, or may fix a schedule of regular meetings.

(2) Record

The ARB shall keep a record of its proceedings.

(3) Open to the Public

All meetings of the ARB shall be open to the public, except where a closed meeting is convened in accordance with the Virginia Freedom of Information Act.

E. STAFF

The Department of City Planning shall serve as the professional staff to the ARB and provide it with administrative and technical support, which may include being the ARB Secretary.

F. QUORUM AND NECESSARY VOTE

(1) Quorum

Five members shall constitute a quorum of the ARB.

(2) Voting

An affirmative vote of a majority of members present and constituting a quorum is required for all decisions of the ARB.

G. RULES OF PROCEDURE

The ARB shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Department of City Planning.

2.2.5. BOARD OF ZONING APPEALS

The Board of Zoning Appeals (BZA) is established in accordance with the Code of Virginia.

A. POWERS AND DUTIES

In accordance with the Code of Virginia, the BZA shall have the following powers and duties:

(1) Review and Decide Applications

(a) Variances

To review and decide applications for Variances from standards of the Zoning Ordinance in accordance with Code of Virginia § 15.2-2309, the standards of the Chesapeake Bay Preservation Overlay District (CBPA-O, Section 3.9.6), and the standards of the Floodplain/Coastal Hazard Overlay District (FPCH-O, Section 3.9.7).

(b) Appeals

To review and decide appeals of decisions on:

(i) Zoning certificates (see Section 2.4.14, Zoning Certificate);

(ii) Floodplain permits/coastal hazard overlay district permits (see Section 2.4.15, Floodplain / Coastal Hazard Overlay District Permit);

(iii) Modifications (see Section 2.4.16, Modification);

(iv) Nonconforming buildings or structures waiver in CBPA-O (Section 2.4.18); and

(v) Interpretations and determinations of the ZA and other administrative officers in accordance with the Code of Virginia (see Section 2.4.17, Interpretation).

(2) Other Powers and Duties

To carry out any other powers and duties delegated to it by the City Council, consistent with the Code of Virginia.

B. MEMBERSHIP

(1) The BZA shall consist of seven members appointed by the Circuit Court.

(2) Members shall be residents of the city.

(3) Members shall be appointed for five-year, staggered terms.

(4) Members may serve an unlimited number of terms.

(5) Members shall continue to serve until their successors are appointed and qualify.

(6) Members shall hold no other public office in the city except that one may be a member of the Planning Commission.

(7) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only. The Secretary shall notify the Circuit Court at least 30 days in advance of the expiration of any term of office and also notify the Court promptly if any vacancy occurs.

C. ELECTION OF OFFICERS

At its first regular meeting of each calendar year, the BZA shall elect a Chair, Vice-Chair, and Secretary, who shall be the officers of the board. The officers shall serve annual terms and may succeed themselves.

D. STAFF

The staff of the Department of City Planning shall serve as the professional staff to the BZA and provide it with administrative and technical support, which may include being the BZA's Secretary.

E. MEETINGS

(1) Schedule

The BZA shall meet on an as-needed basis, or may fix a schedule of regular meetings by resolution.

(2) Record

The BZA shall keep a record of its proceedings.

(3) Open to the Public

All meetings of the BZA shall be open to the public, except where a closed meeting is convened in accordance with the Virginia Freedom of Information Act.

(4) Quorum and Necessary Vote

(a) Quorum

Four members of the BZA shall constitute a quorum. No official business of the BZA shall be conducted without a quorum present.

(b) Voting

An affirmative vote of a majority of members present and constituting a quorum is required for all decisions of the BZA, except for decisions on variances, appeals from the ZA's interpretations/decisions, and Notices of Violations, which require an affirmative vote of a majority of the entire membership of the BZA.

F. ANNUAL REPORT TO CITY COUNCIL

The BZA shall submit a report of its activities to the City Council at least once each year.

G. RULES OF PROCEDURE

The BZA may adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Department of City Planning.

2.2.6. DIRECTOR OF THE DEPARTMENT OF CITY PLANNING

The Director of the Department of City Planning ("Planning Director") is designated by the City Manager to assist in the administration of this Ordinance. Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated to professional-level staff under the Planning Director's direction, with appropriate authorization. The designated Planning Director for the purposes of this Ordinance is the Director of the Department of City Planning, or the head of the equivalent department that carries out the planning and zoning functions of the city.

A. POWERS AND DUTIES

In addition to the duties of the Planning Director established under Section 32-2, Duties of Director, City Code, the Planning Director shall have the following powers and duties under this Ordinance:

(1) Review and Make Recommendations on Applications

To review and make recommendations on development applications for the following:

(a) Zoning amendments:

(i) Zoning text amendments (see Section 2.4.2, Zoning Text Amendment);

(ii) Zoning map amendments (see Section 2.4.3, Zoning Map Amendment);

(iii) Conditional rezonings (see Section 2.4.4, Conditional Rezoning); and

(iv) Planned development districts (Section 2.4.5);

(b) Conditional use permits (Section 2.4.68);

(2) Prepare and Update the Procedures Manual

To prepare and update the Procedures Manual, which includes a checklist for each type of development application, setting forth the information that applicants must submit in order for the city to review applications for permits and other development approvals under this Ordinance, an application review schedule, fees, and other relevant and appropriate materials related to the administration of this Ordinance.

(3) Provide Expertise and Technical Assistance to Advisory and Decision-making Bodies

To provide expertise and technical assistance to the advisory and decision-making bodies under this Ordinance, upon request, and as appropriate.

2.2.7. ZONING ADMINISTRATOR

The Zoning Administrator (ZA) is designated by the Planning Director and confirmed by the City Manager to administer this Ordinance. Any act authorized by this

Ordinance to be carried out by the ZA may be delegated by the ZA to professional-level staff under the ZA's direction, with appropriate authorization.

A. POWERS AND DUTIES

The ZA shall be generally charged with the administration and enforcement of this Ordinance in accordance with the Code of Virginia and specifically have the following powers and duties:

(1) Review and Decide Applications

To review and decide applications for the following:

(a) Zoning certificates (see Section 2.4.14, Zoning Certificate);

(b) Floodplain / Coastal Hazard Overlay (FPCH-O) district permits (see Section 2.4.15, Floodplain / Coastal Hazard Overlay District Permit);

(c) Modifications (see Section 2.4.16, Modification);

(d) Interpretations (see Section 2.4.17, Interpretation); and

(e) Site plan reviews (see Section 2.4.18, Site Plan Review, and Section 2.4.19, Single-Family Plan Review).

(2) Review and Make Recommendations on Applications

To review and make recommendations on development applications for the following:

(a) Development Certificates (Section 2.4.9);

(b) Certificates of appropriateness (Section 2.4.10); and

(c) Variances (Section 2.4.11).

(3) Additional Duties

The ZA shall have the following additional duties:

(a) Determine whether a submitted application is complete and authorize formal acceptance;

(b) Review applications and submit staff reports to advisory and decision-making bodies, as appropriate;

(c) Maintain the Official Zoning Map and related materials;

(d) Provide expertise and technical assistance to the city's other review and decision-making bodies, upon request, and as appropriate; and

(e) Issue Notices of Violations and enforce this Ordinance in accordance with Article 7: Enforcement.

2.3 STANDARD REVIEW PROCEDURES

This section sets forth a set of standard review procedures according to which all development application types established by this Ordinance shall be reviewed. Additional supplemental procedures, standards, and related information for each of the specific application types established by this Ordinance can be found in Section 2.4, Application-Specific Procedures.

2.3.1. GENERAL

A. EXPIRATION OF DEVELOPMENT APPROVAL

(1) General

(a) Except for a zoning map amendment (rezoning), conditional rezoning, and planned development district, permits and development approvals granted in accordance with this Ordinance shall expire as provided in Section 2.4, Application-Specific Procedures, for the particular type of permit or development approval.

(b) Unless specifically provided in the permit or development approval, a change in ownership of the land shall not affect the established expiration time period.

(c) The filing of an appeal shall stay the established expiration period until final resolution of the appeal.

(2) Extension of Expiration Time Period

An extension of time for a permit or development approval shall be approved by the decision-making body that granted the permit or development approval, upon submittal of a request for extension to the ZA before the expiration date and a showing of good cause.

B. LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS

(1) Application Disapproval

(a) If an application for an amendment (text, zoning map, conditional rezoning, and planned development district) is disapproved, the substantially same application shall not be considered by the City Council or Planning Commission within one year of final action by the City Council on the application. This provision shall not impair the City Council or the Planning Commission to propose an amendment or a change in the boundaries of any district in this Ordinance, on their own motion, at any time.

(b) If an application for a conditional use permit is disapproved, the substantially same application shall not be submitted within one year of final action by the City Council on the application.

(2) Application Withdrawal After Required Public Notification

If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, but before a decision on the application, no application proposing the substantially same development on all or part of the same land shall be submitted within six months after the date of withdrawal.

(3) Withdrawal Through Inaction

If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application will be considered withdrawn, and the ZA shall notify the applicant in writing. No application proposing the substantially same development on all or part of the same land shall be accepted by the city within six months after the date of withdrawal through inaction.

2.3.2. PLANNING COMMISSION PUBLIC HEARING PROCEDURE

A. APPLICABILITY

The procedural steps and other rules in this section shall be applicable to all development applications reviewed by Planning Commission in a public hearing, unless otherwise expressly exempted or alternative procedures are specified in Section 2.4, Application-Specific Procedures. This includes, but is not limited to, the following items:

(1) Zoning text amendments (see Section 2.4.2, Zoning Text Amendment, for application-specific standards);

(2) Zoning map amendments (see Section 2.4.3, Zoning Map Amendment, for application-specific standards);

(3) Conditional rezonings (see Section 2.4.4, Conditional Rezoning, for application-specific standards);

(4) Planned Development districts (see Section 2.4.5, Planned Development District, for application-specific standards);

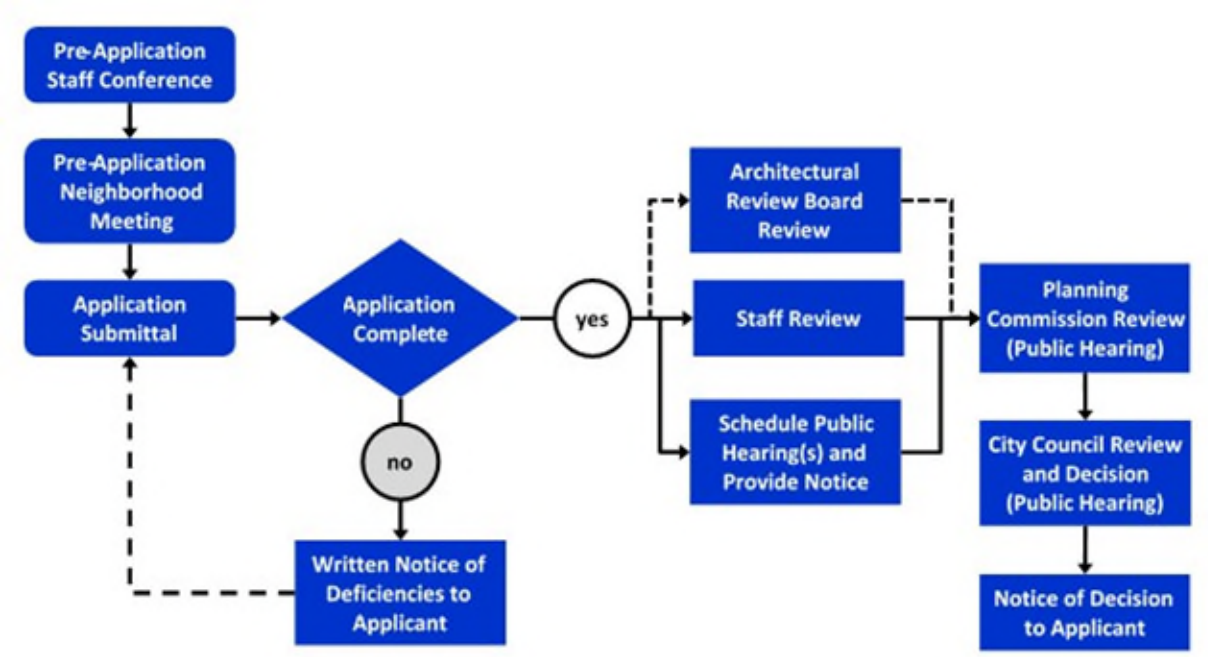
(5) Historic and historic overlay districts (see Section 2.4.6, Historic and Historic Overlay District, for application-specific standards);

(6) Historic landmark designations (see Section 2.4.7, Historic Landmark Designation, for application-specific standards); and

(7) Conditional use permits (see Section 2.4.8, Conditional Use Permit, for application-specific standards).

B. REVIEW PROCESS

Figure 2.3.2, Planning Commission Public Hearing Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Pre-Application Staff Conference

A pre-application staff conference is required for all development applications reviewed by the Planning Commission in a public hearing, except where the City Council, Planning Commission, or city staff is the applicant, per the provisions of this section.

Where a pre-application staff conference is required, the following steps shall apply:

(a) Scheduling

Upon receipt of the request for a pre-application staff conference, the Department of City Planning staff shall schedule the pre-application staff conference and notify the applicant of its time and place. Such meeting may be held on a regular schedule, or may be scheduled individually, at the discretion of department staff.

(b) Information Required to be Submitted Prior to Conference

At least three business days before the scheduled pre-application staff conference, the applicant shall provide staff the key relevant application materials for the conference, as set forth in the Procedures Manual.

(c) Conference Determinations

Department of City Planning staff shall review the materials submitted by the applicant prior to the conference. At the conference, staff may ask the applicant questions about the proposed application and identify any concerns, problems, or other factors the applicant should consider about the application.

(d) Effect

The pre-application staff conference is a means of facilitating the review process. Discussions held in accordance with this section are not binding on the city. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete.

(2) Pre-Application Neighborhood Meeting

A pre-application neighborhood meeting is required for all development applications reviewed by the Planning Commission in a public hearing, except zoning text amendments, where the meeting is only required if amending one or more of the D, HC, or PCO districts, or the R-C, G-1, or BCRO districts.

An applicant may choose one of the following methods for meeting the requirement for a pre-application neighborhood meeting:

(a) Utilizing Meeting(s) of Formal Neighborhood Organization(s)

A formal neighborhood organization (civic league or other similar group) will generally provide a venue for hosting and guiding the communications on a particular proposal. If the applicant chooses this option for meeting the requirement for a pre-application neighborhood meeting, the meeting shall take place as part of a regularly-scheduled meeting, or duly-advertised special meeting, of the neighborhood organization(s) directly affected by the application. The applicant shall include the date(s) and time(s) of any meetings attended in compliance with this section on the application form at the time of submittal.

In lieu of a meeting, notification from a neighborhood organization indicating support or no opposition may be considered to meet this requirement.

(b) Applicant-Hosted Neighborhood Meeting

If the applicant chooses to host a pre-application neighborhood meeting, the following requirements shall apply:

(i) Time and Place

The meeting shall be held at a time and place that is convenient and accessible to neighbors residing in proximity to the land subject to the proposed application. It shall be scheduled after 5:00 P.M. on a weekday unless such timing constraint is waived or modified by the ZA. The meeting may be held in conjunction or coordination with a meeting of a standing organization. If conducted in conjunction with a meeting of an organization, the other requirements in this section still apply to that portion of the meeting that constitutes the applicant's pre-application neighborhood meeting.

(ii) Notification

(A) Mailed Notice

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the ZA and all persons to whom mailed notice of a public hearing on the development application is required, as well as to known formal neighborhood organizations adjacent to the land subject to the application, that are on the list compiled and maintained by the Department of City Planning.

(B) Posted Notice

The applicant shall post notice of the neighborhood meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the ZA.

(C) Notice Content

The notice shall state the time and place of the meeting, the general nature of the development proposal, and the type of permit or development approval sought.

(iii) Conduct of Meeting

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raised about the proposed application, and discuss ways to resolve conflicts and concerns.

(iv) Written Record of Neighborhood Meeting

The applicant shall prepare a written summary of the neighborhood meeting that includes a list of meeting attendees, a compilation of attendee comments and responses by the applicant, a list of issues related to the development proposal, and any other information the applicant deems appropriate. The meeting

summary shall be included with the materials submitted with the application.

(3) Application Submittal and Acceptance

(a) Authority to File Applications

(i) Unless expressly stated otherwise in this Ordinance, all development applications reviewed under the Planning Commission public hearing process shall be submitted by:

(A) The owner, contract purchaser, or any other person having a legal interest in the land on which development is proposed;

(B) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a legal interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or

(C) City Council or Planning Commission, per the Code of Virginia.

(ii) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document granting their consent to the application.

(iii) For zoning text amendments, the application may only be initiated by resolution of the City Council or motion of the Planning Commission.

(iv) For zoning map amendments, the application shall only apply to the land identified in the applications and shall be for a whole parcel of land.

(b) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee. Applications shall not be placed on a public hearing agenda earlier than 45 days from the submittal of the application.

(i) Delinquent Taxes

The application shall include satisfactory evidence that any real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien in the land that is subject of the application that were delinquent prior to submission have been paid.

(ii) Traffic Impact Analysis

If a proposed Comprehensive Plan Amendment, Zoning Map Amendment, Conditional Rezoning, Planned Development District, or Conditional Use Permit will impact a property within 3,000 feet, measured along public roads or streets, of a connection to a state-

controlled highway, a traffic impact analysis shall be required, except in one of the following circumstances:

(A) The proposal generates no more than 5,000 vehicle trips per day, or

(B) The proposal would result in lower maximum daily trip generation and no increase in maximum trip generation for any of the peak hours of the a.m., p.m., and weekend periods when compared to the peak hourly trip generation of land uses allowed by right under the current zoning.

(iii) Transportation Compatibility Review

A transportation compatibility review shall be required.

(iv) Conditional Rezonings

If the application is for a conditional rezoning, it shall include all the land area within a recorded parcel of land. The proposal shall not establish multiple zoning district classifications where only a portion of a lot or site is subject to a conditional zoning district classification unless they include a proffered conceptual plan showing division of the site into new parcels along the proposed zoning district boundaries. Any such proffered plan of future subdivision must conform to the current subdivision standards.

The submittal shall also include the following additional information:

(A) All the land area within a recorded lot or site that is the subject of the application;

(B) All conditions of approval proffered by the applicant, in writing, signed by the applicant and all owners of the land and expressly affirming that the proffered conditions are reasonable and appropriate, that obligate and bind the landowner to place some limitations on the development of the land, or mitigate identified impacts; and

(C) A conceptual plan that conforms to the application checklist requirements for conditional rezonings as set forth in the Procedures Manual.

(v) Historic Landmark Designations

If the application is for a historic landmark designation, it shall include the following information:

(A) A legal description and physical survey of the property and any building on the property;

(B) Comprehensive exterior photographs of the property including any significant historic features and elevations of each face of any building on the property;

(C) Historic photographs, drawings, plats, maps or other physical depictions of the property or any building on the property;

(D) Photographs of the area surrounding the property sufficient to provide an architectural and physical context around the property;

(E) Any written or printed history about the property or any building on the property, including bibliographic information identifying the date and author of the writing;

(F) Documentation that the property or any building on the property is listed on the U.S. Department of the Interior's National Register of Historic Places or the Virginia Landmarks Register, if applicable; and

(G) List of all sources searched and referenced in preparation of the application materials.

(c) Determination of Application Completeness

Upon completing the review of the application submittal for completeness, the ZA shall determine whether the application is complete or incomplete.

(i) Completeness Review

Upon receipt of the submission, the ZA shall, within 10 business days, determine whether the application is complete or incomplete. A complete application is one that:

(A) Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Procedures Manual for submittal of the particular type of application;

(B) Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance;

(C) Is in the form required for submittal of the particular type of application; and

(D) Is accompanied by the fee established for the particular type of development application.

(ii) Application Incomplete

(A) Upon determining that the application is incomplete, the ZA shall provide the applicant written notice of the submittal deficiencies.

(B) If the applicant fails to resubmit an application within 45 calendar days after being first notified of submittal deficiencies, the application shall be returned to the applicant.

(C) The ZA shall not process an application for review until it is determined to be complete.

(iii) Application Complete

On determining that the application is complete, the ZA shall accept the application for review in accordance with the procedures and standards of this Ordinance.

(4) Application Clarification and Withdrawal

(a) An applicant may revise an application after receiving initial staff review comments on the application, or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application, if appropriate, and if it is in accordance with the Code of Virginia. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff, or the advisory or decision-making body, as long as such requests or suggestions constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application. Any revisions to an application shall be received, and accepted as not constituting major changes, by staff no sooner than 12 calendar days prior to the public hearing.

(b) Any other revisions to the application may be re-submitted at any time mutually agreed upon by the applicant and ZA, either as a revised application or new application, as appropriate. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

(c) An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the ZA.

(d) Applications withdrawn before required notice of any public hearing scheduled for the application shall not be subject to limitations on the subsequent submittal of similar applications in Section 2.3.1.B, Limitation on Subsequent Similar Applications.

(e) Applications withdrawn after required notice of a public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (see Section 2.3.1.B, Limitation on Subsequent Similar Applications). Application fees shall not be refunded for the application.

(f) If an applicant for a conditional rezoning submits an objection, in writing, regarding any part of any of the proposed conditions prior to the City Council making a decision on the application, then the

application shall be deemed withdrawn as of the date the written objection is submitted.

(5) Architectural Review Board Review

(a) Historic Properties

If a proposed zoning text or zoning map amendment, or Conditional Use Permit involves or is related to an historic or historic overlay district or an historic landmark, the ARB shall review the application in accordance with Section 2.3.4, Architectural Review Board Procedure, and make a recommendation on the application to the Planning Commission.

(b) Nonconforming Zoning Lots

Development of a nonconforming zoning lot in accordance with Section 6.4.3.A(3)(b).

(6) Staff Review and Action

(a) Staff Review

(i) When an application is determined complete, it shall be distributed by the ZA to all appropriate city staff and review agencies for review and comment.

(ii) In considering the application, the Department of City Planning staff, or other city staff and review agencies as deemed appropriate by the ZA, shall review the application, relevant support material, and any comments or recommendations from staff and review agencies.

(b) Staff Report and Recommendation

(i) Preparation of Staff Report and Recommendation

Upon completion of the staff review on an application, the ZA shall prepare a written staff report on the application. The staff report shall evaluate whether the application complies with the applicable review standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures. When applicable, the staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

(ii) Distribution and Availability of Application and Staff Report

Upon completion of the staff report and recommendation, the ZA shall take all of the following actions within a reasonable time period before the public hearing at which the application is scheduled for review:

(A) Schedule and ensure notice of public hearing on the application (see subsection (7), below);

(B) Transmit the application, related materials, and the staff report to the Planning Commission;

(C) Transmit a copy of the staff report to the applicant;

(D) Make the application, related materials, and the staff report available for examination by the public in the Department of City Planning during normal business hours;

(E) Make copies of such materials available at a reasonable cost; and

(F) Place the materials on the city's website.

(7) Public Hearing Scheduling and Public Notice

(a) Public Hearing Scheduling

(i) Application to be Scheduled

The ZA shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the commission.

(ii) Timing

The ZA shall schedule a required public hearing on the application such that there is sufficient time for a staff report to be prepared and for the public notice requirements to be satisfied.

(b) Public Hearing Notification

(i) Notice Requirements

(A) All notice shall comply with the Code of Virginia.

(B) The ZA shall be responsible for preparing and effecting all public hearing notifications.

(ii) Constructive Notice

(A) A person's actual notice of, or active participation in, the proceedings for which the written notice is required waives the party's right to challenge the validity of the proceeding due to failure of the person to receive the required written notice.

(B) If questions arise at the hearing regarding the adequacy of notice, the commission shall direct the ZA to determine whether there is compliance with the applicable public notification requirements, and advise the commission before final action on the request.

(8) Deferral of Application

An applicant may request that consideration of a development application at a public hearing be deferred by submitting a written request for deferral to the ZA, or make such a request at the public hearing at which the application is considered.

(a) Zoning Administrator Action

If public notification has not been provided, the ZA shall consider and decide the deferral request. A request for deferral shall be approved only for good cause.

(b) Planning Commission Action

If public notification has been provided, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the review body. The Commission may approve the request for deferral for good cause. The total number of deferrals approved by the Commission on an individual application shall not exceed three. The Commission may not defer an application more than once without the consent of the applicant. All deferrals shall be to a date certain and shall not be continued generally or indefinitely.

If review of the application is deferred at the request of the applicant, the applicant shall be responsible for the re-advertising fee, which shall be paid in full prior to the application being placed on an upcoming agenda.

(9) Planning Commission Review and Recommendation

The Planning Commission shall hold the required public hearing on the application, and consider the application, relevant support materials, staff report, and any public comments. It shall then make a recommendation, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures, to City Council, where a final decision will be made.

(a) Timing

The Commission shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the city, and consistent with any particular time limitations established by the Code of Virginia.

Failure of the Commission to take action within 100 days of the date on which the application is determined complete, excluding any delay caused by a deferral granted upon the applicant's request, shall be deemed to be a recommendation on the application, as follows:

(i) For applications initiated by the City Council: approval.

(ii) For all other applications: disapproval.

(b) Conditions of Approval

If permitted by law and if appropriate for the particular type of application, the Commission may recommend conditions of approval, which are limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. Conditions of approval may include requirements for performance guarantees. All conditions of approval shall be expressly set forth in the recommendations to City Council.

(10) City Council Review and Decision

(a) The City Council shall hold any required public hearing(s) and consider the application, relevant support materials, staff report, Planning Commission recommendations, and any public comments. It shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures. The decision shall be made by ordinance or resolution, as appropriate.

(b) The City Council may remand the application to the Planning Commission for further consideration of new information or specified issues or concerns, if appropriate.

(c) The City Council shall take action as appropriate, and in consideration of the interests of the applicant, affected parties, and citizens of the city, and consistent with any particular time limitations established by the Code of Virginia.

(11) Notice of Decision

Within ten calendar days after a final decision on a development application, the ZA shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the Department of City Planning.

(12) Effect of Approval

Approval of an application in accordance with this section authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one permit or development approval is a prerequisite to another permit or approval, development may not take place until all required approvals are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(13) Amendment of Approved Application

An amendment of a permit or development approval may only be reviewed in accordance with the procedures and standards established for its original approval.

2.3.3. DEVELOPMENT CERTIFICATE REVIEW PROCEDURE

A. GENERALLY

(1) Applicable Zoning Districts

The procedural steps and other rules in this section shall be applicable to:

(a) All new principal structures, and substantial improvements or additions to existing principal structures, within one of the following zoning districts:

(i) Downtown base zoning districts (D-W: Downtown - Waterfront, D-BC: Downtown – Business Center, D-MU: Downtown – Mixed-Use, D-AD: Downtown – Arts and Design, D-FN: Downtown – Fort Norfolk), and D-SP: Downtown – Saint Paul's);

(ii) The IN-C: Institutional - Campus zoning district;

(iii) The EBH: East Beach Harbor zoning district;

(iv) The G-1: Granby/Monticello Corridor Mixed-Use zoning district;

(v) Pedestrian Commercial Overlay zoning districts (PCO: Pedestrian Commercial Overlay, PCO-Colley: Pedestrian Commercial Overlay-Colley Avenue, PCO-21st Street: Pedestrian Commercial Overlay-21st Street, PCO-Riverview: Pedestrian Commercial Overlay-Riverview, PCO-35th Street: Pedestrian Commercial Overlay - 35th Street, and PCO-Lafayette: Pedestrian Commercial Overlay - Lafayette Boulevard);

(vi) Norfolk & Western Historic Overlay (HO – N&W) zoning district;

(vii) The TOD: Transit Oriented Development zoning district; and

(viii) The MW: Monarch Way special purpose zoning district.

(2) Applicable Development Standards

Listed below are development standards that may be waived with a development certificate in the identified zoning districts. If a waiver from the required development standards is requested, the development certificate may only be approved by an affirmative vote of City Council. When no waivers to the development standards are requested, the Planning Commission shall be the deciding body on the application.

(a) Downtown Districts

Except in the D-SP district, the following development standards may be modified with a development certificate in the Downtown districts:

(i) Building placement requirements;

(ii) Off-street parking and loading requirements; and

(iii) Requirements for use of ground floor areas.

(b) Institutional - Campus (IN-C) District

Standards that may be modified with a development certificate in the Institutional - Campus (IN-C) district include:

(i) Setback requirements;

(ii) Height requirements; and

(iii) Landscaping standards.

(c) Granby/Monticello Corridor Mixed-Use (G-1) District

Standards that may be modified with a development certificate in the Granby/Monticello Corridor Mixed-Use (G-1) district include:

(i) Off-street parking and loading requirements;

(ii) Requirements for use of ground floor areas;

(iii) Fenestration requirements, for any structure in existence prior to September 1, 2014;

(iv) Any standard identified in Section 3.7.12(C), Intensity and Dimensional Standards, provided that the property or structure is:

(A) Individually listed on the Virginia Landmarks Register;

(B) Individually listed in the U.S. Department of the Interior's National Register of Historic Places;

(C) Certified by the United States Department of the Interior as contributing to a historic district; or

(D) Designated as a Norfolk Historic Landmark.

(d) East Beach Harbor (EBH) District

The standards identified in Section 3.7.10: EBH, East Beach Harbor, may not be modified.

(e) Pedestrian Commercial Overlay - Colley Avenue (PCO-Colley) District

Standards that may be modified with a development certificate in the Pedestrian Commercial Overlay - Colley Avenue (PCO-Colley) district include:

(i) Building location requirements, only in the case of an addition to a nonconforming building;

(ii) Facade transparency requirements;

(iii) Parking location and access requirements;

(iv) Landscaping and buffering requirements; and

(v) Sign requirements.

(f) Pedestrian Commercial Overlay - 21st Street (PCO-21st Street) District

Standards that may be modified with a development certificate in the Pedestrian Commercial Overlay - 21st Street (PCO-21st Street) district include:

(i) Building location requirements, only in the case of an addition to a nonconforming building;

(ii) Facade transparency requirements;

(iii) Parking location and access requirements;

(iv) Landscaping and buffering requirements; and

(v) Sign requirements.

(g) Pedestrian Commercial Overlay - Riverview (PCO-Riverview) District

Standards that may be modified with a development certificate in the Pedestrian Commercial Overlay - Riverview (PCO-Riverview) district include:

(i) Building location requirements, only in the case of an addition to a nonconforming building;

(ii) Fenestration requirements;

(iii) Parking location and access requirements;

(iv) Landscaping and buffering requirements; and

(v) Sign requirements.

(h) Pedestrian Commercial Overlay - 35th Street (PCO-35th Street) District

Standards that may be modified with a development certificate in the Pedestrian Commercial Overlay - 35th Street (PCO-35th Street) District include:

(i) Building location requirements, only in the case of an addition to a nonconforming building;

(ii) Facade transparency requirements;

(iii) Parking location and access requirements;

(iv) Landscaping and buffering requirements; and

(v) Sign requirements.

(i) Pedestrian Commercial Overlay - Lafayette Boulevard (PCO-Lafayette) District

Standards that may be modified with a development certificate in the Pedestrian Commercial Overlay - Lafayette Boulevard (PCO-Lafayette) District include:

(i) Building location requirements, only in the case of an addition to a nonconforming building;

(ii) Fenestration requirements, only for existing buildings that do not currently meet the standards;

(iii) Parking location and access requirements; and

(iv) Landscaping and buffering requirements.

(j) Historic Overlay - Norfolk & Western Historic Overlay (HO – N&W) District

Standards that may be modified with a development certificate in the Norfolk & Western Historic Overlay (HO – N&W) (see Section 3.9.8.E(2)) include:

(i) Building location and form standards requirements;

(ii) Neighborhood protection requirements;

(iii) Parking location and access requirements;

(iv) Open space set-aside requirements;

(v) Landscaping, perimeter buffering, and screening requirements;

(vi) Exterior lighting;

(vii) Sign requirements;

(viii) Intensity and dimensional standards applicable within the base zoning district.

(k) Transit Oriented Development (TOD) District

Standards that may be modified with a development certificate in the Transit Oriented Development (TOD) District include:

(i) Build-to line;

(ii) Building orientation;

(iii) Lot coverage;

(iv) Location of parking facilities;

(v) Landscaping, perimeter buffering, and screening requirements;

(vi) Minimum open space; and

(vii) Maximum building height.

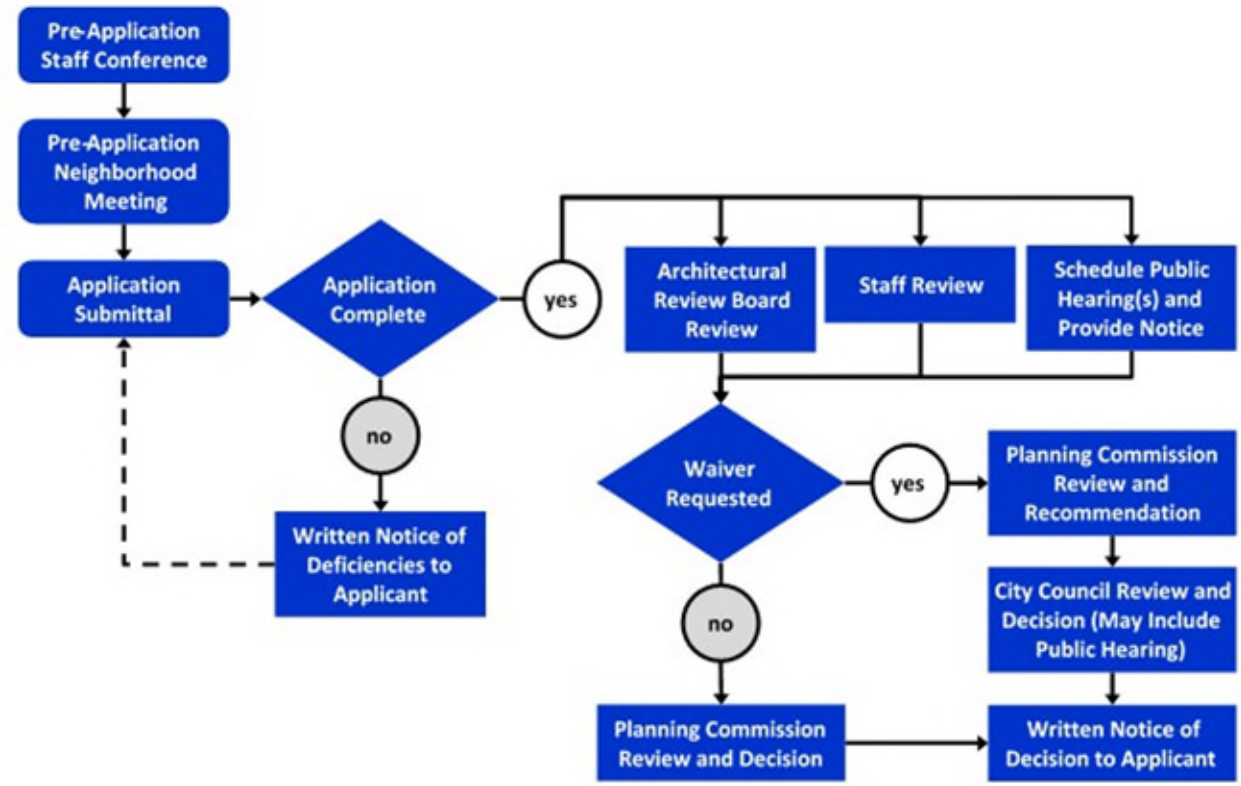
(l) Monarch Way (MW) District

Standards that may be modified with a development certificate in the Monarch Way (MW) District include:

(i) Façade treatment requirements.

B. REVIEW PROCESS

Figure 2.3.3, Development Certificate Review Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Pre-Application Staff Conference

A pre-application staff conference is required for all development certificate reviews, except where the City Council, Planning Commission, or city staff is the applicant, per the provisions of this section.

Where a pre-application staff conference is required, the following steps shall apply:

(a) Scheduling

Upon receipt of the request for a pre-application staff conference, the Department of City Planning staff shall schedule the pre-application staff conference and notify the applicant of its time and place. Such meeting may be held on a regular schedule, or may be scheduled individually, at the discretion of department staff.

(b) Information Required to be Submitted Prior to Conference

At least three business days before the scheduled pre-application staff conference, the applicant shall provide staff the key relevant application materials for the conference, as set forth in the Procedures Manual.

(c) Conference Determinations

Department of City Planning staff shall review the materials submitted by the applicant prior to the conference. At the conference, staff may ask the applicant questions about the proposed application and identify any concerns, problems, or other factors the applicant should consider about the application.

(d) Effect

The pre-application staff conference is a means of facilitating the review process. Discussions held in accordance with this section are not binding on the city. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete.

(2) Pre-Application Neighborhood Meeting

A pre-application neighborhood meeting is required for all development certificate reviews.

An applicant may choose one of the following methods for meeting the requirement for a pre-application neighborhood meeting:

(a) Utilizing Meeting(s) of Formal Neighborhood Organization(s)

A formal neighborhood organization (civic league or other similar group) will generally provide a venue for hosting and guiding the communications on a particular proposal. If the applicant chooses this option for meeting the requirement for a pre-application neighborhood meeting, the meeting shall take place as part of a regularly-scheduled meeting, or duly-advertised special meeting, of the neighborhood organization(s) directly affected by the application. The applicant shall include the date(s) and time(s) of any meetings attended in compliance with this section on the application form at the time of submittal.

In lieu of a meeting, notification from a neighborhood organization indicating support or no opposition may be considered to meet this requirement.

(b) Applicant-Hosted Neighborhood Meeting

If the applicant chooses to host a pre-application neighborhood meeting, the following requirements shall apply:

(i) Time and Place

The meeting shall be held at a time and place that is convenient and accessible to neighbors residing in proximity to the land

subject to the proposed application. It shall be scheduled after 5:00 P.M. on a weekday unless such timing constraint is waived or modified by the ZA. The meeting may be held in conjunction or coordination with a meeting of a standing organization. If conducted in conjunction with a meeting of an organization, the other requirements in this section still apply to that portion of the meeting that constitutes the applicant's pre-application neighborhood meeting.

(ii) Notification

(A) Mailed Notice

The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the ZA and all persons to whom mailed notice of a public hearing on the development application is required, as well as to known formal neighborhood organizations adjacent to the land subject to the application, that are on the list compiled and maintained by the Department of City Planning.

(B) Posted Notice

The applicant shall post notice of the neighborhood meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the ZA.

(C) Notice Content

The notice shall state the time and place of the meeting, the general nature of the development proposal, and the type of permit or development approval sought.

(iii) Conduct of Meeting

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raised about the proposed application, and discuss ways to resolve conflicts and concerns.

(iv) Written Record of Neighborhood Meeting

The applicant shall prepare a written summary of the neighborhood meeting that includes a list of meeting attendees, a compilation of attendee comments and responses by the applicant, a list of issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the materials submitted with the application.

(3) Application Submittal and Acceptance

(a) Authority to File Applications

(i) Unless expressly stated otherwise in this Ordinance, all development certificate applications shall be submitted by:

(A) The owner, contract purchaser, or any other person having a legal interest in the land on which development is proposed;

(B) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a legal interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or

(C) City Council or Planning Commission, per the Code of Virginia.

(ii) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document granting their consent to the application.

(b) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee. Applications shall not be placed on a public hearing agenda earlier than 45 days from the submittal of the application.

(i) Delinquent Taxes

The application shall include satisfactory evidence that any real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien in the land that is subject of the application that were delinquent prior to submission have been paid.

(c) Determination of Application Completeness

Upon completing the review of the application submittal for completeness, the ZA shall determine whether the application is complete or incomplete.

(i) Completeness Review

Upon receipt of the submission, the ZA shall, within 10 business days, determine whether the application is complete or incomplete. A complete application is one that:

(A) Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Procedures Manual for submittal of the particular type of application;

(B) Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance;

(C) Is in the form required for submittal of the particular type of application; and

(D) Is accompanied by the fee established for the particular type of development application.

(ii) Application Incomplete

(A) Upon determining that the application is incomplete, the ZA shall provide the applicant written notice of the submittal deficiencies.

(B) If the applicant fails to resubmit an application within 45 calendar days after being first notified of submittal deficiencies, the application shall be returned to the applicant.

(C) The ZA shall not process an application for review until it is determined to be complete.

(iii) Application Complete

On determining that the application is complete, the ZA shall accept the application for review in accordance with the procedures and standards of this Ordinance.

(4) Application Clarification and Withdrawal

(a) An applicant may revise an application after receiving initial staff review comments on the application, or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application, if appropriate, and if it is in accordance with the Code of Virginia. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff, or the advisory or decision-making body, as long as such requests or suggestions constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application. Any revisions to an application shall be received, and accepted as not constituting major changes, by staff no sooner than 12 calendar days prior to the public hearing.

(b) Any other revisions to the application may be re-submitted at any time mutually agreed upon by the applicant and ZA, either as a revised application or new application, as appropriate. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

(c) An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the ZA.

(d) Applications withdrawn before required notice of any public hearing scheduled for the application shall not be subject to limitations on the subsequent submittal of similar applications in Section 2.3.1.B, Limitation on Subsequent Similar Applications.

(e) Applications withdrawn after required notice of a public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (see Section 2.3.1.B, Limitation on Subsequent Similar Applications). Application fees shall not be refunded for the application.

(5) Architectural Review Board Review

The ARB shall review the application and consider the application, relevant support materials, staff report, and any public comments in accordance with Section 2.3.4: Architectural Review Board Procedure. The ARB shall provide guidance and make a recommendation to the Planning Commission. The recommendation shall be to approve, approve with changes, or disapprove the application.

(6) Staff Review

(a) Staff Review

(i) When an application is determined complete, it shall be distributed by the ZA to all appropriate city staff and review agencies for review and comment.

(ii) In considering the application, the Department of City Planning staff, or other city staff and review agencies as deemed appropriate by the ZA, shall review the application, relevant support material, and any comments or recommendations from staff and review agencies.

(b) Staff Report and Recommendation

(i) Preparation of Staff Report and Recommendation

Upon completion of the staff review on an application, the ZA shall prepare a written staff report on the application. The staff report shall evaluate whether the application complies with the applicable review standards of this Ordinance and recommend approval, approval with conditions, or disapproval of the request. When applicable, the staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

(ii) Distribution and Availability of Application and Staff Report

Upon completion of the staff report and recommendation, the ZA shall take all of the following actions within a reasonable time

period before the public hearing at which the application is scheduled for review:

(A) Schedule Planning Commission review of the application;

(B) Transmit the application, related materials, and the staff report to the Planning Commission;

(C) Transmit a copy of the staff report to the applicant;

(D) Make the application, related materials, and the staff report available for examination by the public in the Department of City Planning during normal business hours;

(E) Make copies of such materials available at a reasonable cost; and

(F) Place the materials on the city's website.

(7) Review Meeting Scheduling and Public Notice

(a) Review Meeting Scheduling

(i) Application to be Scheduled

The ZA shall ensure that the review meeting on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the commission.

(ii) Timing

The ZA shall schedule a review meeting on the application such that there is sufficient time for a staff report to be prepared and for the public notice requirements to be satisfied.

(b) Review Meeting Notification

(i) Notice Requirements

(A) All notice shall comply with the Code of Virginia.

(B) The ZA shall be responsible for preparing and effecting all public hearing notifications.

(ii) Constructive Notice

(A) A person's actual notice of, or active participation in, the proceedings for which the written notice is required waives the party's right to challenge the validity of the proceeding due to failure of the person to receive the required written notice.

(B) If questions arise at the hearing regarding the adequacy of notice, the commission shall direct the ZA to determine whether there is compliance with the applicable public notification requirements, and advise the commission before final action on the request.

(8) Deferral of Application

An applicant may request that consideration of a development certificate be deferred by submitting a written request for deferral to the ZA, or make such a request at the review meeting at which the application is considered.

(9) Planning Commission Review and Decision or Recommendation

The Planning Commission shall review the application based on the review standards set forth in Section 2.4.9, Development Certificate, and consider the application, relevant support materials, staff report, and any public comments. It shall then make a decision or recommendation based on the following:

(a) Applications Proposing to Meet All Standards

For applications where the proposed development will meet all of the development standards set forth in the appropriate zoning district, the Planning Commission shall decide to approve, approve with conditions, or disapprove the application.

(b) Applications Where Waivers are Requested

For applications where waivers are requested from the development standards set forth in the appropriate zoning district, the Planning Commission shall make a recommendation on the proposed development and waivers to City Council.

(10) City Council Review and Decision

For applications where waivers are requested from the development standards set forth in the appropriate zoning district, the City Council shall review the application according to the following process:

(a) The City Council shall hold any required public hearing(s) and consider the application, relevant support materials, staff report, Planning Commission recommendations, and any public comments. It shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures. The decision shall be made by ordinance or resolution, as appropriate.

(b) The City Council may remand the application to the Planning Commission for further consideration of new information or specified issues or concerns, if appropriate.

(c) The City Council shall take action as appropriate, and in consideration of the interests of the applicant, affected parties, and citizens of the city, and consistent with any particular time limitations established by the Code of Virginia.

(11) Notice of Decision

Within ten calendar days after a final decision on a development application, the ZA shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the Department of City Planning.

(12) Effect of Approval

Approval of an application in accordance with this section authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one permit or development approval is a prerequisite to another permit or approval, development may not take place until all required approvals are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(13) Amendment of Approved Application

An amendment of a permit or development approval may only be reviewed in accordance with the procedures and standards established for its original approval.

(14) Appeal of a Disapproved Application

Applications that have been disapproved by the Planning Commission may be appealed to City Council for final review and decision.

2.3.4. ARCHITECTURAL REVIEW BOARD PROCEDURE

A. APPLICABILITY

The procedural steps and other rules in this section shall be applicable to:

(1) Certificates of Appropriateness

Per the provisions of this section, the Architectural Review Board shall make the final determination on all applications for Certificate of Appropriateness.

A COA is required for all development proposed within a Historic or Historic Overlay District, or a designated Norfolk Historic Landmark. See Section 2.4.10, Certificate of Appropriateness (COA), for additional standards.

(2) Other Development Reviews

Per the provisions of this Ordinance, the Architectural Review Board shall also make recommendations to the Planning Commission on the following items:

(a) Amendments to the Official Zoning Map for the designation and boundaries of historic districts or historic overlay districts and the designation of individual historic structures or landmarks;

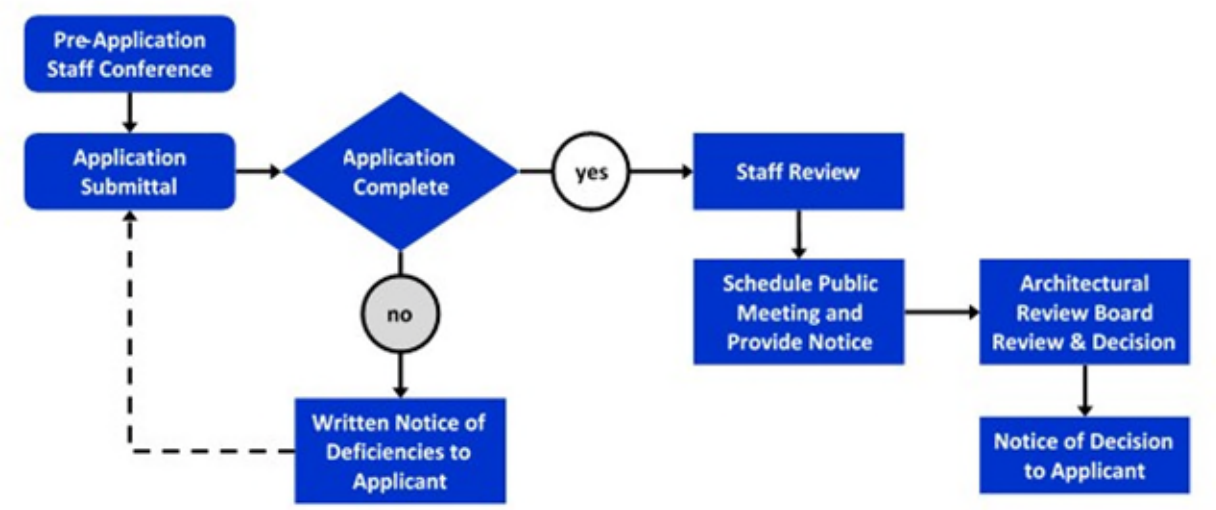
(b) Zoning amendments and Conditional Use Permit applications that may impact such districts or landmarks;

(c) Historic or architectural standards and guidelines applicable to lands located in designated local historic districts, historic overlay districts, or lands designated as individual historic structures; and

(d) Applications for lands nominated for listing on the U.S. Department of the Interior's National Register of Historic Places.

B. REVIEW PROCESS

Figure 2.3.4, Architectural Review Board Review Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Pre-Application Staff Conference

A pre-application staff conference is required for all development applications requiring an ARB review, except where the City Council, Planning Commission, or City of Norfolk is the applicant.

Where a pre-application staff conference is required, the following steps shall apply:

(a) Scheduling

Upon receipt of the request for a pre-application staff conference, the Department of City Planning staff shall schedule the pre-application staff conference and notify the applicant of its time and place. Such meeting may be held on a regular schedule, or may be scheduled individually, at the discretion of department staff.

(b) Information Required to be Submitted Prior to Conference

At least three business days before the scheduled pre-application staff conference, the applicant shall provide staff the key relevant application materials for the conference, as set forth in the Procedures Manual.

(c) Conference Determinations

Department of City Planning staff shall review the materials submitted by the applicant prior to the conference. At the conference, staff may ask the applicant questions about the proposed application and identify any concerns, problems, or other factors the applicant should consider about the application.

(d) Effect

The pre-application staff conference is a means of facilitating the review process. Discussions held in accordance with this section are not binding on the city. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete.

(2) Application Submittal and Acceptance

(a) Authority to File Applications

(i) Unless expressly stated otherwise in this Ordinance, all development applications reviewed under this process shall be submitted by:

(A) The owner, contract purchaser, or any other person having a legal interest in the land on which development is proposed;

(B) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a legal interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or

(C) City Council or Planning Commission, per the Code of Virginia.

(ii) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document granting their consent to the application.

(b) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee.

(c) Determination of Application Completeness

Upon completing the review of the application submittal for completeness, the ZA shall determine whether the application is complete or incomplete.

(i) Completeness Review

Upon receipt of the submission, the ZA shall determine whether the application is complete or incomplete. A complete application is one that:

(A) Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Procedures Manual for submittal of the particular type of application;

(B) Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance;

(C) Is in the form required for submittal of the particular type of application; and

(D) Is accompanied by the fee established for the particular type of development application.

(ii) Application Incomplete

(A) Upon determining that the application is incomplete, the ZA shall provide the applicant written notice of the submittal deficiencies.

(B) If the applicant fails to resubmit an application within 45 calendar days after being first notified of submittal deficiencies, the application shall be returned to the applicant.

(C) The ZA shall not process an application for review until it is determined to be complete.

(iii) Application Complete

On determining that the application is complete, the ZA shall accept the application for review in accordance with the procedures and standards of this Ordinance.

(3) Application Clarification and Withdrawal

(a) Any revisions to the application may be re-submitted at any time mutually agreed upon by the applicant and ZA, either as a revised application or new application, as appropriate. The revised application submittal may be subject to additional application fees to defray the additional costs of processing the revised application.

(b) An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the ZA.

(c) Applications withdrawn before required notice of any public meeting scheduled for the application shall not be subject to limitations on the subsequent submittal of similar applications in Section 2.3.1.B, Limitation on Subsequent Similar Applications.

(d) Applications withdrawn after required notice of a public meeting scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (see Section 2.3.1.B, Limitation on Subsequent Similar Applications). Application fees shall not be refunded for the application.

(4) Staff Review and Action

(a) Staff Review

(i) When an application is determined complete, it shall be distributed by the ZA to all appropriate city staff and review agencies for review and comment.

(ii) In considering the application, the Department of City Planning staff, or other city staff and review agencies as deemed appropriate by the ZA, shall review the application, relevant support material, and any comments or recommendations from staff and review agencies.

(b) Staff Report and Recommendation

(i) Preparation of Staff Report and Recommendation

Upon completion of the staff review on an application, the ZA shall prepare a written staff report on the application. The staff report shall evaluate whether the application complies with the applicable review standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures. When applicable, the staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

(A) Additional Staff Report Requirements for the Creation of New Historic Districts

If the application is for a new Historic and Cultural Conservation (HC) or Historic Overlay (HO) district, the report shall identify the proposed boundaries of the district, identify the period of historical significance, define the historic and cultural character of the district, describe the structures, sites and features of substantial historical significance, present trends and conditions related to preservation of structures in the district, identify public objectives for future conservation, development or redevelopment, and recommend detailed zoning regulations to apply within the district. It shall further include:

(01) An inventory of all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed local district indicating period of construction, architectural style, condition, present use, a basic site plan, and a photograph of the primary resource and any secondary resources;

(02) An analysis of lands not occupied by structures, including vacant lots and areas in, near, or visually related to the district; and

(03) Recommendations concerning detailed regulations to be applied within the district, which may include a list of permitted principal and accessory uses and structures, uses and structures permissible only by conditional use permit, minimum lot and yard requirements, maximum lot coverage by all buildings, height of structures, off-street parking and loading requirements, and regulations of signs and exterior illumination.

(ii) Distribution and Availability of Application and Staff Report

Upon completion of the staff report and recommendation, the ZA shall take all of the following actions within a reasonable time period before the public meeting at which the application is scheduled for review:

(A) Schedule and ensure notice of public meeting on the application;

(B) Transmit the application, related materials, and the staff report to the Architectural Review Board;

(C) Transmit a copy of the staff report to the applicant;

(D) Make the application, related materials, and the staff report available for examination by the public in the Department of City Planning during normal business hours;

(E) Make copies of such materials available at a reasonable cost; and

(F) Place the materials on the city's website.

(5) Public Notice

If the application is for a COA, the applicant shall post a notice in a form established by the ZA, on the land subject to the application, not less than seven days prior to its initial consideration by the ARB. The notice shall be in a location visible from the public right-of-way. The notice shall remain posted until a final decision is made by the ARB. Failure to post the notice as required by this subsection shall suspend consideration of the application until such time compliance occurs in its entirety.

(6) Deferral of Application

An applicant may request that consideration of a development application at a public meeting be deferred by submitting a written request for deferral to the ZA, or make such a request at the public meeting at which the application is considered.

(7) Architectural Review Board Review and Decision

The ARB shall hold the required public meeting on the application, and consider the application, relevant support materials, staff report, and any public comments.

(a) Certificate of Appropriateness Review

The ARB shall make a decision to approve, approve with conditions, or disapprove the application. The ARB shall state the specific reasons for the action it takes on the application, in writing. The ARB shall make its decision at its next regularly-scheduled meeting or within 60 days of the date the application is determined complete, whichever is less, unless the time is extended by mutual agreement between the ARB and the applicant. Failure of the ARB to vote and announce its decision within the required time period, or within such longer period of time extended by mutual agreement between the ARB and the applicant, shall constitute approval of the application.

(b) Other Development Reviews

The ARB shall provide guidance and make a recommendation, based on the review standards applicable to the application type, as set forth in Section 2.4, Application-Specific Procedures, to the Planning Commission. The recommendation shall be to approve, approve with changes, or disapprove the application.

(8) Notice of Decision

Within ten calendar days after a final decision on a development application, the ZA shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the Department of City Planning.

(9) Effect of Approval

Approval of an application in accordance with this section authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one permit or development approval is a prerequisite to another permit or approval, development may not take place until all required approvals are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(10) Amendment of Approved Application

An amendment of a permit or development approval may only be reviewed in accordance with the procedures and standards established for its original approval.

(11) Appeal of Certificate of Appropriateness Decision

Any person owning land in an historic or historic overlay district within which the ARB decided a COA, or land sufficiently near the site of a designated Norfolk Historic Landmark to be aggrieved by an ARB decision on a COA for that site, may appeal the ARB's decision on the COA to the City Council in accordance with the procedures and standards of this section.

An appeal shall be initiated by filing a written notice of appeal with the ZA within 14 days of the date of the ARB's decision on the COA. The notice of appeal shall include a statement of the error or improper decision, the date of that decision, the grounds for the appeal, and all related support materials.

(a) Staff Review and Action

Upon accepting a notice of appeal, the ZA shall transmit the appeal to the City Council and the record of material considered by the ARB in making the decision including but not limited to, provisions of this Ordinance, the application and support materials, the staff report, the comprehensive plan and other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision.

(b) Public Meeting Scheduling and Public Notification

In addition to the notification requirements for a City Council public hearing, notice of the public meeting shall be provided to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also shall be provided to the owner of the property.

(c) City Council Review and Decision

The City Council shall consider the appeal at a hearing, and shall decide an appeal within 90 days after the date the written notice of appeal is filed.

The hearing conducted shall be on the record of the appeal, with presentations limited to testimony and arguments on the record of the appeal as it relates to the grounds for appeal specified in the notice of appeal. Following the hearing, the City Council shall make a decision on the appeal. The decision of the ARB shall be presumed correct. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The City Council shall consider any applicable ordinances, laws, and regulations in making its decision. The decision shall be based solely on the record of the appeal,

as supplemented by arguments presented at the hearing. The final decision of the City Council shall be one of the following:

(i) Affirmation of the decision (in whole or in part);

(ii) Modification of the decision (in whole or in part); or

(iii) Reversal of the decision (in whole or in part).

(d) Appeal of City Council Decision

A further right of appeal shall be available in each of the following circumstances:

(i) The applicant seeking a COA, or his authorized agent, may appeal to the Circuit Court of the City of Norfolk for review of a decision of the City Council to deny the application by filing a petition at law, setting forth the alleged illegality of the action of the City Council, provided such petition is filed within 14 days after the final decision is rendered by the Council.

(ii) Any person owning land in a historic district or historic overlay district may appeal to the Circuit Court of the City of Norfolk for review of a decision of the City Council to issue a COA for demolition or partial demolition of a building or structure located on property in the same historic district or historic overlay district by setting forth in writing the basis of the appeal, provided such petition is filed within 14 days after the final decision is rendered by the Council. The filing of the petition shall stay the decision of the City Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the City Council if such decision denies the COA to demolish a building or structure.

2.3.5. BOARD OF ZONING APPEALS PROCEDURE

A. APPLICABILITY

The procedural steps and other rules in this section shall be applicable to all applications reviewed by the Board of Zoning Appeals in a public hearing, unless otherwise expressly exempted or alternative procedures are specified in Section 2.4, Application-Specific Procedures. This includes, but is not limited to, the following items:

(1) One of the following types of variances:

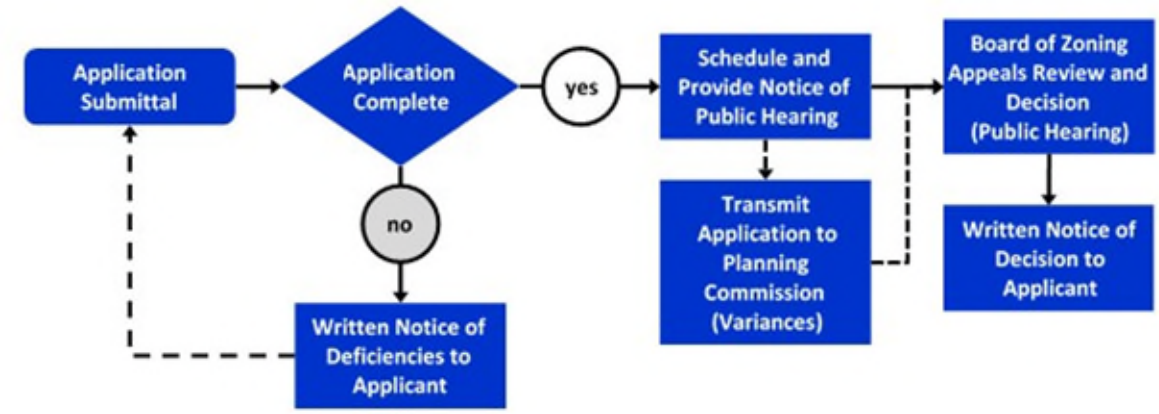
(a) Zoning variances (see Section 2.4.11, Variance (Zoning)); or

(b) Floodplain/Coastal Hazard variances (see Section 2.4.12, Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District)).

(2) Appeals to the Board of Zoning Appeals (see Section 2.4.13, Appeal to the Board of Zoning Appeals).

B. REVIEW PROCESS

Figure 2.3.5, Board of Zoning Appeals Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Application Submittal and Acceptance

(a) Authority to File Applications

(i) Variances (Zoning)

Applications for variance may be filed by any person having a legal or equitable interest in the property affected.

(ii) Appeals

(A) An appeal of a decision or interpretation under this Ordinance may be initiated by any person aggrieved, or any officer, department, board, or commission of the city affected, by a decision or interpretation of the ZA.

(B) An appeal shall be initiated by filing an application with the ZA, within 30 days of the date of the decision or interpretation being appealed. The application shall include a statement of the error or improper decision, the date of that decision, the grounds for the appeal, and all related support materials.

(b) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee.

(i) Delinquent Taxes

The application shall include satisfactory evidence that any real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien in the land that is

subject of the application that were delinquent prior to submission have been paid.

(c) Determination of Application Completeness

Upon completing the review of the application submittal for completeness, the ZA shall determine whether the application is complete or incomplete.

(i) Completeness Review

Upon receipt of the submission, the ZA shall determine whether the application is complete or incomplete. A complete application is one that:

(A) Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Procedures Manual for submittal of the particular type of application;

(B) Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance;

(C) Is in the form required for submittal of the particular type of application; and

(D) Is accompanied by the fee established for the particular type of development application.

(ii) Application Incomplete

(A) Upon determining that the application is incomplete, the ZA shall provide the applicant written notice of the submittal deficiencies.

(B) If the applicant fails to resubmit an application within 14 calendar days after being first notified of submittal deficiencies, the application shall be returned to the applicant.

(C) The ZA shall not process an application for review until it is determined to be complete.

(iii) Application Complete

On determining that the application is complete, the ZA shall accept the application for review in accordance with the procedures and standards of this Ordinance.

(2) Application Withdrawal

(a) An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the ZA.

(b) Applications withdrawn before required notice of any public hearing scheduled for the application shall not be subject to limitations on the

subsequent submittal of similar applications in Section 2.3.1.B, Limitation on Subsequent Similar Applications.

(c) Applications withdrawn after required notice of a public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications (see Section 2.4.13, Appeal to the Board of Zoning Appeals). Application fees shall not be refunded for the application.

(3) Staff Action

Upon determination that the application is complete, the ZA shall take all of the following actions:

(a) Schedule and ensure notice of public hearing on the application;

(i) Transmit the application and related materials to the BZA;

(A) For appeals, the ZA shall transmit to the BZA the appeal and the record of all material considered by the ZA in making the decision (including but not limited to, provisions of this Ordinance, the application and support materials, the staff report, the comprehensive plan and other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision).

(ii) For zoning variances, transmit the application to the Planning Commission, which may send a recommendation to the BZA or appear as a party at the hearing;

(iii) Transmit a copy of the staff report to the applicant;

(iv) Make the application and related materials available for examination by the public in the Department of City Planning during normal business hours;

(v) Make copies of such materials available at a reasonable cost; and

(vi) Place the materials on the city's website.

(4) Public Hearing Scheduling and Public Notice

(a) Public Hearing Scheduling

(i) Application to be Scheduled

The ZA shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the BZA.

(ii) Timing

The ZA shall schedule a required public hearing on the application such that there is sufficient time for the public notice requirements to be satisfied.

(b) Notification Requirements

(i) For zoning variances, any materials relating to a particular case, including a staff recommendation or report furnished to a member of the BZA, shall be made available without cost to the applicant as soon as practicable thereafter, but in no event more than three business days of providing the materials to a BZA member. If the applicant requests additional documents or materials be provided by the city other than those materials provided to the BZA, such request shall be made in accordance with Code of Virginia § 2.2-3704. Any such materials furnished to a BZA member shall also be made available for public inspection in accordance with Code of Virginia §2.2-3707.F.

(ii) For appeals, notice of the public hearing shall also be provided to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also shall be provided to the owner of the property.

The non-legal staff of the city may have ex parte communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or the landowner's agent or attorney may have ex parte communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to the particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which city staff, the applicant, landowner or the landowner's agent or attorney are all invited.

(5) Deferral of Application

An applicant may request that consideration of a development application at a public hearing be deferred by submitting a written request for deferral to the ZA, or make such a request at the public hearing at which the application is considered. If public notification has not been provided, the ZA shall consider and decide the deferral request. A request for deferral shall be approved only for good cause.

(6) Board of Zoning Appeals Review and Decision

The BZA shall hold the required public hearing on the application, and consider the application, relevant support materials, and any public comments. The BZA shall then make one of the decisions authorized for the particular type of application, according to the following:

(a) Zoning Variances

(i) Following the public hearing, the BZA shall make a decision on the application in accordance with the review standards found in Section 2.4.11, Variance (Zoning).

(ii) In granting a variance, the BZA may impose conditions that must be complied with in order for the approval to be effective.

(A) If the variance was granted in whole or in part for the purpose of alleviating a hardship for the benefit of a person with a disability, the BZA may require that the variance shall expire when the disabled person benefited is no longer in need of it.

(B) In all other cases, the conditions may relate to the location, character, and other features of the proposed structure or use that are deemed necessary in the public interest to be limited, managed, or controlled, and the BZA may require a guarantee or bond to ensure that the conditions being imposed are being and will continue to be complied with.

(iii) A decision by the BZA to grant a variance shall not take effect until 30 days after the date of the hearing to permit an appeal of the decision.

(b) CBPA-O and FPCH-O District Variances

Following the public hearing, the BZA shall make a decision on the application in accordance with the appropriate variance review standards found in Section 2.4.12, Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District).

(c) Appeals

The public hearing shall be on the record of the appeal, with presentations limited to testimony and arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application. The determination of the administrative officer shall be presumed to be correct. At the hearing, the administrative officer shall explain the basis for the determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. Following the public hearing, the BZA shall make a decision on the appeal. The decision shall be based on the BZA's judgment as to whether the administrative officer was correct. The BZA shall consider any applicable ordinances, laws and regulations in making its decision. The final decision of the BZA shall be one of the following:

(i) Affirmation of the decision (in whole or in part);

(ii) Modification of the decision (in whole or in part); or

(iii) Reversal of the decision (in whole or in part).

(7) Notice of Decision

Within ten calendar days after a final decision on a development application, the ZA shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the Department of City Planning.

(a) For variances, an application that is substantially the same as the application reviewed will not be considered by the BZA within one year from the date of the decision.

(b) For a Floodplain/Coastal Hazard Variance, additional notice shall also be made per the provisions of Section 3.9.7.P(3), Notification.

(8) Appeal

Any person jointly or severally aggrieved by a decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or commission of the city, within 30 days of the date of the final decision of the BZA, may appeal the decision of the BZA on a variance (zoning) to the Circuit Court in accordance with the Code of Virginia.

(9) Effect of Approval

Approval of an application in accordance with this section authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one permit or development approval is a prerequisite to another permit or approval, development may not take place until all required approvals are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(10) Special procedures in connection with other applications

Whenever it is determined that a variance is needed in addition to a zoning district, amendment, Conditional Use Permit, or COA, the ZA shall not accept an application for the variance until a final approval has been rendered on the rezone, Conditional Use Permit, or COA (whichever is applicable).

2.3.6. ADMINISTRATIVE REVIEW PROCEDURE

A. APPLICABILITY

Unless exempted below, the procedural steps and other rules in this section shall be applicable to all development applications requiring a Zoning Certificate, a Sign Certificate, or a floodplain permit.

(1) Fences and walls

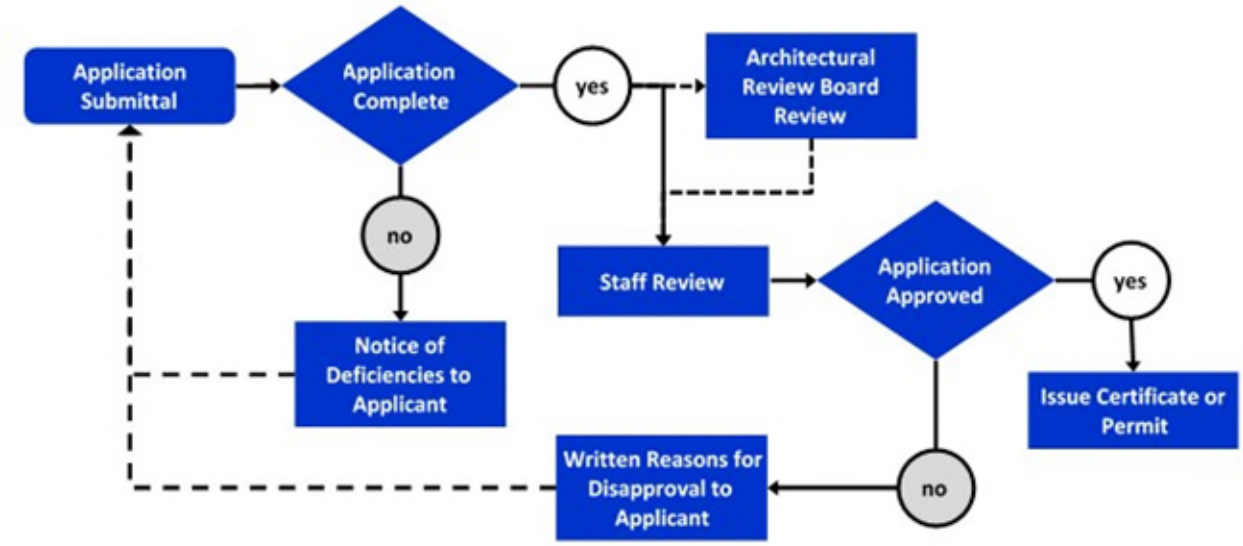
Except in any historic (HC or HO) district, on any corner lot, or on any through lot, the construction of a fence or wall shall be exempt from the procedural steps and other rules in this section.

(2) Short-term rental (homestay)

A residential dwelling unit registered in accordance with Section 4.2.3.F(10)(e) to be made available for use as a short-term rental unit shall be exempt from the procedural steps and other rules in this section.

B. REVIEW PROCESS

Figure 2.3.6, Administrative Review Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Application Submittal and Acceptance

(a) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee.

(i) Traffic Impact Analysis

Notwithstanding the provisions of Section 2.3.2.B(3)(b)(ii), for any application for Zoning Map Amendment, Conditional Rezoning, Planned Development District, or Conditional Use Permit, site plan, or subdivision filed before January 1, 2009, a traffic impact analysis shall be required if it will generate either:

(A) More than 500 vehicle trips per peak hour and any portion of the property lies within 3,000 feet, measured along public roads or streets, of a connection to a state-controlled highway; or

(B) More than 500 daily vehicle trips on a state-controlled highway and more than doubles the daily traffic volume the highway presently carries.

(ii) Transportation Compatibility Review

Notwithstanding the provisions of Section 2.3.2.B(3)(b)(iii), a transportation compatibility review shall be required in the following circumstances:

(A) If a proposed development application located outside of the Downtown Character District will cause a property to generate an anticipated average weekday 24-hour traffic volume equal to or in excess of 2,500 trip ends or where the peak-hour traffic volume will be anticipated to equal or exceed 250 trip ends, using the most recent *Trip Generation Manual* (Institute of Transportation Engineers).

(B) If a proposed development application is for any of the following uses:

(01) A convenience store;

(02) A restaurant with an accessory large-scale drive-through facility; or

(03) A retail goods establishment of 50,000 square feet or greater.

(C) For any other proposed development application that the ZA, in conjunction with the Director of Public Works, determines will have a significant potential to cause or aggravate traffic safety or congestion problems and, as such, would benefit from a professional review of proposed access and circulation designs.

(iii) Submittal Requirements for New or Expanded Structure

Unless the requirement is waived by the ZA, each application for a Zoning Certificate for a new or expanded structure or use shall be accompanied by an existing conditions survey and a conceptual plan, each drawn to scale, showing the actual shape and dimensions of the lots to be built upon or used, the exact size and location on the lot of the existing buildings, structures, and accessory buildings, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance. In areas of known flooding, the ZA may require topographic

information to assure adequate drainage is maintained after work is completed.

For properties located within the Chesapeake Bay Preservation Area, see Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, for requirements for plans. All dimensions shown on these plats and plans relating to the location and size of the lot to be built upon shall be based on an actual survey. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started. One copy of such plats and plans shall be returned to the applicant when such plats and plans have been approved by the ZA.

(iv) Submittal Requirements for Change of Use or Expansion of an Existing Use

Each application for a Zoning Certificate for a change of use or expansion of an existing use within an existing structure, where no exterior alteration of the structure is required, or upon a zoning lot not involving a structure, shall be accompanied by the following:

(A) A statement describing the type of structure containing the use, if any, the exact nature of the most recent use of such structure or lot, the exact nature of the proposed use of the structure or lot, and other information required to determine compliance with this Ordinance.

(B) A conceptual plan, drawn to scale and fully dimensioned, showing required elements of this Ordinance.

(v) Submittal Requirements for Sign Certificates

See Section 5.7.9, Applications and the Permitting Process, for additional requirements for Sign Certificate applications.

(vi) Submittal Requirements for Floodplain Permits

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance, the Virginia Uniform Statewide Building Code, and all other applicable codes and ordinances. Prior to the issuance of any such permit, the ZA or his designee shall review permits to assure sites are reasonably safe from flooding and require all applicants to demonstrate compliance with all applicable state and federal laws. It shall be the responsibility of a property owner to demonstrate that work proposed on existing structures does or does not constitute substantial improvement or repair of substantial damage. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any

watercourse, drainage ditch, or any other drainage facility or system.

All applications for development within any special flood hazard area and all building permits issued for the floodplain shall incorporate the following information:

(A) For any rehabilitation, installation of new electrical or mechanical systems, or any structural repair with an estimated cost that is less than fifty percent (50%) of the market value of the structure, a current elevation certificate sealed by a licensed design professional is required.

(B) For any addition, any conversion of any non-habitable space to habitable space, or the construction or installation of a new accessory structure that requires a building permit:

(01) A current elevation certificate sealed by a licensed design professional, and

(02) A physical survey, performed after the effective date of the FIRM that accurately depicts current improvements on the property, provides a flood zone determination and the BFE or flood depth at the site, and delineates the location of the flood zones on the property.

(C) For new construction and any substantial improvement of a principal structure:

(01) A conceptual plan sealed by a design professional that provides topographic data, proposed grades, grading and stormwater management, all proposed structures and improvements, proposed finished floor elevations of structures in AE, AH, and AO zones, the elevation of the bottom of the lowest horizontal structural member of the lowest floor in VE and Coastal A zones, flood zone determination and BFE or flood depth with the FIRM reference, and all other information as required by any applicable provision of Section 2.4.18, Site Plan Review, or 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay.

(02) An elevation certificate based on the proposed development showing compliance with these floodplain regulations.

(03) For non-residential structures proposed to be flood-proofed, a flood-proofing certificate based on the proposed development showing compliance with these floodplain regulations.

(D) Any additional information deemed by the ZA to be necessary to perform the required review.

(b) Determination of Application Completeness

Upon completing the review of the application submittal for completeness, the ZA shall determine whether the application is complete or incomplete.

(i) Completeness Review

Upon receipt of the submission, the ZA shall determine whether the application is complete or incomplete.

(ii) Application Incomplete

(A) Upon determining that the application is incomplete, the ZA shall provide the applicant notice of the submittal deficiencies.

(B) If the applicant fails to resubmit an application within 30 calendar days after being first notified of submittal deficiencies, the application shall be returned to the applicant.

(C) The ZA shall not process an application for review until it is determined to be complete.

(iii) Application Complete

On determining that the application is complete, the ZA shall accept the application for review in accordance with the procedures and standards of this Ordinance.

(2) Architectural Review Board Review

If a proposed development application requires a determination of architectural appropriateness in accordance with the standards of Section 3.2.8.D(2)(b), Section 5.4.4.A(1), Section 5.9.2.B, or Section 5.10.2.B, the ARB shall review the application in accordance with Section 2.3.4, Architectural Review Board Procedure, and decide on the appropriateness of the proposed development.

(3) Zoning Administrator Review and Decision

(a) Review Requirements for Sign Certificates

See Section 5.7.9, Applications and the Permitting Process, for additional information regarding the review and issuance of Sign Certificates.

(b) Decision

After review of the application, the ZA shall approve, approve subject to conditions, or disapprove the application, based on the review standards in Section 2.4.14, Zoning Certificate.

(i) If the decision is to disapprove the application, the ZA shall provide the applicant, in writing, the specific reasons for disapproval, and

shall identify to the greatest extent practicable, modifications or corrections as will permit approval of the application. The applicant may revise the application in response to the specific reasons identified for the disapproval, and resubmit it for reconsideration within 30 days.

(ii) If the decision is to approve the application, if permitted by law and if appropriate for the particular type of application, conditions of approval may be included with an approval. They shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related both in type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. Conditions of approval may include requirements for performance guarantees. All conditions of approval shall be expressly set forth in the approved Zoning Certificate.

(c) Issuance of Zoning Certificate

If the ZA approves the application, the ZA shall issue a Zoning Certificate for the proposed use or structure.

(4) Revocation of Zoning Certificate

A Zoning Certificate may be revoked by the ZA in accordance with the provisions of Section 7.7, Revocations of Certificates or Permits.

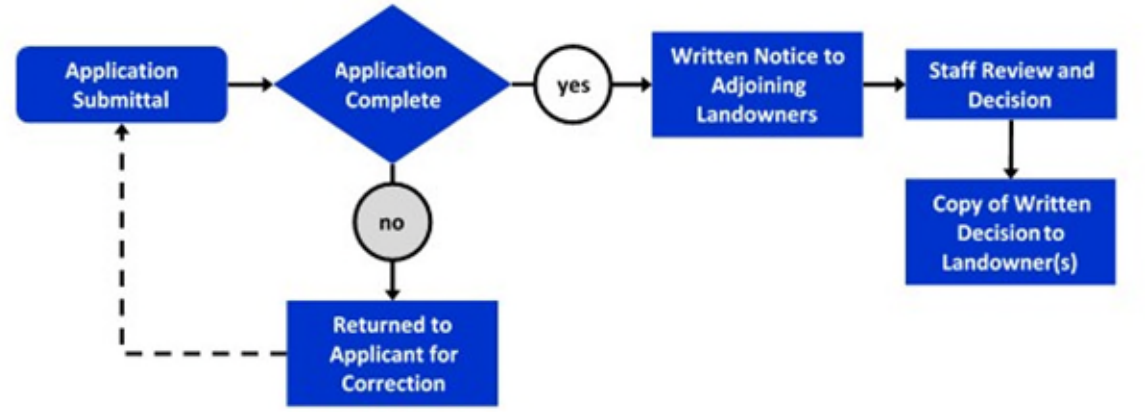
2.3.7. MODIFICATION PROCEDURE

A. APPLICABILITY

The procedural steps and other rules in this section shall be applicable to all requests for modifications of the building setback standards of this Ordinance.

B. REVIEW PROCESS

Figure 2.3.7, Modification Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Application Submittal and Acceptance

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee.

(2) Written Notice to Adjoining Land Owners

Prior to the granting a Modification, the ZA shall give, or require the applicant to give, all adjoining land owners written notice of the request for Modification, and an opportunity to respond to the request within 21 days of the date of the notice. Any such responses shall to be sent to the ZA.

(3) Zoning Administrator Review and Decision

The ZA shall make a decision in accordance with Section 2.4.16.C, Modification Review Standards, and issue a written decision. The ZA shall provide a copy of the decision to the landowner and to any adjoining landowner who responded in writing to the notice sent pursuant to this subsection.

C. APPEAL

A decision by the ZA on an application for a Modification may be appealed to the BZA in accordance with Section 2.4.13, Appeal to the Board of Zoning Appeals.

2.3.8. INTERPRETATION PROCEDURE

A. APPLICABILITY

The procedural steps and other rules in this section shall be applicable to all requests for interpretation of this Ordinance, including, but not limited to:

(1) Interpretations of the text, including standards;

(2) Interpretations of the zoning district boundaries;

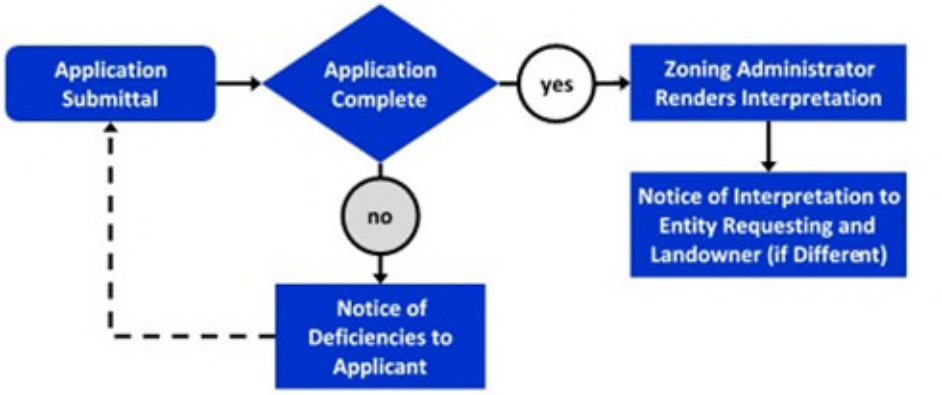
(3) Interpretations of whether a proposed use meets the definition of a listed use or not, and should be allowed in a zoning district or prohibited in that district;

(4) Interpretations of compliance with a condition of approval; and

(5) Interpretations of whether rights have been vested.

B. REVIEW PROCESS

Figure 2.3.8, Interpretation Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Application Submittal and Acceptance

(a) Authority to File Applications

Requests for interpretation of this Ordinance may be initiated only by a landowner, a person having a contractual interest in land in the city, a resident of the city, a business owner in the city (or an authorized representative of such person), or the Planning Commission.

(b) Submission Requirements

Applications shall be submitted to the ZA in the form established in the Procedures Manual, along with the appropriate application fee. The application shall contain at least the following information:

(i) The specific provision or provisions of this Ordinance for which an interpretation is sought.

(ii) The facts of the specific situation giving rise to the request for an interpretation.

(iii) The precise interpretation claimed by the application to be correct.

(iv) When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.

(v) When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

(2) Zoning Administrator Review and Decision

The ZA shall make interpretations in accordance with Section 2.4.17.D, Interpretation Standards. Prior to rendering an interpretation, the ZA may consult with the Planning Director, the city Attorney, and other affected and appropriate city officials. The landowner shall be provided notice of the interpretation, if the landowner is not the person requesting the interpretation.

(3) Appeal

Appeals from interpretations rendered by the ZA may be taken to the Board of Zoning Appeals in accordance with the provisions of Section 2.4.13, Appeal to the Board of Zoning Appeals. If the interpretation is not appealed within a timely fashion, the interpretation is deemed final and cannot be appealed.

2.3.9. SITE PLAN REVIEW PROCEDURE

A. GENERALLY

(1) Applicability

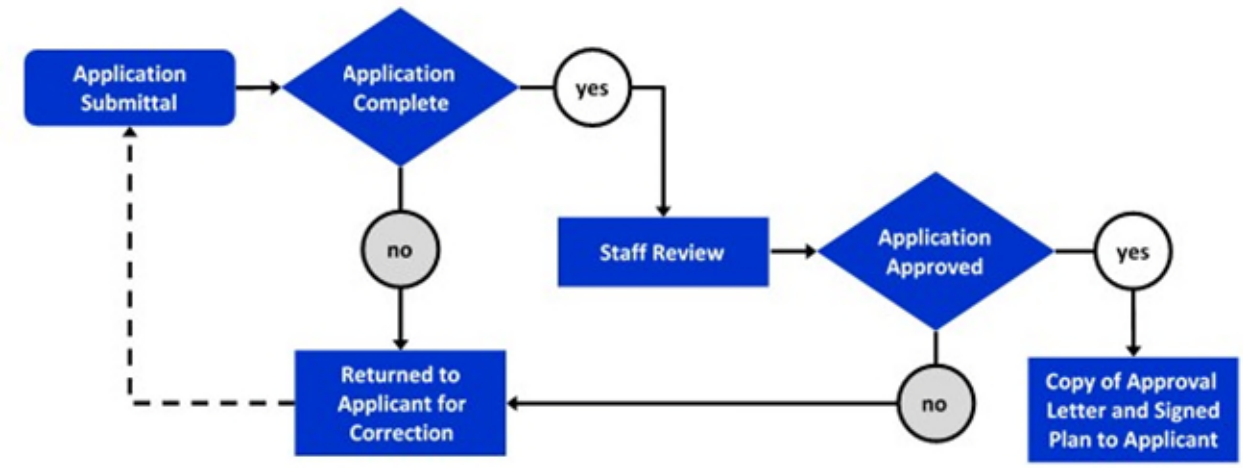
Unless exempted below, the procedural steps and other rules in this section shall be applicable to all requests for plan review (see Section 2.4.18, Site Plan Review) or single-family plan review (see Section 2.4.19, Single-Family Plan Review).

(2) Exemptions

Agricultural development and activities shall be exempt from the requirements of this section, but not from other applicable provisions of this Ordinance.

B. REVIEW PROCESS

Figure 2.3.9, Site Plan Review Procedure Flowchart
(For demonstrative purposes only. Not to be used as legal authority)



(1) Application Submittal and Acceptance

(a) Authority

Site plans shall be approved administratively by the ZA after the plan has been deemed compliant with State Code, City Code and this Ordinance by all review agencies. The ZA shall determine if a proposed development will require review by any other review agencies.

Final authority for approval for site plans shall be the responsibility of the ZA upon the consideration of all comments from participating departments.

All site plans submitted for review shall be accompanied by a fee as established by the City Manager.

(b) Submittal Requirements

All site plans shall contain the information specified in Subsections C and D, below, as appropriate, and shall be submitted in digital form as indicated in the Procedures Manual. The ZA may waive any of the listed requirements if determined to be unnecessary due to the scope and nature of the proposed development.

(c) Determination of Completeness

Site plans meeting the criteria of this section shall be submitted to the ZA or his designee for review.

(i) Incomplete Submittals

Plans submitted for review that do not meet the minimum submittal criteria shall not be distributed to review agencies and shall be returned to the applicant for correction.

(ii) Complete Submittals

The applicant shall receive notice that the application has been accepted for review and the anticipated date that the submitted plans are to have a completed review from the participating agencies.

(2) Staff Review and Action

Plans deemed complete by the ZA shall be distributed to the appropriate agencies for review. Staff shall follow the review standards set forth in Section 2.4.18, Site Plan Review, and Section 2.4.19, Single-Family Plan Review.

(a) Approval

Site Plans deemed in compliance with this Ordinance shall be approved by the ZA.

(b) Disapproval

If the plan is disapproved, the ZA shall provide any review comments regarding the submitted plan and the reasons for the disapproval to the applicant. The applicant shall have 60 working days to correct the plans as per agency comments and resubmit plans for review. Any plan not submitted for review within this timeframe shall be deemed discontinued and any subsequent submittal shall be a new review.

C. CONTENT - SITE PLAN REVIEW

(1) Site Plan Content

(a) The site plan must be prepared, signed and sealed by a registered engineer, land surveyor or other person duly licensed to prepare such plans in the Commonwealth of Virginia;

(b) The site plan must be accompanied by a project narrative and description for the proposal and any other pertinent descriptive data or information that will facilitate the review of the project.

(c) All site plan elements must be at a reasonable scale for review, and shall provide the following information:

(i) A north arrow and scale.

(ii) The boundaries of the property involved and all existing property lines.

(iii) Matchlines should be clear and logical to ensure all site plan content can be properly reviewed and is legible.

(d) The site plan must include a cover sheet that provides the following information:

(i) The proposed title of the project and the names of the registered engineer, architect, landscape architect or surveyor and the name of the developer;

(ii) Application, revision, and approval dates, as appropriate;

(iii) The existing and proposed use of the site;

(iv) Addresses of all properties involved in the development, including GPIN;

(v) A vicinity map showing the general location of the site within the City of Norfolk;

(vi) Zoning information for the site and for adjacent properties, including relevant base zoning districts, overlay zoning districts, character districts, setbacks, and any other pertinent dimensional requirements;

(vii) A tabulation of the total site area and the total area of land disturbance;

(viii) For residential projects, a tabulation of the total number of dwelling units in the project and the overall project density in dwelling units per acre;

(ix) A tabulation of the percentage and acreage thereof proposed to be allocated to open space, parks, and other reservations;

(x) Where applicable, copies of any approvals granted by a board or commission necessary to permit the subject development. Such approvals may include conditional zoning approvals, conditional use permits, development certificates, certificates of appropriateness, variances, or other similar approval granted by City Council, Planning Commission, Architectural Review Board, Board of Zoning Appeals, or other such board or commission.

(xi) A signature panel for Department of City Planning approval; and

(xii) The following statements, completed as appropriate:

(A) The proposed development is located within the [determined flood zone] zone(s) as shown on the Flood Insurance Rate Map 510104 [determined map panel] dated [map panel date].

(B) The proposed development is located within the [determined noise and/or accident potential zone] as per the current Joint Land Use Study (JLUS) on file with the Department of City Planning.

(e) The site plan must include an existing conditions topographic survey showing the location of existing streets, alleys, buildings, structures,

vegetation, water courses, water ways or lakes, wetlands, coastal primary sand dunes or beaches, and other existing physical features in or adjoining the project. The existing topography shall be shown by adequate spot elevations. All elevations shall be certified and referenced to the vertical datum as specified by the Director of Public Works, City of Norfolk, or his designee. All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot, all bearings in degrees, minutes and seconds. The bureau of environmental services shall be consulted as to the determination of such features as wetlands, coastal primary sand dunes and beaches. Additionally, on all site plans the following information must be provided:

(i) The elevation, location, and dimensions of right of way improvements (existing or proposed) including but not limited to curb, gutter, sidewalk, edge of pavement in front of each lot shall be indicated.

(ii) Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including access, shall be indicated.

(iii) Topography and drainage flow information for pre-construction conditions shall include information necessary to determine the flow of water on the site.

(f) The site plan must include a site development plan showing all relevant existing conditions required by Subsection (e), above, as well as any proposed improvements to the site. The finished grade and grading for the entire site shall be shown and the proposed first floor elevation of all buildings. Topography and drainage flow information for post-construction conditions shall include information necessary to determine the flow of water on the site and on surrounding areas that drain towards the site.

(g) The site plan must indicate the location and size of sanitary and storm sewers, water, gas, telecommunications, electric and other utility lines, culverts and underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities. In the case of city-owned utilities, such information shall be provided to the applicant by the department of public works and/or department of utilities;

(h) The site plan must indicate the location, dimensions and character of construction of proposed streets, alleys, parking and loading areas (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities, sidewalks, curbs and gutters and all curb cuts. Where necessary to meet the purposes and intent of this section, such information shall be provided for the site itself and for an area within fifty (50) feet of any property line of the site; except, that additional area may be required to be shown to indicate connections or proposed connections to major utilities;

(i) The site plan must indicate the location of all proposed buildings and structures, accessory and main, showing the number of stories and height, dwelling type, major excavations and the total square footage of the floor area by proposed use;

(j) The site plan must indicate the location, height, type and material of all fences and walls;

(k) The site plan must indicate the proposed location and character of residential, commercial, industrial, and other non-residential uses;

(l) The site plan must indicate the location, character, size, height and orientation of proposed signs, as proposed to be erected in accordance with Section 5.7, Signs, and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this section shall be considered a part of the approved site plan. Thereafter, signs shall not be erected, painted, constructed, structurally altered, hung, rehung or replaced except in conformity with the approved site plan. Any changes in signs from the approved site plan or any additions to the number of signs as shown on the site plan shall be allowed only after amendment of the site plan by the Department of City Planning;

(m) The site plan must include an erosion and sediment control plan in conformance with Chapter 15 of the Code of the City of Norfolk;

(n) The site plan must indicate the location and screening of dumpsters or other outdoor trash receptacles;

(o) The site plan must indicate the location and dimensions of proposed recreation areas, open spaces and other required amenities and improvements;

(p) The site plan must indicte the proposed and required off-street parking and loading areas, including number and dimension of parking, bicycle parking, and access for the handicapped, as specified in the Virginia Uniform Statewide Building Code, as amended;

(q) The site plan must include a landscape plan in accordance with the requirements of Section 5.2, Landscaping Standards;

(r) The site plan must include a photometric lighting plan showing the lighting of the site complies with the requirements of this Ordinance;

(s) If required by the application type, the site plan must include a traffic impact analysis or transportation study, including all elements required by state laws and regulations;

(t) The site plan must include the stormwater management information necessary to review compliance with the standards of Chapter 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program"; and

(u) The site plan must include a plan for meeting the requirements of Section 5.12, Resilience Quotient.

(2) Chesapeake Bay Preservation Areas – Additional Content Required

In addition to the general requirements of this section, submissions required for site plan review shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the ZA. The ZA may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans, studies or permits shall be submitted, unless otherwise provided for:

(a) Environmental Site Assessment

(i) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:

(A) Tidal wetlands.

(B) Tidal shores.

(C) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow.

(D) A 50-foot and 100-foot buffer area located adjacent to and landward of the components listed in subsections (A) through (C), above, and along both sides of any water body with perennial flow.

(E) The Resource Management Area (RMA) and the Intensely Developed Area (IDA) where applicable.

(F) All wetlands and dune/beach permits required by law.

(G) An erosion and sediment control plan in accordance with the provisions of Chapter 15 of the City Code.

(H) Construction notes as required.

(I) Copies of all applicable tree and fill permits.

(J) Coastal primary sand dunes and/or beaches.

(ii) Wetlands delineations shall be performed consistent with the procedures specified in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

(iii) The environmental site assessment shall delineate the site-specific geographic extent of the Resource Protection Area (RPA). Turning points in the delineation line shall be referenced to existing landmarks on the site to allow field verification by the bureau of environmental services.

(iv) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a certified landscape architect.

(b) Landscape Plan

The landscape plan shall provide the following additional information:

(i) Within the buffer area, trees to be removed for sight lines, vistas, and access paths shall be shown on the plan. Vegetation required by Chapter 45 of the City Code to replace any existing trees within the buffer area shall also be shown on the landscape plan.

(ii) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this section shall be shown on the landscape plan.

(iii) The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

(iv) The landscape plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction in accordance with the provisions of Chapter 45 of the City Code.

(v) Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation shall be in accordance with Chapter 45 of the City Code.

(c) Stormwater Management Plan

A stormwater management plan shall be provided in accordance with Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program".

(i) Plan Required

A stormwater management plan shall be submitted as part of the CBPA site plan review process except for single-family residential development within subdivisions that are grandfathered or exempt from the stormwater management provisions of the City Code as determined by the Environmental Services Bureau Manager and the ZA.

(ii) Contents of the Plan

The stormwater management plan shall include all information necessary to review compliance with the standards of Section 41.2

of the Norfolk City Code, "Virginia Stormwater Management Program".

(d) Water Quality Impact Assessment

A water quality impact assessment shall be required for any development, except those uses exempt from the stormwater management requirements in section 42.5-7(f) of the City Code, which (1) exceeds 5,000 square feet of land disturbance or land disturbing activity within Chesapeake Bay Preservation Areas and requires any modification or reduction of the landward 50 feet of the 100-foot buffer area; (2) disturbs any portion of any other component of a resource protection area or disturbs any portion of the buffer area within 50 feet of any other component of a resource protection area; or (3) is located in a resource management area and is deemed necessary by the Planning Director. The information required in this section shall be considered a minimum, unless the Planning Director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land or when the elements of the assessment are duplicative of information submitted in other required plans under this article.

The following elements shall be included in the preparation and submission of a water quality assessment:

(i) All of the information required for site plan review as specified in this section.

(ii) A hydrogeological element that:

(A) Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.

(B) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.

(C) Indicates the following (when applicable):

(01) Disturbance or destruction of wetlands and justification for such action.

(02) Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies.

(03) Disruptions to existing hydrology including wetland and stream circulation patterns.

(04) Source location and description of proposed fill material.

(05) Location of dredge material and location of dumping area for such material.

(06) Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.

(07) Estimation of pre- and post-development pollutant loads in runoff.

(08) Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used.

(09) Percent of site to be cleared for project.

(10) Anticipated duration and phasing schedule of construction project.

(11) Listing of all requisite permits from all applicable agencies necessary to develop project.

(D) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

(01) Proposed erosion and sediment control concepts including minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection.

(02) Proposed stormwater management system.

(03) Creation of wetlands to replace those lost.

(04) Minimizing cut and fill.

(iii) A landscape element that in addition to the requirements of this section, includes a description of the potential measures for mitigation. Possible mitigation measures include:

(A) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used.

(B) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.

(C) Demonstration that indigenous plants are to be used to the greatest extent possible.

(iv) A wastewater element, where applicable, that:

(A) Includes calculations and locations of anticipated drainfield or wastewater irrigation areas.

(B) Provides justification for sewer line locations in environmentally-sensitive areas, where applicable, and describes construction techniques and standards.

(C) Discusses any proposed onsite collection and treatment systems, their treatment levels, and impacts on receiving watercourses.

(D) Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

(v) Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

(vi) As part of the water quality impact assessment submittal, the Planning Director may require review by the Virginia State Water Control Board. Upon receipt of the water quality impact assessment, the Planning Director will determine if such review is warranted and may request that the Virginia State Water Control Board review the assessment and respond with written comments. Any comments by the Virginia State Water Control Board will be incorporated into the final review by the Planning Director provided that such comments are provided by the Board within 90 days of the request.

(vii) Upon the completed review of the water quality impact assessment, the ZA, at the recommendation of the Manager of Environmental Services, will determine if the proposed development or redevelopment is consistent with the purpose and intent of this article and with the provisions of this Ordinance and make a finding based upon the following criteria:

(A) Within any RPA, the proposed development is water-dependent.

(B) The disturbance of wetlands will be minimized.

(C) The development or redevelopment will not result in significant disruption of the hydrology of the site.

(D) The development or redevelopment will not result in significant degradation to aquatic vegetation or life.

(E) The development or redevelopment will not result in unnecessary destruction of plant materials on site.

(F) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation.

(G) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required standard for pollutant control.

(H) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits.

(I) The design and location of any proposed drainfield will be in accordance with the requirements of this Ordinance.

(J) The development or redevelopment as proposed is consistent with the purpose and intent of this Ordinance.

(K) The cumulative impact of the proposed development or redevelopment, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

(viii) The ZA, at the recommendation of the Environmental Services Manager, may require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the ZA based on the criteria listed above. The ZA shall find the proposal to be inappropriate and may require the plan to be redesigned to meet the intent of this Ordinance.

D. CONTENT – SINGLE-FAMILY PLAN REVIEW

(1) Plan Content

All single-family plans shall contain the following information. The ZA may waive any of the listed requirements if determined to be unnecessary due to the scope and nature of the proposed development.

(a) The plan must include an existing conditions topographic survey showing the location of existing streets, alleys, buildings, structures, vegetation, water courses, water ways or lakes, wetlands, coastal primary sand dunes or beaches, and other existing physical features in or adjoining the project. The existing topography shall be shown by adequate spot elevations. All elevations shall be certified and referenced to the vertical datum as specified by the Director of Public Works, City of Norfolk, or his designee. All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot, all bearings in degrees, minutes and seconds. The bureau of environmental services shall be consulted as to the determination of such features as wetlands, coastal primary sand dunes and beaches. Additionally, on all site plans the following information must be provided:

(i) The elevation, location, and dimensions of right of way improvements (existing or proposed) including but not limited to curb, gutter, sidewalk, edge of pavement in front of each lot shall be indicated.

(ii) Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including access, shall be indicated.

(iii) Topography and drainage flow information for pre-construction conditions shall include information necessary to determine the flow of water on the site and on surrounding areas that drain towards the site.

(b) The plan must include a conceptual plan, referencing the topographic survey, showing any proposed site or right of way improvements and all improvements required by this Ordinance. The conceptual plan shall indicate the following:

(i) The location, distance from property lines, and, where appropriate, the proposed first floor elevation of all structures, including fences and accessory structures, to be located on the site.

(ii) The location, dimensions, and materials of all driveways, sidewalks, patios, and other paved areas to be located on the site.

(iii) The limits of proposed land disturbance and a calculation of the total area of disturbance.

(iv) The total area of impervious surface and percent of total lot area noted as impervious.

(v) The topography and drainage flow information for post-construction conditions.

(vi) The location, diameter, height, dripline and species of all existing and proposed trees, or groupings of trees on the site and the location and species of any shrubs proposed to be installed as part of a required foundation planting strip. A note for each tree, indicating if it will be removed or protected and preserved, should also be included.

(vii) A plan for meeting the requirements of Section 5.12, Resilience Quotient.

(2) Chesapeake Bay Preservation Areas – Additional Content Required

Submissions required for single-family plan review shall include four copies of a site plan, drawn to scale, and a completed building permit application. The ZA may determine that some of the following information is unnecessary due to the scope and nature of the proposed development. The site plan shall contain the following information, unless otherwise provided for:

(a) Name(s) of property owner(s); name(s) of engineer and surveyor with stamped endorsement(s), if appropriate.

(b) North arrow, scale and date.

(c) Property lines, zoning setbacks, existing and proposed buildings and other impervious surfaces, waterways, and other physical features on or adjoining the property.

(d) An environmental site assessment, as outlined in major site plan review.

(e) Construction notes as required.

(f) All wetland and dune/beach permits required by law.

(g) All applicable tree work and fill permits.

(h) An erosion and sediment control plan

(i) A water quality impact statement, as outlined in major site plan review, when applicable.

2.4 APPLICATION-SPECIFIC PROCEDURES

2.4.1. GENERAL

A. APPLICABILITY

This section sets forth supplemental procedures, standards, and related information for each of the specific application types reviewed under this Ordinance. They apply in addition to the standard procedures set forth in Section 2.3, Standard Review Procedures.

B. STRUCTURE OF PROCEDURES

For each type of development application reviewed under this Ordinance, the following sections state the purpose of the section and/or type of permit or development approval, and identifies the standard review procedure that is applicable to the application type. This is followed by the review standards for the application, and provisions addressing expiration and amendment that may be in addition to those identified in Section 2.3.1.A, Expiration of Development Approval.

2.4.2. ZONING TEXT AMENDMENT

A. PURPOSE

The purpose of this section is to identify the appropriate review procedure and special review standards for amending the text of this Ordinance whenever the public necessity, convenience, general welfare, or good zoning practice requires doing so.

B. TEXT AMENDMENT PROCEDURE

Zoning text amendments shall be reviewed using the procedures outlined in Section 2.3.2: Planning Commission Public Hearing Procedure.

C. TEXT AMENDMENT REVIEW STANDARDS

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed text amendment, the City Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the city's comprehensive plan, and the public health, safety, and general welfare.

2.4.3. ZONING MAP AMENDMENT

A. PURPOSE

The purpose of this section is to identify the appropriate review procedure and other special standards to review and decide proposed amendments to the

Official Zoning Map whenever public necessity, convenience, general welfare, or good zoning practice requires doing so.

B. ZONING MAP AMENDMENT PROCEDURE

Zoning map amendments shall be reviewed using the procedures outlined in Section 2.3.2: Planning Commission Public Hearing Procedure.

C. ZONING MAP AMENDMENT REVIEW STANDARDS

Whether to amend the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove a proposed zoning map amendment (rezoning), the City Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the city's comprehensive plan, and the public health, safety, and general welfare.

D. DESIGNATION ON OFFICIAL ZONING MAP

If a zoning map amendment is adopted by the City Council, the ZA shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption.

2.4.4. CONDITIONAL REZONING

A. PURPOSE

The purpose of this section is to identify the appropriate review procedure and other special standards for using conditional zoning as allowed under the Code of Virginia, and to accept reasonable conditions voluntarily proffered by a landowner in conjunction with a proposed development (that requires a zoning map amendment), to ensure consistency with the comprehensive plan, address the impacts of the proposed development, and fulfill any other appropriate land use and zoning purposes.

B. CONDITIONAL REZONING PROCEDURE

Conditional rezoning applications shall be reviewed using the procedures outlined in Section 2.3.2: Planning Commission Public Hearing Procedure.

C. CONDITIONAL REZONING REVIEW STANDARDS

Whether to amend the Official Zoning Map to approve a conditional rezoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove a proposed conditional rezoning, the City Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the city's comprehensive plan, and the public health, safety, and general welfare.

D. CONDITIONS OF APPROVAL

(1) Only conditions proffered by the applicant and accepted by the City Council upon approving the conditional rezoning become part of a conditional zoning district.

(2) Conditions may be in the form of text or of plans, drawings, and maps.

(3) No condition shall be less restrictive than the standards of the base zoning district, any applicable overlay zoning district standard, or other applicable requirements of this Ordinance.

E. EFFECT

Lands rezoned to a conditional zoning district shall be subject to the proffered conditions offered by the applicant and accepted by the City Council. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

F. DESIGNATION ON OFFICIAL ZONING MAP

(1) If a conditional rezoning is adopted by the City Council, the ZA shall place the conditional zoning classification on the Official Zoning Map within a reasonable period of time after adoption.

(2) The ZA shall keep in the Department of City Planning offices a Conditional Zoning Index. The Conditional Zoning Index shall provide ready access to the Ordinances creating a conditional zoning district and the conditions of approval.

(3) The ZA shall record the Ordinance adopting the conditional zoning, along with the proffered conditions, in the land records with the deed, within 90 days after adoption.

G. AMENDMENT

A conditional rezoning may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

H. ENFORCEMENT AND GUARANTEES OF PERFORMANCE AND CONDITIONS

(1) The ZA may request an applicant proposing proffers to guarantee performance of the proffers accepted by the City Council, by providing a bond or other suitable security acceptable to the ZA. If included as part of the proffers approved by the City Council as part of the conditional rezoning, such guarantee(s) shall be reduced or released by the ZA upon the submission of satisfactory evidence that performance of such proffers is completed.

(2) Failure to comply with the proffers accepted by the City Council, including the guarantee(s), shall constitute cause to disapprove requests to approve

subsequent permits and development approvals sought or required under this Ordinance for the land subject to the proffers.

(3) The ZA, in order to enforce the conditions approved by the City Council, may:

(a) Bring necessary legal action to ensure compliance, including injunction, abatement, or other appropriate legal relief;

(b) Order in writing the remedy for any noncompliance of conditions; or

(c) Initiate other zoning enforcement actions as provided for in Article 7: Enforcement.

2.4.5. PLANNED DEVELOPMENT DISTRICT

A. PURPOSE

(1) A planned development (PD) district is a district that is planned and developed under unified control that allows for more flexible standards than the underlying base zoning district and supports more mixed-use, pedestrian-oriented development, in return for more innovative design and higher quality development than could be achieved through the base zoning district regulations. The purpose of this section is to identify the appropriate review procedure and other special standards for amending the Official Zoning Map to establish the planned development (PD) district allowed by this Ordinance.

(2) It is the general intent of this section that planned development (PD) district be used sparingly under this Ordinance, and only where the development demonstrates innovative design and higher quality development.

B. SCOPE

A planned development district is established by an amendment to the Official Zoning Map to rezone land to a planned development zoning district classification that is defined by a PD master plan and a PD terms and conditions document. It may be applied in any location in the city.

C. MINIMUM AREA OF SITE FOR PLANNED DEVELOPMENT DISTRICT

The minimum area for a PD district is three acres.

D. PLANNED DEVELOPMENT PROCEDURE

Planned development applications shall be reviewed using the procedures outlined in Section 2.3.2: Planning Commission Public Hearing Procedure.

E. PLANNED DEVELOPMENT DISTRICT REVIEW STANDARDS

The advisability of a planned development district is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove a planned development district, the

district shall comply with the standards for the proposed type of PD district in Section 3.8, Planned Development Districts, and the purposes of zoning ordinances as set forth in the Code of Virginia.

F. DESIGNATION ON THE OFFICIAL ZONING MAP

If a PD District is adopted by the City Council, the ZA shall place the PD District on the Official Zoning Map within a reasonable period of time after adoption.

G. RECORDATION OF PLANNED DEVELOPMENT DISTRICT

The landowner shall record the Ordinance adopting the PD District, along with the PD master plan, PD terms and conditions, and development standards in the land records with the deed, within 90 days after adoption.

H. EFFECT OF APPROVAL

Lands rezoned to a PD District shall be subject to the approved PD master plan and PD terms and conditions document. The master plan and terms and conditions document are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent permits and development approvals necessary to implement the PD master plan and terms and conditions document in accordance with the applicable procedures and standards set forth in this Ordinance. Any permits or development approvals shall comply with the PD master plan and the PD terms and conditions document.

I. MINOR DEVIATIONS

(1) General

Subsequent plans and permits for development within an approved PD District may include minor deviations from the PD master plan or PD terms and conditions document, provided the ZA determines that such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the approval process, or any other change that has no material effect on the character of the approved planned development district or any of its approved terms or conditions. Minor deviations that may be approved by the ZA include, but are not limited to, the following:

(a) Driveway relocations;

(b) Structure floor plan revisions;

(c) Minor shifts in building size or location that do not result in any substantive changes or impacts to the site elements or surrounding lands; and

(d) Facility design modifications for amenities and the like.

(2) Material Changes are Amendments

Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered

minor deviations, and shall only be changed as amendments to the PD master plan or PD terms and conditions.

J. AMENDMENTS TO PLANNED DEVELOPMENT MASTER PLAN OR TERMS AND CONDITIONS

(1) General

If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions document, the PD master plan or PD terms and conditions document shall be amended, extended, or modified only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

(2) Amendments Defined

The following changes are considered an alteration of the concept or intent of the PD master plan or PD terms and conditions document and are treated as an amendment:

(a) Changes in use designations;

(b) Density/intensity increases;

(c) Decreases in open space;

(d) Substantial changes in the location of streets or if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected;

(e) Change in the location of any public easement, at the request of the landowner/developer;

(f) Change in the mix of residential versus non-residential development by more than five percent; or

(g) Change in the proportion of housing types by more than 15 percent.

2.4.6. HISTORIC AND HISTORIC OVERLAY DISTRICT

A. PURPOSE

A historic or historic overlay district is a district that recognizes that an area of the city or collection of structures is in fact of historic and cultural significance requiring protection against destruction and encroachment. The purpose of this section is to identify the appropriate review procedure and other special standards for designating a new Historic and Cultural Conservation (HC) or Historic Overlay (HO) zoning district.

B. HISTORIC DISTRICT DESIGNATION PROCEDURE

Applications for new historic or historic overlay districts shall be reviewed using the procedures outlined in Section 2.3.2, Planning Commission Public Hearing Procedure.

C. HISTORIC DISTRICT REVIEW STANDARDS

A historic or historic overlay district designation application may be approved if at least one of the following is found to exist:

(1) The area exemplifies the architectural cultural, economic, social, political, artistic, or religious history of the city;

(2) The area exemplifies the architectural character of a particular era in the history of the city;

(3) The area is the site of an historic event which had a significant impact on the history of the city; and

(4) The area contains open space, street configurations, topographical features, bodies of water, or landscaped grounds of significance with regard to urban planning or landscape architecture.

D. PLACEMENT ON THE OFFICIAL ZONING MAP

Any properties located within the boundaries of the historic district shall be designated as such on the official zoning map.

2.4.7. HISTORIC LANDMARK DESIGNATION

A. PURPOSE

Any building, structure, or site which is at least 50 years old may be designated as a Norfolk Historic Landmark if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the City of Norfolk or its surrounds. The purpose of this section is to identify the appropriate review procedure and other special standards for reviewing historic landmark designations to ensure they are appropriate for a particular location.

B. HISTORIC LANDMARK DESIGNATION PROCEDURE

Applications for historic landmark designation shall be reviewed using the procedures outlined in Section 2.3.2, Planning Commission Public Hearing Procedure.

C. HISTORIC LANDMARK DESIGNATION REVIEW STANDARDS

A Norfolk Historic Landmark designation application may be approved it at least one of the following is found to exist:

(1) The historic, architectural, or cultural significance, if any, of the building, structure, or site considered on its own merits and which distinguish it from other similar or common buildings, structures or sites in the same vicinity;

(2) Whether the building, structure, or site is located in an area that is not appropriate or eligible for designation as a local historic district when considered in its entirety;

(3) The association of the building, structure or site with an historic person or event of national, state, or regional significance or with a renowned architect or master craftsman;

(4) The age and condition of the building or structure and whether significant portions are at least 50 years old;

(5) The degree to which the original or distinguishing character, qualities, or materials of a building or structure on the property have been retained and have not undergone changes such that the historical integrity of the property is no longer significantly evident; and

(6) Whether the property has been listed on the U.S. Department of the Interior's National Register of Historic Places or the Virginia Landmarks Register.

D. PLACEMENT ON THE OFFICIAL ZONING MAP

Each property designated as a Norfolk Historic Landmark shall be marked as such on the official zoning map.

E. OTHER REGULATIONS

Any building or structure designated as a Norfolk Historic Landmark and which is not located in any local historic (HC) district nor in any historic overlay (HO) district may be eligible for certain benefits or permissions that might not otherwise be available, including all of the following:

(1) Compliance with building code requirements may be achieved through application of the provisions of the International Existing Building Code provisions of the Virginia Rehabilitation Code, part II of the Virginia Uniform Statewide Building Code.

(2) A building or structure that is nonconforming or which serves or houses a nonconforming use may use special provisions set forth in Section 6.3, Nonconforming Structures.

(3) Required off-street parking requirements may be reduced as set forth in Section 5.1, Parking, Loading, and Bicycle Standards.

(4) Notwithstanding any limitation set forth in Article 3, Zoning Districts, any one use listed in either Table 3.2.12 or Table 3.3.9 may be permitted in a building designated as a Norfolk Historic Landmark with a Conditional Use Permit.

2.4.8. CONDITIONAL USE PERMIT

A. PURPOSE

A use designated as a conditional use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to identify the appropriate

review procedure and other special standards for reviewing conditional uses to ensure they are appropriate for a particular zoning district.

B. CONDITIONAL USE PERMIT PROCEDURE

(1) Except as provided under subsection (2), below, conditional use permit applications shall be reviewed using the procedures outlined in Section 2.3.2: Planning Commission Public Hearing Procedure.

(2) The expedited process for review of a conditional use permit application provided for in subsection (3), below, may be utilized in any of the following circumstances:

(a) Whenever the holder of a conditional use permit which is currently in effect for the use of nightclub requests approval to change the use to a restaurant, including a restaurant operating with late hours (as required by Section 4.2.3.F(2)(f)), seating fewer than 80% of patrons (as required by Section 4.2.3.F(2)(f)), or the accessory use of live entertainment (as required by Section 4.3.3.E(1)(l)).

(b) Whenever the holder of a conditional use permit which is currently in effect for the use of a Restaurant that has been authorized by a grant of a conditional use permit that allows operating with late hours (as required by Section 4.2.3.F(2)(f)), seating fewer than 80% of patrons (as required by Section 4.2.3.F(2)(f), or the accessory use of live entertainment (as required by Section 4.3.3.E(1)(l)), for the use of a banquet hall, or for the use of production of craft beverages requests approval to add one or more approved managers to its operation, to add or increase the capacity of an outdoor dining area, or both.

(3) When available under the limitations defined in subsection (2), above, the following expedited process for review of a conditional use permit application may be utilized:

(a) Pre-Application Staff Conference

A pre-application staff conference is required. Upon receipt of the request for a pre-application staff conference, the Department of City Planning staff shall schedule the pre-application staff conference and notify the applicant of its time and place.

(b) Application Submittal and Acceptance

Only the applicant of record for the existing conditional use permit shall be eligible to apply under this process. All other requirements of Section 2.3.2.B(3), Application Submittal and Acceptance, shall apply.

(c) Staff Review and Action

(i) If an application is determined to be complete, it shall be distributed by the ZA to all appropriate city staff and review agencies for review and comment.

(ii) Upon completion of the staff review, the ZA shall prepare a written staff report evaluating whether the application complies with the requirements of this Ordinance as well as applicable policies and requirements of City and state code and shall make a recommendation to the City Council to either approve or deny the request.

(iii) Upon completion of the staff report, the ZA shall transmit the report, including the ZA recommendation, to City Council.

(d) Public Notice

Public notice shall comply with the requirements of the Code of Virginia.

(e) City Council Review and Decision

(i) City Council shall consider the application, relevant support materials, staff report, and other information provided to it, after which it shall approve some of the additional managers, approve all of the additional managers, or deny the request.

(ii) Alternatively, the City Council may remand the application to the Planning Commission for further consideration of new information or specified issues or concerns, if appropriate.

(f) Notice of Decision

Within ten calendar days after a final decision on the application, the ZA shall provide the applicant written notice of the decision, shall update the existing conditional use permit to document the additional managers approved to operate at the restaurant, and shall make a copy of the decision available to the public in the Department of City Planning.

C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

(1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;

(2) Complies with all applicable zoning district-specific standards in Article 3, Zoning Districts;

(3) Complies with all applicable use-specific standards in Article 4, Performance Standards;

(4) Complies with all applicable development and design standards in Article 5, Development Standards;

(5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;

(6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;

(7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

(8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;

(9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

(10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

(11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;

(13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.

(14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;

(15) Complies with all other relevant city, state and federal laws and standards; and

(16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

D. GENERAL CONDITIONS FOR ALL CONDITIONAL USE PERMITS

The following conditions shall apply to all Conditional Use Permits approved by City Council, unless expressly waived or modified in the Conditional Use Permit approval. They shall be in addition to any other conditions approved in accordance with Section 2.3.2.B(9)(b), Conditions of Approval, and any performance standards required for the use under Article 4, Performance Standards.

(1) The owner shall post on the premises of the use approved, in a visible location, a notice stating that the Conditional Use Permit (and its conditions of approval) are kept on the premises and are available for review by any member of the general public. The notice shall also include the address and

telephone number of the ZA, and information on where and how to report violations of conditions of approval.

(2) Unless specifically provided for in the approved Conditional Use Permit, the owner and management of the use approved (and the new owner or new management entity) shall notify the ZA and the City Clerk, in writing, of the change in ownership or management. The notification shall include proof that the new owner or management entity has been advised of the Conditional Use Permit and the conditions of approval.

(3) Authorization for the ZA to enter the premises as often as necessary to inspect the property for compliance with the conditions of approval.

(4) Where appropriate, the imposition of a bond or letter of credit (in an amount and form satisfactory to the City Attorney) prior to the issuance of the Conditional Use Permit, to ensure compliance with all conditions of approval.

(5) If construction does not begin or the use is not commenced within 12 months from the date of approval of the Conditional Use Permit, the permit shall become null and void, subject to the vesting provisions of the Code of Virginia. Upon request by the applicant prior to the permit's expiration, the ZA may grant an extension of the permit for up to an additional six months, for good cause, if the conditional use complies with all applicable provisions of this Ordinance. Any further extensions shall require the approval of the City Council.

(6) If the use allowed by the Conditional Use Permit is discontinued for a period of greater than two years, the permit shall become null and void.

(7) During all hours of operation, the owner or manager of the use approved shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises so as to keep such areas free of litter, refuse, and both solid and liquid waste.

(8) The owner or manager of the use approved shall be responsible for ensuring continued compliance with all federal, state, and city regulations applicable to the operation of the use. Failure to maintain necessary licensing shall be deemed a violation of the approved Conditional Use Permit and may result in its revocation.

(9) At all times, the operation of the use approved shall remain in strict compliance with every one of the 16 criteria set forth in Section 2.4.8.C of this Ordinance, above.

E. EXPIRATION

(1) A Conditional Use Permit shall expire when an expiration date is established, subject to the vesting provisions of the Code of Virginia.

(2) Unless specifically provided in the permit or development approval, a change in ownership of the land, building, or business shall not affect the established expiration time period.

(3) A subsequent Conditional Use Permit or Zoning Certificate authorizing the same use on the same site shall automatically result in the revocation of the previously-existing Conditional Use Permit.

F. AMENDMENT

A Conditional Use Permit may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.9. DEVELOPMENT CERTIFICATE

A. PURPOSE

A development certificate provides an opportunity for detailed review of proposed developments located in specific zoning districts for consistency with the purposes of the zoning district, to ensure compatibility with the character of surrounding development, and to provide compensating public benefits as part of the development for which a waiver is granted in accordance with this section. The purpose of this section is to identify the appropriate review procedure and other special standards for reviewing development certificate applications.

B. DEVELOPMENT CERTIFICATE REVIEW PROCEDURE

Development Certificate applications shall be reviewed using the procedures outlined in Section 2.3.3: Development Certificate Review Procedure.

C. DEVELOPMENT CERTIFICATE REVIEW STANDARDS

A Development Certificate shall be approved if the Planning Commission finds that the proposed development is consistent with the purposes of the zoning district, consistent with the character of the surrounding development, and consistent with the conditions listed below.

(1) The development proposed is compatible with surrounding land uses;

(2) The development proposed is consistent with the comprehensive plan;

(3) The uses proposed are allowed in the base and overlay districts where the development is located;

(4) Any waivers requested in the development certificate do not exceed the limits established in for the applicable zoning district.

(5) Any waiver requested is the absolute minimum necessary to accommodate the development proposal; and

(6) The proposed development complies with all applicable proffers and conditions applicable to the land.

D. EFFECT

Approval of a development certificate authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the development certificate is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

E. EXPIRATION

Unless otherwise specified in the development certificate, an application for a building permit or a Certificate of Occupancy shall be applied for and approved within five years of the date of the approval of the development certificate, or the approval shall become null and void, and automatically expire, subject to the vesting provisions of the Code of Virginia. Permitted timeframes do not change with successive owners.

2.4.10. CERTIFICATE OF APPROPRIATENESS

A. PURPOSE

The purpose of this section is to identify the appropriate review procedure and special standards for any development proposed within a Historic or Historic Overlay District, or a designated Norfolk Historic Landmark, to ensure architectural compatibility with the historic character of the district or landmark.

B. APPLICABILITY

(1) General

Unless exempted in accordance with subsection (2), below, a Certificate of Appropriateness (COA) shall be approved before any of the following development occurs within a Historic or Historic Overlay District, or on the site of a designated Norfolk Historic Landmark:

(a) Alteration of the exterior appearance of any building or structure (this includes any exterior alteration without regard to whether such alteration requires a building permit, if it will change the exterior appearance of a building or structure, including but not limited to, replacement of doors, windows, window sashes, porch railings, floors and ceilings, roofs or portions of roofs, installation, removal, or replacement of trim detail, shutters, gutters or down spouts, exterior mechanical and lighting fixtures, and sign face changes).

(b) Construction, reconstruction, or relocation of a building or structure;

(c) Installation of a driveway to access property;

(d) Construction or installation of a site feature or appurtenance, including but not limited to walls, fences, arbors, paved parking areas, patios,

decks, garages, tool sheds, other accessory structures, or signs, if any part of the feature or appurtenance is visible from a public right-of-way or a public space;

(e) Demolition or removal of all or any significant part of a structure located within an Historic or Historic Overlay District or designated as a Norfolk Historic Landmark all in accordance with Section 2.4.10.D(3): Demolition, below.

(2) Exemptions

The following shall be exempt from the requirements of this section:

(a) Minor Works and Ordinary Maintenance

Minor works or actions determined by the ZA as not having a permanent effect on the historic or architectural character of the site of a designated Norfolk Historic Landmark or the Historic or Historic Overlay District. Minor works and actions shall include, but are not limited to, the following:

(i) Antennas, skylights, and solar collectors located so as not to be visible from a public street right-of-way;

(ii) Alterations or repainting of the interiors of buildings that do not impact exterior appearance or functionality;

(iii) Ordinary maintenance, such as repainting of previously painted surfaces, or repair of any building or any structure using the same materials having the same appearance as those being repaired. (Replacement of a building element, feature or appurtenance shall not be interpreted to constitute ordinary maintenance for purposes of this provision unless it is a like-for-like replacement in all respects of material, function, and exterior appearance and the material is acceptable based on the adopted historic or architectural standards and guidelines applicable to the building or structure.); and

(iv) Ordinary yard maintenance and maintenance and care of existing landscaping on the premises of a property.

(b) Emergency Repairs

Where a building or structure within an Historic or Historic Overlay District or on the site of a designated Norfolk Historic Landmark is damaged due to a fire, flood, or other natural disaster or similar event beyond the control of the landowner, emergency repairs to the building or structure may be made without a COA, provided if a COA would otherwise be required by this section an application for a COA is submitted within 30 days of the event creating the need for the emergency repairs.

(c) Demolition of Unsafe or Dangerous Building

The demolition of any structure or any portion of a structure that has been determined by either the Code Official, designated under the Property Maintenance Code of the Uniform Statewide Building Code (USBC), or the Fire Marshal to be an unsafe building that constitutes a hazard and must be removed in order to remedy the unsafe condition(s). No structure or portion of a structure shall be ordered to be removed other than that which is necessary to eliminate all unsafe conditions on the property. For the purposes of this provision, the term "unsafe building" shall have the same definition as that term is defined in the USBC. Except in cases where there is an immediate danger that any portion of the unsafe structure may collapse or fall and endanger human life, no demolition shall commence until all of the following have occurred:

(i) The owner of the structure is given notice and advised of the right to appeal the Code Official's decision in the manner required by the applicable provisions of the USBC.

(ii) The owner of every property within 300 feet of the property on which the structure is located and the highest elected officer (e.g. president) of the civic league that represents the area in which the subject property is located, if any such civic league exists, are provided a written notice that includes the following:

(A) The address or location of the property.

(B) A summary of the unsafe condition(s).

(C) The decision of the Code Official, including an identification of each structure or portion of a structure that is required to be removed.

(D) Any right of appeal provided for under the applicable provision of the USBC.

(iii) Each member of the ARB is informed, by electronic mail, about the location of the property and the decision of the Code Official, including an identification of each structure or portion of a structure that is required to be removed.

(iv) Each notice required by this subsection, above, shall be sent by the ZA as soon as practicable but in no case later than three (3) business days after the date that the structure is determined to be an unsafe building that constitutes a hazard and must be removed.

(d) Temporary Signs

The location of temporary signs on property.

(e) Certain Alterations or Improvements

(i) The alteration or improvement of any portion of the exterior appearance of a building located within the Ghent Historic and Cultural Conservation Districts (HC-G1, HC-G2 and HC-G3) or the West Freemason Historic and Cultural Conservation Districts (HC-WF1 and HC-WF2) or the Norfolk & Western Historic Overlay District (HO-N&W), or any portion of the exterior of a Norfolk Historic Landmark that is not visible from a public right-of-way.

(ii) The alteration or improvement of any portion of the exterior appearance of a building located within the Downtown Historic Overlay District (HO-Downtown) or the East Freemason Historic and Cultural Conservation District (HC-EF) that is not visible from a public right-of-way other than an alley.

(3) Failure to Comply

(a) Except as otherwise provided in section (b) below, failure to receive approval of a COA when it is required by this section constitutes a violation of this Ordinance.

(b) Failure to receive approval for a COA when it is required in accordance with this section shall not constitute a violation of this Ordinance if application is made within 30 days of receiving notice that a COA is required, and upon timely consideration and approval by the ARB. Applications for an after-the-fact review shall require the payment of the application fee plus an after- the-fact filing fee, as established in accordance with this Ordinance.

(c) If a COA is required, no other permit or development approval of the proposed development shall be reviewed until receipt of the COA in accordance with this section.

C. CERTIFICATE OF APPROPRIATENESS PROCEDURE

COA applications shall be reviewed using the procedures outlined in Section 2.3.4, Architectural Review Board Procedure.

D. COA REVIEW STANDARDS

A Certificate of Appropriateness shall be approved if it is demonstrated the proposed development complies with the following standards:

(1) Historic or Historic Overlay District

If the proposed development is located in an Historic or Historic Overlay District, it shall:

(a) Be architecturally compatible and appropriate with the character, appearance and efficient functioning of the district and not adversely affect the primary character of the district; and

(b) Be generally consistent with any applicable design guidelines adopted by the ARB for the district.

(2) Norfolk Historic Landmark

If the proposed development is on the site of a designated a Norfolk Historic Landmark, it shall be architecturally compatible with the historic nature of the building or landmark and preserve its distinguishing characteristics and historic character.

(3) Demolition

If the proposed development involves the demolition or razing of a building or structure, any or all of the following factors shall be considered in addition to those in subsections (1) and (2), above:

(a) General

(i) Whether the structure is a building determined to be contributing to the Historic or Historic Overlay District or the designated Norfolk Historic Landmark. For purposes of this section, a building is considered contributing to the district or landmark if it is not so altered by renovations that the architectural integrity of the original building is substantially compromised and it is identified in the National Register Nomination, or if not identified in the Register, a determination is made that the building was constructed during the period of historical significance for the district or landmark as identified in the Register;

(ii) For a building determined not to be contributing to the district or landmark:

(A) Whether it is of such old, unusual, or uncommon design, texture and material that it could not be reproduced, or could be reproduced only with great difficulty; or

(B) Whether it is situated in relation to other buildings so that it has significance beyond any individual merit and the demolition would adversely affect the continuity or character of the area;

(C) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the city, or the region;

(D) Whether the demolition would be detrimental to the public interest or would be inconsistent with the adopted comprehensive plan; and

(E) Whether the landowner has made, without success, a bona fide offer to sell the building or structure, and associated land, at a price reasonably related to its market value, to a person or other entity willing to preserve and restore the building or

structure for the time period set forth for such sale offers in accordance with the Code of Virginia.

(b) Move or Relocation

(i) The historic character and aesthetic interest the building or structure contributes to its present setting;

(ii) Whether the building or structure can be moved without significant damage to its physical integrity; and

(iii) Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.

(c) Economic Feasibility

The circumstances and condition of the structure or part proposed for demolition and the feasibility of its preservation. If preservation is found to be economically infeasible, the COA for demolition shall be issued by the ARB.

(i) The burden to adequately demonstrate economic infeasibility shall be on the applicant. In considering economic infeasibility, the ARB shall consider objective information showing whether preservation of the building would generate a reasonable economic return, not based on the current landowner's particular financial resources or particular preference for use of the structure. No portion of the costs associated with preservation that is related to neglect or lack of maintenance of the property by the current owner shall be considered for purposes of determining economic infeasibility.

(ii) All of the following documents shall be provided by the applicant in order to facilitate a determination of economic infeasibility, unless any of them are deemed unnecessary by the ZA:

(A) An appraisal of the property where the demolition is proposed;

(B) A report completed by a person with demonstrated expertise in historic structures detailing the estimated cost to perform an historic rehabilitation of the property;

(C) A structural report completed by a licensed engineer with demonstrated expertise in historic structures; and

(D) Any other document or information that might be requested by the ARB during its consideration of the application for a COA.

(iii) If preservation is found to be economically feasible, the ARB shall take or encourage the taking of whatever steps will likely to lead to preservation.

(d) Conditions if Demolition Approved

If a COA allowing the demolition of all or part of a structure is approved, the following limitations and conditions shall apply:

(i) The COA shall expire 12 months from the date of approval if the demolition has not been accomplished;

(ii) If, during the demolition process, archeological discoveries or cultural remains are unearthed, the following requirements shall apply:

(A) The recipient of the COA shall cease all demolition activities and contract with a qualified archaeologist to conduct an archeological survey.

(B) Upon the conclusion of the survey, the archaeologist shall forward to the ZA a written plan to protect or preserve the discoveries in a manner consistent with the applicable provisions of the "Guidelines for Conducting Historic Resources Survey in Virginia" published by the Virginia Department of Historic Resources.

(C) The ZA shall review the plan and shall, within 21 days, issue a determination regarding its sufficiency and identifying any improvements that might be made to it.

(D) After receipt of the determination of sufficiency, the plan or any amended plan that might result from the review process shall be executed before demolition shall be permitted to resume.

(iii) Any other conditions imposed by the ARB or City Council on appeal.

(e) Offer for Sale

(i) In the event the COA for demolition is formally denied by the ARB and, if appealed, the disapproval is upheld by the City Council, the landowner shall offer the property for sale, at a price reasonably related to its fair market value and for a specified period of time, to any party willing to preserve and restore the landmark, building, or structure and the land on which it is located. The time schedule for offers to sell is as follows: three months when the offering price for the particular property is less than $25,000.00; four months when the offering price is $25,000.00 or more but less than $40,000.00; five months when the offering price is $40,000.00 or more but less than $55,000.00; six months when the offering price is $55,000.00 or more but less than $75,000.00; seven months when the offering price is $75,000.00 or more but less than $90,000.00; and 12 months when the offering price is $90,000.00 or more. If no bona fide contract binding upon all parties is executed for the sale of the

land and structures within the above specified period, the COA for demolition shall be issued.

(ii) Before listing a property for sale in accordance with subsection (i), above, an owner shall first file a written notice with the ZA. The notice shall identify the property, state the offering price, the date the listing for sale is to begin and the name of the listing real estate agent, if any. The required time periods listed in subsection (i), above, shall not commence to run unless the notice has been provided. Within five days after receipt of the notice, the ZA shall notify the chairperson of the ARB and any other interested person about the offer for property sale.

E. APPEAL

A decision by the ARB on an application for a COA may be appealed by any person owning real property in the same Historic or Historic Overlay District where the proposed development subject to the COA is located, by filing the appeal within 14 days after the final decision is rendered by the ARB (see Section 2.3.4.B(11), Appeal of Certificate of Appropriateness Decision).

F. EXPIRATION

Unless otherwise specified in the COA, a COA shall automatically expire if a building permit, site plan, or other city approval, whichever occurs first, for the development or demolition granted by the COA, is not approved within two years of approval of the COA, or any portion of the alteration work that is approved by the COA is not completed within three years of the date of its approval, subject to the vesting provisions of the Code of Virginia.

G. EFFECT

An approved COA shall permit only those alterations or the demolition approved in the COA.

H. AMENDMENT

A COA may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.11. VARIANCE (ZONING)

A. PURPOSE

(1) The purpose of a zoning variance is to allow, in accordance with the Code of Virginia, reasonable deviations from those provisions of this Ordinance regulating the shape, size, or area of a parcel of land, or the size, area, bulk, or location of a building, or restrict the use of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purposes of this Ordinance.

(2) The zoning variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Ordinance that create unreasonable restrictions on the use of property. When such unreasonable restrictions may be more appropriately remedied, if at all, pursuant to other provisions of this Ordinance, the variance procedure is inappropriate.

B. APPLICABILITY AND SCOPE OF AUTHORITY

(1) A zoning variance may be requested to seek relief when the strict application of this Ordinance would unreasonably restrict the use of the property and such need for a variance is not shared generally by other properties, and provided such variance is not contrary to the purposes of this Ordinance. It shall not include a change in use, which change shall be accomplished by a map amendment, a conditional rezoning, or a planned development district.

(2) The BZA, in accordance with its authority under Code of Virginia § 15.2-2309, shall grant variances from the provisions of this Ordinance, but only in compliance with the procedures set forth in Section 2.3.5, Board of Zoning Appeals Procedure, and under the specific circumstances described in this section, and then only in accordance with each of the standards enumerated in subsection D, below.

C. VARIANCE PROCEDURE

Zoning variances shall be reviewed using the procedures outlined in Section 2.3.5, Board of Zoning Appeals Procedure.

D. VARIANCE REVIEW STANDARDS

(1) General

(a) The applicant for a zoning variance has the burden of proof to prove by a preponderance of the evidence that the application meets the standard for a variance set forth in Code of Virginia §§ 15.2-2201 and 15.2-2309.

(b) A variance is defined as, in the application of the Ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when all of the findings required by law have been made, provided such variance is not contrary to the purposes of this Ordinance.

(c) No variance may be requested or granted that includes a change in use, which change shall be accomplished by a map amendment, a conditional rezoning, or a planned development.

(d) No variance may be granted unless the BZA makes all findings set forth below.

(2) Findings

A variance shall be granted if evidence shows that the following standards are met:

(a) At least one of the following criteria are met:

(i) The strict application of the terms of this Ordinance would unreasonably restrict the utilization of the property;

(ii) Granting the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this Ordinance; or

(iii) Granting the variance would alleviate a hardship for a person with a disability by making a reasonable modification to the property or an improvement thereon.

(b) The property interest for which the variance is requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(c) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(d) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance;

(e) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning district classification of the property; and

(f) The relief or remedy sought by the variance application is not available through a Conditional Use Permit procedure that is authorized in this Ordinance pursuant to Subdivision 6 of the Code of Virginia § 15.2-2309 or the process for modification of a zoning ordinance pursuant to Code of Virginia § 15.2-2286.A. at the time of filing of the variance application.

E. EFFECT

(1) Approval of a variance (zoning) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance (zoning) is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

(2) Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and this Ordinance; however, the structure permitted by variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the Ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of a variance shall be required.

F. EXPIRATION

(1) Unless otherwise specified in the variance, an application for a building permit or Certificate of Occupancy, whichever is required first, shall be approved within six months of the approval of the variance, and construction and development actually begun within that period and diligently pursued, or the variance shall become null and void, and automatically expire, subject to the vesting provisions of the Code of Virginia. If a building permit is approved, it shall be diligently pursued until completion or the variance shall also become null and void, subject to the vesting provisions of the Code of Virginia.

(2) A variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within two years following such removal. Permitted timeframes do not change with successive owners.

G. AMENDMENT

A variance may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.12. VARIANCE (CBPA-O DISTRICT AND FLOODPLAIN/COASTAL HAZARD OVERLAY DISTRICT)

A. PURPOSE

The purpose of a variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District) is to allow certain deviations from the CBPA-O District standards or the Floodplain/Coastal Hazard Overlay District standards (as appropriate) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control, a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

B. APPLICABILITY

A Floodplain/Coastal Hazard Variance may be used to request hardship relief from the standards of the CBPA-O District or Floodplain/Coastal Hazard Overlay District (as appropriate). A variance shall not be requested that increases

development density (e.g., units per acre) beyond that allowed in a base zoning district.

C. VARIANCE PROCEDURE

Chesapeake Bay Preservation Area Overlay District and Floodplain/Coastal Hazard Overlay District Variances shall be reviewed using the procedures outlined in Section 2.3.5: Board of Zoning Appeals Procedure.

D. VARIANCE REVIEW STANDARDS (CHESAPEAKE BAY PRESERVATION AREA OVERLAY)

No variance from CBPA-O District standards shall be authorized by the BZA unless the standards set forth in Section 3.9.6.M, Variances, are satisfied.

E. VARIANCE REVIEW STANDARDS (FLOODPLAIN / COASTAL HAZARD OVERLAY)

No variance from FPCH-O District standards shall be authorized by the BZA unless the standards set forth in Section 3.9.7.P, Variances, are satisfied.

F. EFFECT

Approval of a variance under this section authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

G. EXPIRATION

Unless otherwise specified in the variance, an application for a building permit or Certificate of Occupancy, whichever is required first, shall be approved within six months of the approval of the variance, and construction and development actually begun within that period and diligently pursued, or the variance shall become null and void, and automatically expire, subject to the vesting provisions of the Code of Virginia. If a building permit is approved, it shall be diligently pursued until completion or the variance shall also become null and void, subject to the vesting provisions of the Code of Virginia.

2.4.13. APPEAL TO THE BOARD OF ZONING APPEALS

A. PURPOSE

The purpose of this section is to establish a uniform mechanism for any person aggrieved by an interpretation or decision by the ZA or a decision by any other administrative officer in the city related to any part of this Ordinance, to appeal the decision or interpretation to the BZA in accordance with the Code of Virginia.

B. APPLICABILITY AND AUTHORITY TO FILE

An appeal of a decision or interpretation under this Ordinance may be made to the BZA in accordance with the procedures and standards of this section, by any person aggrieved, or any officer, department, board, or commission of the city affected by a decision of the ZA or other city official in the administration or enforcement of this Ordinance, any other ordinance adopted in accordance with this Ordinance, or any modification of zoning requirements.

C. APPEAL PROCEDURE

Appeals shall be reviewed using the procedures outlined in Section 2.3.5, Board of Zoning Appeals Procedure.

D. APPEAL REVIEW STANDARDS

The determination of the administrative officer shall be presumed correct. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The BZA shall consider any applicable ordinances, laws, and regulations in making its decision.

2.4.14. ZONING CERTIFICATE

A. PURPOSE

The purpose of a Zoning Certificate is to establish a uniform mechanism to ensure all development and uses complies with the requirements of this Ordinance.

B. APPLICABILITY

No land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose until the ZA has issued a Zoning Certificate stating that the building and use comply with the provisions of this Ordinance for such use. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, without a Zoning Certificate issued by the ZA.

C. ZONING CERTIFICATE PROCEDURE

Zoning Certificate applications shall be reviewed using the procedures outlined in Section 2.3.6, Administrative Review Procedure.

D. ZONING CERTIFICATE REVIEW STANDARDS

A Zoning Certificate shall be approved upon a finding the proposed development complies with all applicable standards in this Ordinance and all applicable conditions of permits and development approvals relevant to the proposed development, including, but not limited to the following:

(1) Erosion and Sediment Control

Measures taken for erosion and sediment control shall conform to the standards and procedures set forth in Chapter 15 of the Norfolk City Code. The manager of the bureau of environmental services may review and approve the erosion and sediment control plan and issue a land disturbing activity permit prior to approval of the certificate. The manager of the bureau of environmental services may accept an agreement in lieu of an erosion and sediment control plan.

(2) Driveways, Sidewalks, Curbs, Gutters, and Other Similar Right-of-Way Improvements

Improvements to the public right of way may be required by the ZA, in consultation with the Department of Public Works, for any public infrastructure immediately adjacent to the site that may be impacted by the development and where the existing improvements are deemed inadequate or not in compliance with all applicable Public Works standards. Any improvements deemed necessary by the ZA including the installation, alteration, or repair of driveways, sidewalks, curbs, and gutters are to be installed in accordance with the standards prescribed by the Department of Public Works.

(3) Stormwater Drainage

Improvements to the drainage system may be required by the ZA, in consultation with the Department of Public Works, to ensure that the proposed development provides adequate drainage to either the adjacent public right of way, an adjacent public body of water, or an approved BMP. Where site drainage is insufficient, onsite stormwater management in accordance with the design standards of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program" may be required as determined by the Director of Public Works or designee. A fill permit, issued by the Department of Public Works, will be required for any sites where fill is proposed as part of the required lot grading or for any site utilizing onsite stormwater management, not including items selected to meet Resilience Quotient requirements.

E. EXPIRATION

Approval of a Zoning Certificate shall automatically expire if a building permit or Certificate of Occupancy, whichever occurs first, is not approved within six months, or if the building permit approved for the certificate expires, subject to the vesting provisions of the Code of Virginia.

F. AMENDMENT

A Zoning Certificate may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.15. FLOODPLAIN / COASTAL HAZARD OVERLAY DISTRICT PERMIT

A. PURPOSE

The purpose of a floodplain/coastal overlay district permit ("floodplain permit") is to establish a uniform mechanism to ensure development complies with the standards of the Floodplain/Coastal Overlay District.

B. APPLICABILITY

All development in the Floodplain/Coastal Overlay District shall receive approval of a floodplain permit prior to issuance of a Zoning Certificate, in accordance with the procedures and standards of this section.

C. FLOODPLAIN PERMIT PROCEDURE

Floodplain permit applications shall be reviewed using the procedures outlined in Section 2.3.6, Administrative Review Procedure.

D. FLOODPLAIN PERMIT REVIEW STANDARDS

A floodplain permit shall be approved upon a finding the proposed development complies with all applicable standards in the Floodplain/Coastal Overlay District, all applicable provisions of the City Code of Ordinances, and all applicable conditions of permits and development approvals relevant to the proposed development.

E. EXPIRATION

Approval of a floodplain permit shall automatically expire if the authorized development is not commenced within one year from the date of approval, subject to the vesting provisions of the Code of Virginia.

F. AMENDMENT

A floodplain permit may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.16. MODIFICATION

A. PURPOSE

A Modification is an administrative process that authorizes the ZA to review and act on requests for minor deviations (modifications) from the building setback standards contained in this Ordinance within any zoning district with respect to physical requirements on a lot, in accordance with the Code of Virginia. A Modification may be requested and granted for reductions in a building setback by up to 30 percent.

B. MODIFICATION PROCEDURE

Modification requests shall be reviewed using the procedures outlined in Section 2.3.7, Modification Procedure.

C. MODIFICATION REVIEW STANDARDS

The proposed Modification shall be approved upon a finding that:

(1) The strict application of the Ordinance would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;

(3) The authorization of the Modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

(4) It does not exceed the following:

(a) 30 percent of the side yard setback dimensional standard for single-family detached dwellings;

(b) 30 percent of the side and rear yard setback dimensional standard for accessory structures accessory to a single-family detached dwelling; or

(c) 15 percent of any other building setback dimensional standard.

(5) It will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

D. EFFECT

Approval of a Modification authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Modification is granted should receive other permits or development approvals under this Ordinance, unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

E. EXPIRATION

A Modification shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

F. AMENDMENT

A Modification may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia.

2.4.17. INTERPRETATION

A. PURPOSE

The purpose of this section is to establish a uniform mechanism for rendering formal written interpretations of this Ordinance.

B. APPLICABILITY

The ZA is responsible for making interpretations of all provisions of this Ordinance, including, but not limited to:

(1) Interpretations of the text, including standards;

(2) Interpretations of the zoning district boundaries;

(3) Interpretations of whether a proposed use meets the definition of a listed use or not, and should be allowed in a zoning district or prohibited in that district;

(4) Interpretations of compliance with a condition of approval; and

(5) Interpretations of whether rights have been vested.

C. INTERPRETATION PROCEDURE

Interpretation requests shall be reviewed using the procedures outlined in Section 2.3.8, Interpretation Procedure.

D. INTERPRETATION STANDARDS

In rendering an interpretation, the ZA shall consider the following:

(1) Text Provisions, General

Interpretation of the text and its application shall be based on Section 8.1, General Rules for Interpretation, and considerations including, but not limited to, the following:

(a) The clear and plain meaning of the provision's wording, as defined by the meaning and significance given to specific terms used in the provision—as established in Section 8.3, Definitions and Rules of Measurement, and by the common and accepted usage of the term;

(b) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, any legislative history related to its adoption, and the Comprehensive Plan; and

(c) The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent, and the purpose statement in the section(s) where the text is located (if appropriate).

(2) Unlisted Uses

(a) Any specific use not listed in Article 4, Performance Standards, for a zoning district, shall be interpreted as prohibited in that district.

(b) No use interpretation shall permit any use in any zoning district unless evidence is presented that demonstrates it will comply with each use limitation established for that particular district.

(c) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in the district, and is more similar to other uses in the district than to uses permitted or specially permitted in a more restrictive district.

(d) If the proposed use is most similar to a use permitted only as a conditional use in the zoning district in which it is proposed, then any use interpretation permitting such use shall be conditioned on the approval of a Conditional Use Permit in accordance with Section 2.4.8, Conditional Use Permit.

(e) No use interpretation shall permit the establishment of any use that would be inconsistent with the purpose statement of the district in which it is located, and the comprehensive plan.

(3) Official Zoning Map Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 1.6.3, Interpretation of Official Zoning Map Boundaries, and consistent with the comprehensive plan.

(4) Conditions of Approval

Interpretation of conditions of approval included in permits and development approvals approved in accordance with the procedures and standards of this Ordinance shall consider the review standards for the particular permit or development approval, the record of the meeting(s) and hearing(s) where the approval was made, and other relevant parts of the record of the approval.

E. APPEAL

The ZA's interpretation may be appealed to the BZA in accordance with Section 2.4.13, Appeal to the Board of Zoning Appeals.

F. EFFECT

(1) Except as otherwise provided, a written interpretation shall be binding on subsequent decisions under this Ordinance by all city officials in applying the same provision or interpreting a district boundary on the Official Zoning Map.

(2) A use interpretation finding a particular use to be permitted as of right or as a conditional use shall not authorize the establishment of such use

nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the processing of development applications for any permits or development approvals that may be required by this Ordinance, or other relevant regulations in the City Code of Ordinances.

(3) Where appropriate, time limits may be placed on the validity of an interpretation.

G. OFFICIAL RECORD

The ZA shall maintain a record of written interpretations which shall be available in the Department of City Planning for public inspection, on reasonable request, during normal business hours.

2.4.18. SITE PLAN REVIEW

A. PURPOSE

The purpose of the site plan review process is to ensure the orderly growth and development in the City of Norfolk and ensure that property is used and developed in a manner that protects the general public welfare, implements the policies of the Comprehensive Plan and complies with all aspects of City Code including the standards within this Ordinance.

B. APPLICABILITY

Site plan review shall be required prior to the issuance of any Zoning Certificate for the following types of development:

(1) New construction, substantial improvements, and additions to principal or accessory structures with an area of land disturbance of 2,500 square feet or greater, not including single-family detached dwellings exempted per subsection C, below; and

(2) Any land disturbance exceeding 2,500 square feet, unless exempted per subsection C, below.

C. EXEMPTIONS

(1) Single-family detached development of one or more dwellings totaling less than 10,000 square feet of on- and off-site land disturbance built in compliance with the standards of Section 5.12, Resilience Quotient, provided the development complies with the procedures of Section 2.4.19, Single-Family Plan Review.

D. SITE PLAN REVIEW PROCEDURE

Site plans shall be reviewed using the procedures outlined in Section 2.3.9, Site Plan Review Procedure.

E. SITE PLAN REVIEW STANDARDS

(1) Erosion and Sediment Control

Measures taken for erosion and sediment control shall conform to the standards and procedures set forth in Chapter 15 of the Norfolk City Code. The manager of the bureau of environmental services may review and approve the erosion and sediment control plan and issue a land disturbing activity permit prior to site plan approval.

(2) Driveways, Sidewalks, Curbs, Gutters, and Other Similar Right-of-Way Improvements

The site plan must disclose that all driveways, sidewalks, curbs, and gutters are to be installed in accordance with the standards prescribed by the department of public works. Improvements to the public right of way shall be required for any public infrastructure immediately adjacent to the site that may be impacted by the development and where the existing improvements are deemed inadequate or not in compliance with all applicable Public Works standards, including the Complete Streets Policy, unless a waiver has been granted by the Director of Public Works or his designee.

(3) Lighting

All developments shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded, and there shall be no spillover onto adjacent properties. The site plan must reflect compliance with this requirement.

(4) Stormwater Drainage

Provisions for storm surface drainage shall be in accordance with the design standards of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program".

(5) Utilities

Provision of hook-ups to public utilities shall be the responsibility of the developer and connections shall be installed in accordance with the standards of the department of Public Utilities. All connections shall be shown on the site plan.

(6) Public Health and Safety

The department of public health shall review all site plans for treatment of bulk trash disposal and other environmental health matters. The department of police and the department of fire and paramedical services shall review all site plans to determine adequacy of access and other aspects of public safety.

(7) Comprehensive Plan Conformity

The Department of City Planning shall review all site plans in terms of the adopted comprehensive plan and for their conformity with the plan's objectives and policies.

(8) Landscaping

Standards for landscape development are contained in Section 5.2, Landscaping Standards. Landscaping plans shall be submitted with site plans as specified in Section 5.2.4, Landscaping Plan.

(9) Resilience Quotient

All development shall be designed to provide enhanced resilience by implementing development techniques above and beyond the minimum standards as required by the development standards. Resilient development techniques should be innovative and incorporate as many techniques as possible. All techniques used to meet the resilience quotient shall be documented and submitted for review. If an applicant elects to develop a property outside of the documented resilience quotient as outlined in Section 5.12, Resilience Quotient, the development shall either be designed to and obtain a LEED Gold or equivalent certification or incorporate a minimum of 4 of the following techniques as approved by the ZA:

(a) Reducing Risks From Flooding

Measures can include but are not limited to: increasing finished floor elevations above the minimum standard; limiting enclosed areas below the floodplain to less than 70 square feet; prohibiting basements; and installing open carports instead of attached garages.

(b) Managing Stormwater

Measures can include but are not limited to: capturing all roof drainage for rainwater harvesting; installing bioretention BMPs in areas that are required to be landscaped above and beyond the minimum quantity requirement; installing stormwater management for water quantity that has capacity for an additional 1,000 square feet of impervious surface; installing grass or pervious pavers for parking areas; and installing stormwater management that can accommodate the first 1.25” of rain water during a storm event.

(c) Promoting Energy Resilience Including the Use of Alternative Energy

Measures can include but are not limited to: installing renewable energy systems; installing permanent backup generators; installing or maintaining large canopy trees; using non-traditional HVAC techniques such as geothermal systems and mini-splits; using conditioned crawl spaces; installing electric vehicle charging stations; and designing the development to provide maximum sunlight exposure to roof tops for possible renewable energy installation.

(d) Conserving Water and Natural Resources, and Protecting Water Quality

Measures can include but are not limited to: preserving all large canopy/specimen trees; developing outside of the 100 foot CBPA buffer; installing landscape areas in 30% of the impervious area in place of turf grass; and installing living shorelines.

(e) Supporting Multiple Modes of Mobility, Specifically Including Walkability and Bikeability

Measures can include but are not limited to: developing within ¼ mile of public transit; developing within areas denoted as Transit Supportive Areas in the Comprehensive Plan; installing bicycle lockers for long-term parking; implementing a bike share program; installing elevators; designing to the minimum parking standard for restaurant and retail sales uses; installing a 10-foot sidewalk connecting site amenities and uses, adding bike lanes; and installing handicap-accessible residential units.

(f) Developing in a Manner That Promotes Healthy and Safe Environments and Lifestyles

Measures can include but are not limited to: installing playgrounds or outdoor exercise equipment within open space areas; providing public walkways and access to the water; designing developments around a centralized outdoor plaza, community space, or amenity; increasing tree canopy to have 50% site coverage; developing within ¼ mile or connecting to an existing trail or path system utilizing an accessible sidewalk or path; and extending existing trail systems and/or providing connections constructed to trail system standards.

(g) Providing Inclusionary Dwelling Units Within Mixed-Income Residential or Mixed-Use Development

Measures can include but are not limited to: constructing 15-25% of dwelling units to an affordable standard for market-rate developments; or constructing 15-25% of dwelling units to a market-rate standard in affordable developments.

F. EFFECT

Approval of a site plan authorizes the submittal of a development application for a Zoning Certificate, a building permit, or any other development application that may be required before construction or other development authorized by this Ordinance.

G. EXPIRATION

Unless otherwise specified in the site plan approval, an application for a Zoning Certificate shall be obtained for at least one building in the site plan within five years of the date of the approval, or the site plan shall become null and void, and

automatically expire, subject to the vesting provisions of the Code of Virginia. When a building permit is approved, the site plan approval shall run concurrent with the validity of the building permit. Permitted timeframes do not change with successive owners. Upon written request of the applicant prior to expiration, the ZA may extend the expiration date of the site plan for an additional six months if all factors of the original site plan review are the same.

H. AMENDMENT

A site plan may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia. The ZA shall approve minor modifications to the site plan approval when it is determined, in consultation with the affected city departments, that such modification has no significant impact on the site plan that was originally approved, and the site plan is in compliance with the requirements of this Ordinance.

I. ENFORCEMENT AND SURETY

(1) A stop work order shall be placed on a project subject to site plan approval if any improvements required on the approved site plan, landscape plan or other applicable plans are not adhered to during the development of the site.

(2) When an improvement is to be accepted for dedication, maintenance, or operation by the city, the developer may be required to provide a certified check or letter of credit (in a form acceptable to the city attorney) in the amount of 10 percent of the total construction costs of the project) to cover the costs of any defects which may occur in such improvements within two years after the date of acceptance by the city. The ZA shall determine when a security is required.

(3) Where buffer areas, landscaping, stormwater management facilities, or other specifications of an approved site plan are required, a Certificate of Occupancy shall not be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan, except in subsection (4), below.

(4) A structure subject to site plan approval may be occupied and a Certificate of Occupancy issued prior to the completion of required landscaping, or other specifications of an approved plan, only if the applicant provides the city a form of surety satisfactory to the ZA in an amount equal to the costs (plus 10 percent as an administrative contingency) of replacing the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

(5) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved site plan, the surety

may be forfeited to the city. The city may collect from the applicant the amount by which the reasonable costs of required actions exceeds the amount of the surety held.

(6) After all required actions of the approved site plan are completed, the applicant shall submit a written request for a final inspection. If the requirements of the approved plan are completed to the satisfaction of the Director of Recreation, Parks, and Opens Space and/or the Director of Public Works, such unexpected or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The ZA may require a certificate of substantial completion from a professional engineer or class IIIB surveyor before making a final inspection.

2.4.19. SINGLE-FAMILY PLAN REVIEW

A. PURPOSE

The purpose of single-family plan review is to ensure the orderly growth and development in the City of Norfolk and ensure that property is used and developed in a manner that protects the general public welfare, implements the policies of the Comprehensive Plan and complies with all aspects of City Code including the standards within this Ordinance.

B. APPLICABILITY

Single-family plan review shall be required before the issuance of a Zoning Certificate for any new construction, substantial improvement, or addition to a single-family dwelling and its associated accessory structures not required to follow the procedures of Section 2.4.18, Site Plan Review.

C. SINGLE-FAMILY PLAN REVIEW PROCEDURE

Single-family plans shall be reviewed using the procedures outlined in Section 2.3.9, Site Plan Review Procedure

D. SINGLE-FAMILY PLAN REVIEW STANDARDS

(1) Erosion and Sediment Control

Measures taken for erosion and sediment control shall conform to the standards and procedures set forth in Chapter 15 of the Norfolk City Code. The manager of the bureau of environmental services may review and approve the erosion and sediment control plan and issue a land disturbing activity permit prior to site plan approval. The manager of the bureau of environmental services may accept an agreement in lieu of an erosion and sediment control plan.

(2) Driveways, Sidewalks, Curbs, Gutters, and Other Similar Right-of-Way Improvements

The proposed development shall ensure that driveway aprons, sidewalks, curbs, and gutters are installed or repaired in accordance with the standards prescribed by the Department of Public Works. Improvements to the public right of way may be required for any public infrastructure immediately adjacent to the site that may be impacted by the development.

(3) Stormwater Drainage

The proposed development must provide adequate drainage to either the adjacent public right of way, an adjacent public body of water, or an approved BMP in accordance with an approved Common Plan of Development. Where site drainage is insufficient, onsite stormwater management in accordance with the design standards of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program" may be required as determined by the Director of Public Works or designee. A fill permit, issued by the Department of Public Works, will be required for any sites where the amount of fill proposed as part of the required lot grading exceeds the minimum necessary to ensure adequate drainage away from the proposed structures or for any site utilizing onsite stormwater management, not including items selected to meet Resilience Quotient requirements.

(4) Utilities

Provision of hook-ups to public utilities shall be the responsibility of the developer and connections shall be installed in accordance with the standards of the department of Public Utilities.

(5) Landscaping

The plan shall note the required landscaping of this Ordinance however is not required to meet the design professional standards as required in Section 5.2.4.B, Landscaping Plan Preparation.

E. EFFECT

Approval of a single-family plan authorizes the submittal of a development application for a Zoning Certificate, a building permit, or any other development application that may be required before construction or other development authorized by this Ordinance.

F. EXPIRATION

Unless otherwise specified in the single-family plan approval, an application for a Zoning Certificate shall be obtained for at least one building in the site plan within five years of the date of the approval, or the site plan shall become null and void, and automatically expire, subject to the vesting provisions of the Code of Virginia. When a building permit is approved, the site plan approval shall run concurrent with the validity of the building permit. Permitted timeframes do not change with successive owners. Upon written request of the applicant prior to expiration, the

ZA may extend the expiration date of the site plan for an additional six months if all factors of the original site plan review are the same.

G. AMENDMENT

A single-family plan may be amended only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia. except that the ZA shall approve minor modifications to the plan approval when it is determined, in consultation with the affected city departments, that such modification has no significant impact on the plan that was originally approved, and the plan is in compliance with the requirements of this section.

H. ENFORCEMENT AND SURETY

(7) A stop work order shall be placed on a project subject to plan approval if any improvements required on the approved plan are not adhered to during the development of the site.

(8) When an improvement is to be accepted for dedication, maintenance, or operation by the city, the developer may be required to provide a certified check or letter of credit (in a form acceptable to the city attorney) in the amount of 10 percent of the total construction costs of the project) to cover the costs of any defects which may occur in such improvements within two years after the date of acceptance by the city. The ZA shall determine when a security is required.

(9) Where buffer areas, landscaping, stormwater management facilities, or other specifications of an approved single-family plan are required, a Certificate of Occupancy shall not be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan, except in subsection (4), below.

(10) A structure subject to single-family plan approval may be occupied and a Certificate of Occupancy issued prior to the completion of required landscaping, or other specifications of an approved plan, only if the applicant provides the city a form of surety satisfactory to the ZA in an amount equal to the costs (plus 10 percent as an administrative contingency) of replacing the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

(11) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved single-family plan, the surety may be forfeited to the city. The city may collect from the applicant the amount by which the reasonable costs of required actions exceed the amount of the surety held.

(12) After all required actions of the approved single-family plan are completed, the applicant shall submit a written request for a final inspection. If the

requirements of the approved plan are completed to the satisfaction of the Director of Recreation, Parks, and Opens Space and/or the Director of Public Works, such unexpected or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The ZA may require a certificate of substantial completion from a professional engineer or class IIIB surveyor before making a final inspection.

Article 3: Zoning Districts

ARTICLE 3: ZONING DISTRICTS 3-1

3.1 General Provisions 3-1

3.1.1. Compliance with Zoning District Standards 3-1
3.1.2. Establishment of Zoning Districts 3-2
3.1.3. Organization of Zoning Districts 3-4
3.1.4. Organization of Zoning District Use Tables 3-6

3.2 Residential Base Zoning Districts 3-10

3.2.1. General Purposes Of Residential Base Zoning Districts 3-10
3.2.2. Established Residential Base Zoning Districts 3-10
3.2.3. SF-2: Single Family 2 3-12
3.2.4. SF-4: Single Family 4 3-14
3.2.5. SF-6: Single Family 6 3-16
3.2.6. SF-10: Single Family 10 3-18
3.2.7. SF-T: Single Family - Traditional 3-20
3.2.8. R-C: Residential - Coastal 3-22
3.2.9. MF-NS: Multi-Family - Neighborhood-Scale 3-38
3.2.10. MF-AC: Multi-Family - Apartment Complex 3-40
3.2.11. MF-HR: Multi-Family - High Rise 3-42
3.2.12. Uses for the Residential Base Zoning District 3-44

3.3 Commercial Base Zoning Districts 3-50

3.3.1. General Purposes of Commercial Zoning Districts 3-50
3.3.2. Established Commercial Base Zoning Districts 3-50
3.3.3. C-N: Neighborhood Commercial 3-52
3.3.4. C-C: Community Commercial 3-54
3.3.5. C-R: Regional Commercial 3-56
3.3.6. O: Office 3-58
3.3.7. BC-O: Business and Commerce Park - Office 3-60
3.3.8. BC-I: Business and Commerce Park - Industrial 3-62
3.3.9. Uses for the Commercial Base Zoning Districts 3-64

3.4 Downtown Base Zoning Districts 3-73

3.4.1. General Purposes Of Downtown Base Zoning Districts 3-73

3.4.2. Established Downtown Base Zoning Districts 3-73
3.4.3. Downtown District Review Procedures..... 3-74
3.4.4. Standards Applicable to All Downtown Base Zoning Districts..... 3-74
3.4.5. D-W: Downtown - Waterfront 3-76
3.4.6. D-BC: Downtown - Business Center 3-78
3.4.7. D-MU: Downtown - Mixed-use 3-80
3.4.8. D-AD: Downtown - Arts and Design 3-82
3.4.9. D-FN: Downtown - Fort Norfolk 3-84
3.4.10. D-SP: Downtown - Saint Paul's..... 3-86
3.4.11. Uses for the Downtown Base Zoning Districts..... 3-87

3.5 Industrial Base Zoning Districts.....3-97

3.5.1. General Purposes of Industrial Base Zoning Districts 3-97
3.5.2. Established Industrial Base Zoning Districts..... 3-97
3.5.3. I-L: Industrial - Light..... 3-98
3.5.4. I-G: Industrial - General 3-100
3.5.5. I-W: Industrial - Waterfront 3-102
3.5.6. I-DW: Industrial - Deep Water..... 3-104
3.5.7. Uses for the Industrial Base Zoning Districts..... 3-106

3.6 Historic and Cultural Conservation Base Zoning Districts ... 3-115

3.6.1. Purpose..... 3-115
3.6.2. Established Historic and Cultural Conservation Base Zoning Districts..... 3-115
3.6.3. Historic District Guidelines 3-115
3.6.4. Standards Applicable to All Historic and Cultural Conservation Base Zoning Districts 3-116
3.6.5. HC-G1: Ghent Historic and Cultural Conservation 3-118
3.6.6. HC-G2: Ghent Historic and Cultural Conservation 3-120
3.6.7. HC-G3: Ghent Historic and Cultural Conservation 3-122
3.6.8. HC-WF1: West Freemason Historic and Cultural Conservation..... 3-124
3.6.9. HC-WF2: West Freemason Historic And Cultural Conservation..... 3-126

3.6.10. HC-EF: East Freemason Historic And Cultural Conservation 3-128
3.6.11. Uses for the Historic and Cultural Conservation Base Zoning Districts 3-130

3.7 Special Purpose Districts 3-137

3.7.1. General Purpose of Special Purpose Districts 3-137
3.7.2. Established Special Purpose Base Zoning Districts 3-137
3.7.3. IN: Institutional 3-138
3.7.4. IN-C: Institutional - Campus 3-140
3.7.5. A: Airport 3-144
3.7.6. OSP: Open Space and Preservation 3-146
3.7.7. RESOURCE: Resource Conservation 3-148
3.7.8. MI: Military Installation 3-150
3.7.9. MW: Monarch Way 3-152
3.7.10. EBH: East Beach Harbor 3-156
3.7.11. TOD: Transit-Oriented Development 3-160
3.7.12. G-1: Granby/Monticello Corridor Mixed-use 3-164
3.7.13. Uses for the Special Purpose Districts 3-167

3.8 Planned Development Districts 3-177

3.8.1. Established Planned Development Zoning Districts 3-177
3.8.2. General Provisions for Planned Development Zoning Districts 3-177
3.8.3. PD: Planned Development 3-182

3.9 Overlay Districts and Designations 3-188

3.9.1. General Purposes of Overlay Districts and Designations 3-188
3.9.2. Established Overlay Zoning Districts and Designations 3-188
3.9.3. Conflicting Standards 3-188
3.9.4. Classification of Overlay Districts 3-189
3.9.5. ASO/AICUZ: Airport Safety, Air Installation Compatibility Use Zone, and Noise Zone Overlays 3-189
3.9.6. CBPA-O: Chesapeake Bay Preservation Area Overlay 3-197
3.9.7. FPCH-O: Flood Plain / Coastal Hazard Overlay 3-220
3.9.8. HO: Historic Overlay 3-240

3.9.9. BCRO: Broad Creek Refresh Overlay 3-243
3.9.10. PCO: Pedestrian Commercial Overlay 3-250
3.9.11. PCO-Colley: Pedestrian Commercial Overlay-Colley Avenue 3-251
3.9.12. PCO-21st Street: Pedestrian Commercial Overlay-21st Street 3-254
3.9.13. PCO-Riverview: Pedestrian Commercial Overlay-Riverview 3-258
3.9.14. PCO-35th Street: Pedestrian Commercial Overlay-35th Street 3-260
3.9.15. PCO-Lafayette: Pedestrian Commercial Overlay-Lafayette Boulevard 3-263
3.9.16. NRO: Neighborhood Resilience Overlay 3-266
3.9.17. IRIO: Institutional Residential Impact Overlay District 3-278
3.9.18. CRO: Coastal Resilience Overlay 3-279
3.9.19. URO: Upland Resilience Overlay 3-281
3.9.20. HL: Historic Landmark Designation 3-283
3.9.21. Uses for the Overlay Districts 3-283

ARTICLE 3: ZONING DISTRICTS

3.1 GENERAL PROVISIONS

3.1.1. COMPLIANCE WITH ZONING DISTRICT STANDARDS

Land in the city shall not be developed except in accordance with the zoning regulations of this article and all other regulations of this Ordinance.

A. CREATION OF LOTS

Unless exempted by this section, all new lots of record shall conform to the dimensional requirements set forth in the zoning districts established by this Article.

(1) Flag Lots in Residential Districts

In Residential districts, flag lots shall only be established with approval of a Conditional Use Permit and shall comply with the following standards:

(a) One flag lot may be created in cases where lots of unusual depth contain sufficient area to permit, by subdivision, the creation of more than one lot;

(b) A flag lot shall have a minimum of 20 feet of frontage on a public street, and no portion of the flag lot shall measure less than 20 feet between the buildable area and the street property line;

(c) The minimum lot area of a flag lot shall not be less than 1½ times the minimum lot area of the applicable districts;

(d) The required yards for a flag lot shall not be less than ten feet in width, as measured from the interior property line; and

(e) The lot width for a flag lot shall not be less than the minimum lot width for the applicable district, measured at the point of the required setback from the portion of the flag closest to the public street.

(2) Narrow and/or Undersized Lots in Residential Districts

In the SF-2, SF-4, SF-6, SF-10, and SF-T districts, any lot that does not meet the minimum lot width or lot area requirements shall only be established with a Conditional Use Permit that complies with the following standards:

(a) No lot shall be created that is less than 25 feet wide or 2,500 square feet;

(b) The only principal use permitted on the lot shall be a single-family detached dwelling; and

(c) Any dwelling constructed on the lot shall comply with the requirements of Section 6.4.3.A(4) of the Norfolk Zoning Ordinance.

3.1.2. ESTABLISHMENT OF ZONING DISTRICTS

This Ordinance establishes the base, planned development, and overlay zoning districts, as well as historic designations (see Table 3.1.2, Establishment of Zoning Districts). The boundaries of each of the zoning districts are identified on the Official Zoning Map.

TABLE 3.1.2: ESTABLISHMENT OF ZONING DISTRICTS	
BASE DISTRICTS	
RESIDENTIAL DISTRICTS	
SF-2:	Single Family 2
SF-4:	Single Family 4
SF-6:	Single Family 6
SF-10:	Single Family 10
SF-T:	Single Family - Traditional
R-C:	Residential - Coastal
MF-NS:	Multi-Family - Neighborhood-Scale
MF-AC:	Multi-Family - Apartment Complex
MF-HR:	Multi-Family - High Rise
COMMERCIAL DISTRICTS	
C-N:	Neighborhood Commercial
C-C:	Community Commercial
C-R:	Regional Commercial
O:	Office
BC-O:	Business and Commerce Park - Office
BC-I:	Business and Commerce Park - Industrial
DOWNTOWN DISTRICTS	
D-W:	Downtown - Waterfront
D-BC:	Downtown - Business Center
D-MU:	Downtown - Mixed-Use
D-AD:	Downtown - Arts and Design
D-FN:	Downtown - Fort Norfolk
D-SP:	Downtown - Saint Paul's
INDUSTRIAL DISTRICTS	
I-L:	Industrial - Light
I-G:	Industrial - General
I-W:	Industrial - Waterfront
I-DW:	Industrial - Deep Water
HISTORIC AND CULTURAL CONSERVATION DISTRICTS	
HC-G1:	Ghent Historic and Cultural Conservation
HC-G2:	Ghent Historic and Cultural Conservation
HC-G3:	Ghent Historic and Cultural Conservation
HC-WF1:	West Freemason Historic and Cultural Conservation

TABLE 3.1.2: ESTABLISHMENT OF ZONING DISTRICTS	
HC-WF2:	West Freemason Historic and Cultural Conservation
HC-EF:	East Freemason Historic and Cultural Conservation
SPECIAL PURPOSE DISTRICTS	
IN:	Institutional
IN-C:	Institutional - Campus
A:	Airport
OSP:	Open Space and Preservation
RESOURCE:	Resource Conservation
MI:	Military Installation
MW:	Monarch Way
EBH:	East Beach Harbor
TOD:	Transit-Oriented Development
TOD-C:	Transit-Oriented Development – Core
TOD-S:	Transit-Oriented Development – Support
G-1:	Granby/Monticello Corridor Mixed-Use
PLANNED DEVELOPMENT DISTRICTS	
PD:	Planned Development
OVERLAY DISTRICTS AND DESIGNATIONS	
ASO/AICUZ:	Airport Safety, Air Installation Compatibility Use Zone, and Noise Zone Overlays
CBPA-O:	Chesapeake Bay Preservation Area Overlay
FPCH-O:	Flood Plain / Coastal Hazard Overlay
HO:	Historic Overlay
HO-Downtown:	Downtown Historic Overlay
HO-N&W:	Norfolk & Western Historic Overlay
BCRO:	Broad Creek Refresh Overlay
PCO:	Pedestrian Commercial Overlay
PCO-Colley:	Pedestrian Commercial Overlay - Colley Avenue
PCO-21st Street:	Pedestrian Commercial Overlay - 21st Street
PCO-Riverview:	Pedestrian Commercial Overlay - Riverview
PCO-35th Street:	Pedestrian Commercial Overlay - 35th Street
PCO-Lafayette:	Pedestrian Commercial Overlay - Lafayette Boulevard
NRO:	Neighborhood Resilience Overlay
IRIO:	Institutional Residential Impact Overlay District
CRO:	Coastal Resilience Overlay
URO:	Upland Resilience Overlay
HL:	Historic Landmark Designation

3.1.3. ORGANIZATION OF ZONING DISTRICTS

A. BASE ZONING DISTRICTS

(1) Base zoning districts include Residential, Commercial, Downtown, Industrial, Historic and Cultural Conservation, and Special Purpose districts, as shown in Table 3.1.2: Establishment of Zoning Districts. Base districts are established initially by the city's adoption of this Ordinance, and subsequently by a Zoning Map Amendment (see Section 2.4.3, Zoning Map Amendment).

(2) The general intent and standards of each base zoning district are set forth in Section 3.2, Residential Base Zoning Districts, through Section 3.7, Special Purpose Districts.

(3) For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, and reference other Ordinance standards generally applicable to development in the district. Each base zoning district also includes photographs depicting a building form typical in the district and an illustration depicting how the district's dimensional standards apply to lots and typical building forms. Graphics are included for illustrative purposes and show the application of the dimensional and intensity standards to some of the uses allowed in the district. At the end of each section setting out the Residential, Commercial, Industrial, and Historical and Cultural Conservation districts, the use regulations for each district is established in a Principal and Accessory Use table.

B. PLANNED DEVELOPMENT DISTRICTS

(1) The general purpose of planned development districts is set forth in Section 3.8.2, General Provisions for Planned Development Zoning Districts, in addition to the standards applicable to the proposed planned development district.

(2) Planned development districts are adopted by City Council as zoning map amendments in accordance with Section 2.4.5, Planned Development District. The name and location of the specific PD District is shown on the Official Zoning Map and recorded, as appropriate.

(3) Planned development districts are subject to an approved PD master plan and PD terms and conditions document, which establishes a plan for development parameters, and specific rules for individual PD Districts. As provided in Section 2.4.5, Planned Development District, the PD master plan and PD terms and conditions document is included with the adopting ordinance, and recorded as appropriate.

(4) Lands may be reclassified from a base district to a planned development district in accordance with Section 2.4.5, Planned Development District. Generally, PD Districts require unified control of a parcel and allow for greater flexibility and a wider range of allowed uses than traditional base zoning districts allow, in return for innovative design and higher quality development. It is the intent of this Ordinance that PD Districts should be used sparingly.

C. OVERLAY DISTRICTS

(1) Overlay zoning districts (see Table 3.1.2: Establishment of Zoning Districts), are established initially by the city's adoption of this Ordinance, and subsequently by approval of a zoning map amendment (see Section 2.4.3, Zoning Map Amendment).

(2) Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district or PD District, and may also provide a more flexible alternative to base zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

D. CHARACTER DISTRICTS

(1) Purpose

The comprehensive plan recognizes four character districts in the city with distinct development patterns: Downtown, Traditional, Suburban, and Coastal. The boundaries of the character districts are shown on the Official Zoning Map. The base zoning districts establish standards for the different character districts to recognize and support the city's predominant development patterns.

(2) Character Districts

The distinct development patterns of the four character districts are described below. Separate standards for character districts, and building form are provided for individual zoning districts, as appropriate, in order to achieve building form, massing, and scale that is supportive of the established development pattern for the character district.

(a) Downtown

The Downtown character district includes Norfolk's downtown. It is a walkable area and accommodates a broad range of commercial, office, and residential uses, at the highest intensities in the city. There is

limited on-site parking, and plazas and civic spaces are preferred over traditional open space. Transit accessibility is important.

(b) Traditional

The Traditional character district generally includes lands developed in the early 20th century, with gridded streets, smaller lots, sidewalks, and a variety of uses located in proximity to one another. It is a walkable area that is primarily residential in character, with some moderate and small-scale commercial development in fairly close proximity to residential uses.

(c) Suburban

The Suburban character district generally includes lands developed after WWII, with larger lots, greater separation of land uses, gridded and curvilinear street layouts, and limited sidewalks and common open space. The automobile dominates the landscape.

(d) Coastal

The Coastal character district includes lands in the vicinity of Ocean View Avenue, which were primarily developed after WWII. The area is linear in nature, and automobile-oriented. It is broken up by a repeating pattern of north-south streets leading to beach accesses, and developed with an eclectic mix of housing types interspersed with neighborhood-scale commercial uses. Lots are generally smaller, and there is limited provision of on-street parking, common open space, and sidewalks.

3.1.4. ORGANIZATION OF ZONING DISTRICT USE TABLES

For each grouping of zoning districts (e.g., residential base zoning districts or overlay districts) is a use table. The purpose of each use table is to authorize the establishment and continuation of land uses that are allowed on a parcel in a particular base zoning district. The use tables identify the zoning districts in which different uses are allowed, identify what type of permit or review is required to establish them, and provide reference to any special performance standards applicable to particular uses.

The use tables also establish a hierarchy for organizing uses that reflects functional relationships among the various uses and that makes it easier to determine whether a particular proposed use is allowable as a use in a particular zoning district.

A. STRUCTURE OF USE TABLES

(1) Organization and Classification of Uses

The use tables organize allowable uses with the hierarchy of use classifications described in this section. The tables show whether each use is permitted or prohibited within the various zoning districts, as well as the type of permit or development approval by which the use may be allowed. The table further references any performance standards applicable to

specific uses regardless of the zoning district in which the use is allowed or the review procedure by which the use is approved, unless expressly stated to the contrary. Any use that is not listed in a use table is prohibited.

(a) Use Classifications

Use Classifications are very broad and general (e.g., Conservation, Open Space, and Recreation Uses or Residential Uses).

(b) Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Residential classification is divided into the Household Living and Group Living categories. Since these use types have common characteristics, performance standards may be applied to an entire category as a whole.

(c) Use Types

Use Types ("uses") identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, dormitories, nursing homes, and rooming houses are use types within the Group Living Use category of the Residential Uses use classification.

(2) Principal, Accessory, and Temporary Uses

The use tables establish seven use classifications. Five of the seven classifications are principal uses while one classification represents accessory uses and one establishes temporary uses or structures. The use classifications are hereby organized per the following:

(a) Principal Uses

A principal use is the primary or predominant purpose to which a parcel of land or structure is devoted. The use types within the following use classifications are hereby established as principal uses:

(i) Conservation and open space uses;

(ii) Residential uses;

(iii) Public, civic, and institutional uses;

(iv) Commercial uses; and

(v) Industrial uses.

(b) Accessory Uses

An accessory use is a use that is incidental to and customarily associated with a principal use, and, unless otherwise specifically provided, that is located on the same premises. The use types within the accessory uses classification are hereby established as accessory uses.

(c) Temporary Uses and Structures

A temporary use or structure is a use or structure in place on a parcel of land or in a structure for a limited duration. The use types within the temporary uses and structures classification are hereby established as temporary uses and structures.

B. DESIGNATION OF ALLOWED USES

(1) Designation of Use Types

In the use tables below, the following abbreviations are used to designate whether and how a use is allowed in a particular zoning district:

P	A "P" under a zoning district column indicates that the use is an allowable use in the district, subject to any referenced performance standards and all other applicable regulations of this Ordinance. A P under an overlay zoning district column indicates that, irrespective of whether the use is prohibited in the underlying base district, the use is allowable as a permitted use in the overlay zoning district.
C	A "C" under a zoning district column indicates that the use is an allowable use in the zoning district only on approval of a Conditional Use Permit in accordance with Section 2.4.8, Conditional Use Permit, and subject to any referenced performance standards and all other applicable regulations of this Ordinance.
P/C	A "P/C" under a zoning district column indicates that the use is an allowable use in the district but that approval of a Conditional Use Permit in accordance with Section 2.4.8, Conditional Use Permit may be required, as determined by the applicable performance standards.
[blank]	A blank cell under a zoning district column indicates that the use is prohibited as a principal use or conditional use in the zoning district. A blank cell under an overlay zoning district column indicates that, irrespective of whether it is allowed in the underlying base district, the use is prohibited.

(2) Reference to Use Definitions and Performance Standards

Each use category and use type is defined in in Article 4: Performance Standards. A particular use category or use type may also be subject to additional performance standards that are specific to the particular use or category. The reference to the definition of each use and to the applicable performance standards is noted in the last column of the use table.

(3) Multiple Principal Uses

A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling). A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a religious institution combined with a school). A development with multiple principal uses shall include only those principal uses allowed in the use table in the applicable zoning district, and each principal use shall be subject to any performance standards applicable to each use.

3.2 RESIDENTIAL BASE ZONING DISTRICTS

3.2.1. GENERAL PURPOSES OF RESIDENTIAL BASE ZONING DISTRICTS

The purpose and intent of Residential base districts are to:

A. Provide a range of housing choices to meet the needs of Norfolk's citizens;

B. Preserve and maintain the city's neighborhoods as safe and convenient places to live;

C. Promote the harmonious development of residential communities;

D. Ensure compatible infill development; and

E. Help implement the housing policies in the comprehensive plan and other plans adopted by City Council.

3.2.2. ESTABLISHED RESIDENTIAL BASE ZONING DISTRICTS

The residential base zoning districts established by this Ordinance are identified in Table 3.2.2, Established Residential Base Zoning Districts.

Table 3.2.2: Established Residential Base Zoning Districts

SF-2:	Single Family 2
SF-4:	Single Family 4
SF-6:	Single Family 6
SF-10:	Single Family 10
SF-T:	Single Family - Traditional
R-C:	Residential - Coastal
MF-NS:	Multi-Family - Neighborhood-Scale
MF-AC:	Multi-Family - Apartment Complex
MF-HR:	Multi-Family - High Rise

3.2.3. SF-2: SINGLE FAMILY 2

A. PURPOSE

The purpose of the Single Family 2 (SF-2) district is to provide lands that accommodate primarily low-density, single family detached dwellings on large lots. It also accommodates day cares, limited group living, government offices, parks and recreation centers, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district. It is generally intended to be located in the suburban character district.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts	
	Single Family	All Other Uses
Lot Area, min. (sf.)	20,000-25,000, based on the predominant pattern [1] [4] [5]	25,000 [1] [4]
Lot Width, min. (ft.)	100 [2] [4] [5]	100 [2] [4]
Front Yard Setback, min. (ft.)	25 [3]	25
Side Yard Setback, min. (ft.)	5, with a total on both sides of 20	10
Corner Side Yard Setback, min. (ft.)	25	25
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Max. Impervious Cover (% lot area)	50	50

Notes: **sf. = square feet; ft. = feet**

[1] Where there is no predominant pattern, lot area shall not be less than 25,000 sf.

[2] Minimum lot width may be reduced to the average lot width of properties on the same block face, but the minimum shall not be less than 90 ft.

[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.

[4] Existing lots within 10% of both the minimum lot area and minimum lot width are deemed conforming per Section 6.4.2.D.

[5] Existing lots deemed nonconforming may be developed with a Conditional Use Permit in accordance with Section 6.4.3.A.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.4. SF-4: SINGLE FAMILY 4

A. PURPOSE

The purpose of the Single Family 4 (SF-4) district is to provide lands that accommodate primarily low-density, single family detached dwellings on moderate-sized lots. The district also accommodates day cares, limited group living, government offices, parks and recreation centers, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district. It is generally intended to be located in the suburban character district.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts	
	Single Family	All Other Uses
Lot Area, min. (sf.)	10,000-15,000, based on the predominant pattern [1] [4] [5]	15,000 [1] [4]
Lot Width, min. (ft.)	100 [2] [4] [5]	100 [2] [4]
Front Yard Setback, min. (ft.)	25 [3]	25
Side Yard Setback, min. (ft.)	5, with a total on both sides of 20	10
Corner Side Yard Setback, min. (ft.)	25	25
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Max. Impervious Cover (% lot area)	55	55

Notes: **sf. = square feet; ft. = feet**

[1] Where there is no predominant pattern, lot area shall not be less than 15,000 sf.

[2] Minimum lot width may be reduced to the average lot width of properties on the same block face, but the minimum shall not be less than 90 ft.

[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.

[4] Existing lots within 10% of both the minimum lot area and minimum lot width are deemed conforming per Section 6.4.2.D.

[5] Existing lots deemed nonconforming may be developed with a Conditional Use Permit in accordance with Section 6.4.3.A..

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.5. SF-6: SINGLE FAMILY 6

A. PURPOSE

The purpose of the Single Family 6 (SF-6) district is to provide lands that accommodate primarily low-density, single family detached dwellings on relatively small lots. The district also accommodates day cares, limited group living, government offices, parks and recreation centers, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district. It is generally intended to be located in the suburban character district.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts	
	Single Family	All Other Uses
Lot Area, min. (sf.)	6,000-7,500, based on the predominant pattern [1] [5] [6]	7,500 [1] [5]
Lot Width, min. (ft.)	60-75, based on the predominant pattern [2] [5] [6]	75 [2] [5]
Front Yard Setback, min. (ft.)	25 [3]	25 [3]
Side Yard Setback, min. (ft.)	5 [4]	10
Corner Side Yard Setback, min. (ft.)	10 [4]	10
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Max. Impervious Cover (% lot area)	60	60

Notes: **sf. = square feet; ft. = feet**

[1] Where there is no predominant pattern, lot area shall not be less than 7,500 sf.
[2] Where there is no predominant pattern, lot width shall not be less than 75 ft.
[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.
[4] Side and corner side yard setbacks shall be 3 ft. for lots of 40 ft. and less in width.
[5] Existing lots within 10% of both the minimum lot area and minimum lot width are deemed conforming per Section 6.4.2.D.
[6] Existing lots deemed nonconforming may be developed with a Conditional Use Permit in accordance with Section 6.4.3.A.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.6. SF-10: SINGLE FAMILY 10

A. PURPOSE

The purpose of the Single Family 10 (SF-10) district is to provide lands that accommodate primarily residential single family detached dwellings at higher densities. The district also accommodates day cares, limited group living, government offices, parks and recreation centers, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district. It is generally intended to be located in the suburban character district.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts	
	Single Family	All Other Uses
Lot Area, min. (sf.)	4,000-5,000, based on the predominant pattern [1] [4] [5]	5,000 [1] [4]
Lot Width, min. (ft.)	40-50, based on the predominant pattern [2] [4] [5]	50 [2] [4]
Front Yard Setback (ft.)	Within 3 ft. of the average on the block face or 18-25 if no pattern exists	Within 3 ft. of the average on the block face or 18-25 if no pattern exists
Side Yard Setback, min. (ft.)	3, with a total of both sides of 10 [3]	10
Corner Side Yard Setback, min. (ft.)	10 [3]	10
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Maximum Impervious Cover (% lot area)	60	60

Notes: sf. = square feet; ft. = feet

[1] Where there is no predominant pattern, lot area shall not be less than 5,000 sf.

[2] Where there is no predominant pattern, lot width shall not be less than 50 ft.

[3] Side and corner side yard setbacks shall be 3 ft. for lots of 40 ft. and less in width.

[4] Existing lots, of no less than 40 feet in width, within 10% of both the minimum lot area and minimum lot width are deemed conforming per Section 6.4.2.D.

[5] Existing lots deemed nonconforming may be developed with a Conditional Use Permit in accordance with Section 6.4.3.A.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.7. SF-T: SINGLE FAMILY - TRADITIONAL

A. PURPOSE

The purpose of the Single Family - Traditional (SF-T) district is to accommodate development of single-family detached dwellings at higher densities, and to support walkable development patterns in the Traditional Character District. The district also accommodates day cares, limited group living, government offices, parks and recreation centers, and minor utility facilities. District regulations discourage development that substantially interferes with the quiet residential nature of the district.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District	
	Single Family	All Other Uses
Lot Area, min. (sf.)	4,000-5,000, based on the predominant pattern [1] [4] [5]	5,000 [1] [4]
Lot Width, min. (ft.)	40-50, based on the predominant pattern [2] [4] [5]	50 [2] [4]
Front Yard Setback (ft.)	Within 3 ft. of the average on the block face or 9-16 if no pattern exists	Within 3 ft. of the average on the block face or 9-16 if no pattern exists
Side Yard Setback, min. (ft.)	3, with a total on both sides of 10 [3]	10
Corner Side Yard Setback, min. (ft.)	5 [3]	10
Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)	35	35
Maximum Impervious Cover (% lot area)	65	65

Notes: sf. = square feet; ft. = feet

[1] Where there is no predominant pattern, lot area shall not be less than 5,000 sf.

[2] Where there is no predominant pattern, lot width shall not be less than 50 ft.

[3] Side and corner side yard setbacks shall be 3 ft. for lots of 40 ft. and less in width.

[4] Existing lots, of no less than 40 feet in width, within 10% of both the minimum lot area and minimum lot width are deemed conforming per Section 6.4.2.D.

[5] Existing lots deemed nonconforming may be developed with a Conditional Use Permit in accordance with Section 6.4.3.A.

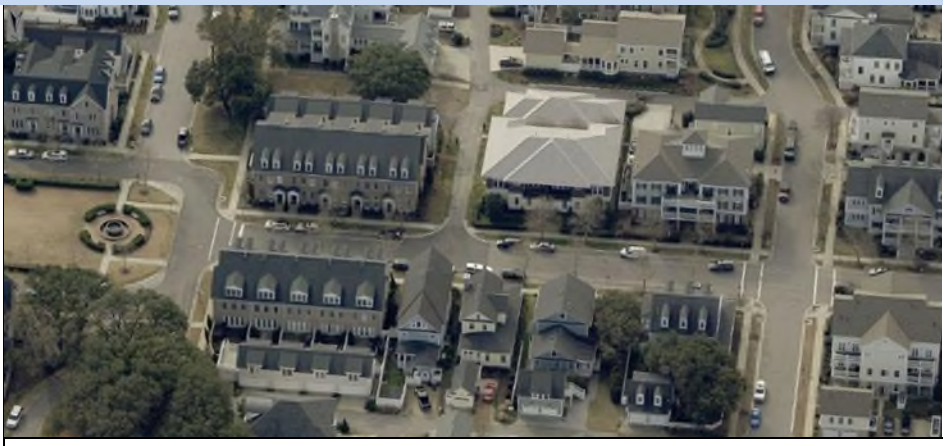
C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.8. R-C: RESIDENTIAL - COASTAL

A. PURPOSE

The purpose of the Residential - Coastal (R-C) district is to provide for a mixture of residential uses that reflect the eclectic housing stock in the Coastal Character District. This district also allows for variations of building types that gain performance bonuses for meeting certain form and development standards.







B. INTENSITY AND DIMENSIONAL STANDARDS

Base Standards [1]	Coastal Character District				
	Single-Family [1]	Single-Family Semi-Detached [1]	Two-Family [1]	Other Residential Uses	All Other Uses
Lot Area, min. (sf.)	5,000	7,500 [1]	7,500	See Section 3.2.8.D, Alternative Intensity and Dimensional Standards	10,000
Lot Area, min. (sf. per unit)	5,000	3,000	N/A		N/A
Lot Width, min. (ft.)	50 [1]	50	50		100
Lot Width, min. (ft. per unit)	N/A	25	N/A		N/A
Front Yard Setback (ft.)	20 [1] [2]	20 [1]	20 [1]		20
Side Yard Setback, min. (ft.)	5 [1]	5 [1]	5 [1]		10
Corner Side Yard Setback, min. (ft.)	10	10 [1]	10 [1]		10
Rear Yard Setback, min. (ft.)	20	20 [1]	20 [1]		20
Building Height, max.	3 stories [3]				
Maximum Impervious Cover (% lot area)	65%	N/A			

Notes: **sf. = square feet; ft. = feet**

[1] Alternative intensity and dimensional standards can be found in Section 3.2.8.D, Alternative Intensity and Dimensional Standards

[2] Attached garages where garage doors face Ocean View Avenue shall be set back 40 feet.

[3] First floors which are limited to storage no larger than 100 square feet, parking, and building access shall not be considered a story towards the building height.

[4] Usable open space standard does not apply to single-family detached dwellings and townhouse.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Except for single-family detached and townhouse, 2.5 parking spaces are required per dwelling unit unless otherwise noted within the alternative design approval process.

D. ALTERNATIVE INTENSITY AND DIMENSIONAL STANDARDS

The following uses shall be permitted to obtain greater intensity and height and reductions in dimensional, parking, and open space standards subject to the development meeting the additional standards listed in each section.

(1) Approval Process

(a) Zoning Certificate

Development that meets the development and form standards as listed in this section shall obtain a Zoning Certificate per the provisions of Section 2.4.14, Zoning Certificate.

(b) Conditional Use Permit

Development that does not meet the development and form standards as listed in this section may request a Conditional Use Permit per the provisions of Section 2.4.8, Conditional Use Permit, for the proposed development to obtain greater intensity and height, and for reductions in dimensional, parking and open space standards expressly permitted in this section subject to the ZA determining that the development meets the intent of the General Design Criteria outlined in subsection (2), below.

(2) General Design Criteria

(a) Coastal Character District Pattern Book

Developments using the alternative intensity and dimensional standards shall have designs that generally conform to the standards of the *Coastal Character District Pattern Book* as determined by the ZA.

(b) Architectural Review Board

Plans that do not meet the full requirements of the General Design Standard points may be submitted to the ARB per the provisions of Section 2.1.5, Architectural Review Board, for consistency review against the *Coastal Character District Pattern Book*. If the ARB finds that the development consistent with the *Coastal Character District Pattern Book*, the proposed plans shall be deemed compliant with the General Design standards set forth in this section.

(3) Single-Family Detached Dwellings

(a) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(A), Alternative Dimensional Standards – Single-Family Detached Dwellings, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed residential dwelling conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(A): ALTERNATIVE DIMENSIONAL STANDARDS – SINGLE-FAMILY DETACHED DWELLINGS

Lot Area, min. (sf.)		5,000	
Lot Area, min. (sf. per unit)		5,000	
Lot Width, min. (ft.)		37.5	
Front Yard Setback (ft.)	Not Adjacent to Ocean View Avenue	Average of the adjacent properties, +/- 2	
	Adjacent to Ocean View Avenue	Min. 10	Max. 20
Side Yard Setback, min. (ft.)		3	
Corner Yard Setback, min. (ft.)		3	
Rear Yard Setback, min. (ft.)		20	
Building Height, max. (stories)		4	
Maximum Impervious Coverage (% lot area)		55	

(b) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(A), Alternative Dimensional Standards – Single-Family Detached Dwellings, above, the following development and form standards must be met:

(i) Buildings shall have porches with a minimum size of 48 square feet and minimum dimension of 6 feet. Multi-story porches are encouraged;

(ii) Parking and driveway access shall not be located between the front façade and the front property line;

(iii) For properties fronting on Ocean View Avenue, attached garages with doors that face Ocean View Avenue may be permitted if setback a minimum of 40 feet from the front property line;

(iv) For properties not fronting on Ocean View Avenue, attached garages with doors that face the street may be permitted if setback a minimum of 20 feet from the front façade;

(v) First floor areas may be used as garages, limited access and limited storage;

(vi) Façades facing the street shall have fenestration for each story that are balanced with the building design and exterior elevation; and

(vii) In addition to the landscaping requirements of Article 5, one additional tree, of any size, shall be planted onsite per every 25 feet of lot frontage.

Figure 3.2.8(A): Examples of Single-Family Detached Dwellings Using Alternative Standards







(4) Detached Accessory Dwelling Units (Carriage Houses)

(a) Alternative Dimensional Standards

For detached accessory dwelling units, commonly known as carriage houses, the alternative dimensional standards listed in Table 3.2.8(B), Alternative Dimensional Standards – Detached Accessory Dwelling Units, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed accessory dwelling unit conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(B): ALTERNATIVE DIMENSIONAL STANDARDS – DETACHED ACCESSORY DWELLING UNITS

Lot Area, min. (sf.)	5,000
Lot Area, min. (sf. per unit)	5,000
Lot Width, min. (ft.)	37.5
Front Yard Setback (ft.)	10
Side Yard Setback, min. (ft.)	3
Corner Yard Setback, min. (ft.)	3
Rear Yard Setback, min. (ft.)	5
Building Height, max. (ft.)	25

(b) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(B), Alternative Dimensional Standards – Detached Accessory

Dwelling Units, above, the following development and form standards must be met:

(i) The proposed accessory dwelling unit shall be no larger than 600 square feet and may contain a garage in the first story for both the principal and accessory dwellings;

(ii) Garage doors that face Ocean View Avenue shall be setback a minimum of 40 feet from the front property line;

(iii) First floor areas may be used as garages, limited access and limited storage;

(iv) All façades shall have balanced fenestration for each that are balanced with the building design and exterior elevation;

(v) ADUs using this process shall be considered accessory to the single-family detached development and shall not be subject to the requirements of major site plan review;

(vi) One additional unobstructed parking space shall be required for the ADU; and

(vii) Required parking for single-family detached residences with ADUs shall be permitted to be located within garages and driveways that meet the minimum dimensional standard as set forth in Article 5, Development Standards.

Figure 3.2.8(B): Examples of Detached Accessory Dwellings Using Alternative Standards





(5) Single-Family Semi-Detached Dwellings

(a) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(C), Alternative Dimensional Standards – Single-Family Semi-Detached Dwellings, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed residential development conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(C): ALTERNATIVE DIMENSIONAL STANDARDS – SINGLE-FAMILY SEMI-DETACHED DWELLINGS			
Lot Area, min. (sf.)		5,000	
Lot Area, min. (sf. per unit)		2,000	
Lot Width, min. (ft.)		50	
Front Yard Setback (ft.)	Not Adjacent to Ocean View Avenue	Average of the adjacent properties, +/- 3	
	Not adjacent to Ocean View Avenue and with no other residential structures sited along the block face	Min. 8	Max. 15
	Adjacent to Ocean View Avenue	Min. 10	Max. 20
Side Yard Setback, min. (ft.)		12 [1]	
Corner Yard Setback, min. (ft.)		3	
Rear Yard Setback, min. (ft.)		10	
Building Height, max. (stories)		4	
Usable Open Space (% lot area)		15	
Notes: [1] Side setback required for driveway location accessing rear parking area. Minimum setback is 3 ft.			

(b) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(C), Alternative Dimensional Standards – Single-Family Semi-Detached Dwellings, above, the following development and form standards must be met:

(i) The proposed building shall be a minimum of two stories;

(ii) Buildings shall have porches with a minimum size of 48 square feet and minimum dimension of 6 feet. Multi-story porches are encouraged;

(iii) One driveway shall be permitted for the development when accessed from a right of way. Two driveways may be permitted if accessed from an alley or a right of way with a dimension less than 30 feet;

(iv) Driveways shall be no wider than 12 feet;

(v) Semi-detached dwellings shall not have a front-loaded attached garage and no driveway or parking area shall be located in the area between the ground floor front façade of the principal building and the front property line;

(vi) For properties fronting on Ocean View Avenue, detached garages may have doors that face Ocean View Avenue if setback a minimum of 40 feet;

(vii) Façades facing the street shall have fenestration for each that are balanced with the building design and exterior elevation; and

(viii) Parking spaces shall meet the minimum dimensional standards as per Section 5.1, Parking, Loading, and Bicycle Standards, however may be located within garages and driveways that are not part of the common ingress and egress for the development. Stacked parking spaces may count towards meeting the parking requirement, however one parking space per dwelling unit shall be unobstructed.

Figure 3.2.8(C): Example of Single-Family Semi-Detached Dwellings Using Alternative Standards



(6) Two-Family Dwellings

(a) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(D), Alternative Dimensional Standards – Two-Family Dwellings, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed residential development conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(D): ALTERNATIVE DIMENSIONAL STANDARDS – TWO-FAMILY DWELLINGS			
Lot Area, min. (sf.)		5,000	
Lot Area, min. (sf. per unit)		2,000	
Lot Width, min. (ft.)		50	
Front Yard Setback (ft.)	Not Adjacent to Ocean View Avenue	Average of the adjacent properties, +/- 2	
	Not adjacent to Ocean View Avenue and with no other residential structures sited along the block face	Min. 8	Max. 15
	Adjacent to Ocean View Avenue	Min. 10	Max. 20
Side Yard Setback, min. (ft.)		3	
Corner Yard Setback, min. (ft.)		3	
Rear Yard Setback, min. (ft.)		10	
Building Height, max. (stories)		4	
Usable Open Space (% lot area)		15	

(b) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(D), Alternative Dimensional Standards – Two-Family Dwellings, above, the following development and form standards must be met:

(i) The proposed development may be designed as a detached two-family development. Each building shall demonstrate appropriate differences and shall comply with the General Design Standard points;

(ii) The proposed building shall be a minimum of 1.5 stories;

(iii) Buildings shall have porches that are a minimum of 48 square feet with a minimum dimension of 6 feet. Multi-story porches are encouraged;

(iv) One driveway shall be permitted for the development at a minimum of 12 feet in width per frontage;

(v) Attached garages may have doors face Ocean View Avenue provided they are setback a minimum of 40 feet from the right of way;

(vi) First floor areas may be used as garages, limited access and limited storage;

(vii) All façades shall have fenestration that are balanced with the building design and exterior elevation;

(viii) Parking shall be provided at 2 spaces per dwelling unit.

(ix) Parking areas shall be screened from view of the right of way; and

(x) Parking spaces shall meet the minimum dimensional standards as per Section 5.1, Parking, Loading, and Bicycle Standards, however may be located within garages and driveways that are not part of the common ingress and egress for the development. Stacked parking spaces may count towards meeting the parking requirement, however one parking space per dwelling unit must be unobstructed.

Figure 3.2.8(D): Examples of Two-Family Dwellings Using Alternative Standards





(7) Townhouse Dwellings

(a) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(E), Alternative Dimensional Standards – Townhouse Dwellings, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed residential development conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(E): ALTERNATIVE DIMENSIONAL STANDARDS – TOWNHOUSE DWELLINGS			
Lot Area, min. (sf.)		7,500	
Lot Area, min. (sf. per unit)		1,800	
Lot Width, min. (ft. per unit)		18	
Front Yard Setback (ft.)	Not Adjacent to Ocean View Avenue	Average of the adjacent properties, +/- 3	
	Not adjacent to Ocean View Avenue and with no other residential structures sited along the block face	Min. 8	Max. 15
	Adjacent to Ocean View Avenue	Min. 10	Max. 20
Side Yard Setback, min. (ft.)		5 [1]	
Corner Yard Setback, min. (ft.)		10	
Rear Yard Setback, min. (ft.)		10	
Building Height, max. (ft.)		45	
Usable Open Space (% lot area)		15	
Notes: [1] Side setback for end units only.			

(b) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(E), Alternative Dimensional Standards – Townhouse Dwellings, above, the following development and form standards must be met:

(i) The proposed building shall be a minimum of two stories;

(ii) Buildings shall have porches that are a minimum of 48 square feet with a minimum dimension of 6 feet. Multi-story porches are encouraged;

(iii) One driveway shall be permitted for the development when accessed from a right of way. One driveway per dwelling unit may be permitted if accessed from an alley or a right of way with a dimension less than 30 feet;

(iv) Driveways shall be no wider than 12 feet within the front setback, if directly accessing Ocean View Avenue;

(v) Townhomes shall not have a front-loaded attached garage and no driveway or parking area shall be located in the area between the ground floor front façade of the principal building and the front property line;

(vi) For properties fronting on Ocean View Avenue, detached garages shall not have doors face Ocean View Avenue unless they are setback a minimum of 40 feet from the front property line or are located so that the principal structure screens the doors from the public right-of-way;

(vii) All façades shall have fenestration for each story that are balanced with the building design and exterior elevation; and

(viii) Parking spaces shall meet the minimum dimensional standards as per Section 5.1, Parking, Loading, and Bicycle Standards, however may be located within garages and driveways that are not part of the common ingress and egress for the development. Stacked parking spaces may count towards meeting the parking requirement, however one parking space per dwelling unit shall be unobstructed.

Figure 3.2.8(E): Examples of Townhouse Dwellings Using Alternative Standards





(8) Multi-Family Dwellings

The purpose of the alternative standards set forth in this section is to allow for creative coastal designs that will maximize interactions with the beach and the water. Due to the proximity of the public facilities on the north side of Ocean View Avenue, it is appropriate to reduce open space to take advantage of the existing parks and beaches.

(a) Where Individual Units are Detached

(i) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(F), Alternative Dimensional Standards – Multi-Family Buildings Where Individual Units are Detached, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed

residential development conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(F): ALTERNATIVE DIMENSIONAL STANDARDS – MULTI-FAMILY DWELLINGS WHERE INDIVIDUAL UNITS ARE DETACHED

Standard		North of Ocean View Avenue	South of Ocean View Avenue
Lot Area, min. (sf.)		5,000	7,500
Lot Area, min. (sf. per unit)		1,500 [1]	2,000 [1]
Lot Width, min. (ft.)		50	75
Front Yard Setback (ft.)		10	15
Side Yard Setback, min. (ft.)		3	
Corner Yard Setback, min. (ft.)		3	
Rear Yard Setback, min. (ft.)		10	
Building Height, max. (stories)	Min.	2	
	Max.	3	
Usable Open Space (% lot area)		15	20

Notes:
[1] 2,900 sf. per dwelling unit for lots located within the APZ1, APZ2, or Clear Zone.

(ii) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(F), Alternative Dimensional Standards – Multi-Family Buildings Where Individual Units are Detached, above, the following development and form standards must be met:

(A) Buildings shall have porches that are a minimum of 48 square feet with a minimum dimension of 6 feet. Multi-story porches are encouraged;

(B) Attached garages shall not have doors face Ocean View Avenue unless they are setback a minimum of 40 feet from the front property line;

(C) Attached garages that face all other streets may have doors that face the street if setback a minimum of 15 feet from the first-floor front façade;

(D) Façades facing the street and the water shall have fenestration for each story that are balanced with the building design and exterior elevation;

(E) Parking areas shall be accessed by one common drive aisle that shall be a minimum of 20 feet wide. No parking shall be permitted in the common drive aisle;

(F) Parking shall be screened from view of the street;

(G) Parking shall be provided at 2 spaces per dwelling unit;

(H) Non-structured parking spaces shall be developed with a pervious material meeting the required design standards of public works;

(I) Non-structured parking shall be a minimum of 20 feet from the front property line and located and shall be located beside or behind the building and screened from view of the right of way; and

(J) Parking spaces shall meet the minimum dimensional standards as per Section 5.1, Parking, Loading, and Bicycle Standards, however may be located within garages and driveways that are not part of the common ingress and egress for the development. Stacked parking spaces may count towards meeting the parking requirement, however one parking space per dwelling unit shall be unobstructed.

(K) Each unit shall be required to meet the single-family detached resilience quotient standards as per Section 5.12.5, Resilience Quotient Compliance for Single Family Development.

Figure 3.2.8(F): Examples of Multi-Family Dwellings with Detached Individual Units Using Alternative Standards



(b) Mansion-Style Apartments

(i) Alternative Dimensional Standards

The alternative dimensional standards listed in Table 3.2.8(G), Alternative Dimensional Standards – Multi-Family Dwellings in Mansion-Style Apartments, below, are permitted subject to the granting of a Zoning Certificate that approves the proposed residential development conforms to the *Coastal Character District Pattern Book*.

TABLE 3.2.8(G): ALTERNATIVE DIMENSIONAL STANDARDS – MULTI-FAMILY DWELLINGS IN MANSION-STYLE APARTMENTS

Standard		North of Ocean View Avenue	South of Ocean View Avenue
Lot Area, min. (sf.)		N/A	
Lot Area, min. (sf. per unit)		N/A	
Lot Width, min. (ft.)		75	
Front Yard Setback (ft.)		10	15
Side Yard Setback, min. (ft.)		3	
Corner Yard Setback, min. (ft.)		3	
Rear Yard Setback, min. (ft.)		10	
Building Height, max. (stories)	Min.	3	
	Max.	4	
Usable Open Space (% lot area)		15	20

(ii) Alternative Development and Form Standards

In order to utilize the alternative dimensional standards listed in Table 3.2.8(G), Alternative Dimensional Standards – Multi-Family Dwellings in Mansion-Style Apartments, above, the following development and form standards must be met:

(A) The maximum number of dwelling units shall be 12;

(B) When located within the APZ1, APZ2, or Clear Zone, density shall be 2,900 square feet of lot area per dwelling unit.

(C) Buildings shall have multi-story porches that are a minimum of 48 square feet each with a minimum dimension of 6 feet.;

(D) Dwelling unit access shall be from a common area interior to the development;

(E) Attached garages shall not face the street;

(F) First floor areas may be used as garages, limited access and limited storage;

(G) All façades shall have fenestration for each story that are balanced with the building design and exterior elevation;

(H) Parking areas shall be accessed by one common drive aisle that shall be a minimum of 20 feet wide. No parking shall be permitted in the common drive aisle;

(I) Parking shall not be located between the building and the street and shall be screened from view of the street;

(J) Non-structured parking spaces shall be developed with a pervious material meeting the required design standards of public works; and

(K) Parking shall be provided at 1.6 spaces per dwelling unit;

Figure 3.2.8(G): Examples of Multi-Family Dwellings in Mansion-Style Apartments Using Alternative Standards





E. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.9. MF-NS: MULTI-FAMILY - NEIGHBORHOOD-SCALE

A. PURPOSE

The purpose of the Multi-Family - Neighborhood-Scale (MF-NS) district is to provide lands that accommodate a range of multi-family development on generally smaller lots. Development in the district shall be oriented toward the street, and provide pedestrian entrances from the street. Allowed uses include detached single-family dwellings, two-family dwellings, townhomes, moderate-scale multi-family dwellings, and parks and recreation centers.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District						Suburban or Coastal Character District					
	Single-Family	Single-Family Semi-Detached	Two-Family	Town-house	Multi-Family	All Other Uses	Single-Family	Single-Family Semi-Detached	Two-Family	Town-house	Multi-Family	All Other Uses
Lot Area, min. (sf.)	5,000 [1] [6]	7,500 [6]	7,500 [6]	8,000 [6]	8,000 [6]	5,000 [6]	5,000 [1] [6]	7,500 [6]	7,500 [6]	8,000 [6]	8,000 [6]	5,000 [6]
Lot Area, min. (sf. per unit)	N/A	3,000	3,000	2,000 [4]	N/A [5]	N/A	N/A	3,000	3,000	2,000 [5]	N/A [5]	N/A
Lot Width, min. (ft.)	50 [2] [6]	50 [6]	50 [6] [8]	80 [6]	100 [6]	75 [6]	50 [2] [6]	50 [6]	50 [6] [8]	80 [6]	100 [6]	75 [6]
Lot Width, min. (ft. per unit)	N/A	25	25	20 [4]	N/A	N/A	N/A	25	25	20	N/A	N/A
Lot Width, min. (ft. per building)	N/A				100	N/A	N/A				100	N/A
Front Yard Setback (ft.)	9-16 [7]						15-25 [7]					
Side Yard Setback, min. (ft.)	5 [9]	5		5 [3]	5		5 [9]	5		5 [3]	5	
Corner Side Yard Setback, min. (ft.)	5 [9]		10				10 [9]					
Rear Yard Setback, min. (ft.)	20											
Building Height, max. (ft.)	4 stories											
Maximum Impervious Cover (% lot area)	65	N/A					65	N/A				

Notes: **sf. = square feet; ft. = feet**

[1] Minimum lot area may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 4,000 sf.
[2] Minimum lot width may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 40 ft.
[3] The side yard standard only applies to exterior units.
[4] May be reduced by Conditional Use Permit per the provisions of Section 4.2.3.D(2)(f)(ii).
[5] 2,900 sf. per dwelling unit for lots located in the APZ 1, APZ 2, or Clear Zone.
[6] Existing lots, of no less than 40 feet in width, within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D.

[7] 75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified.
[8] If dwelling units are to be located in separate structures, the minimum lot width shall be 75 feet.
[9] Side and corner side yard setbacks shall be 3 ft. for single-family development on lots of 40 ft. and less in width.

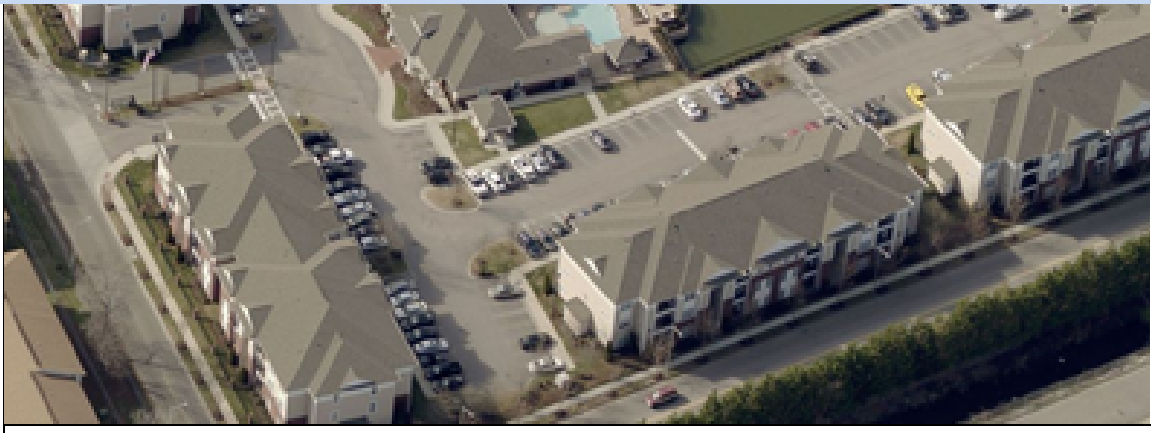
C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.10. MF-AC: MULTI-FAMILY - APARTMENT COMPLEX

A. PURPOSE

The purpose of the Multi-Family - Apartment Complex (MF-AC) district is to provide lands that accommodate moderate-scale multi-family development, primarily apartment or townhouse complexes.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District			Suburban Character District			Coastal Character District		
	Townhouse	Multi-Family	All Other Uses	Townhouse	Multi-Family	All Other Uses	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	8,000 [2]	8,000	7,500	8,000	8,000	7,500	8,000	8,000	7,500
Lot Area, min. (per unit)	2,000	N/A [3]	N/A	2,000	N/A [3]	N/A	2,000	N/A [3]	N/A
Lot Width, min. (ft.)	80 [2]	100	75	80	100	75	80	100	75
Lot Width, min. (ft. per unit)	20	N/A		20	N/A		20	N/A	
Front Yard Setback (ft.)	0-15 [4]			18-25 [4]			0-15 [4]		
Side Yard Setback, min. (ft.)	5 [1]	10		5 [1]	10		5 [1]	10	
Corner Side Yard Setback, min. (ft.)	10			10			10		
Rear Yard Setback, min. (ft.)	20	25		20	25		20	25	
Building Height, max. (ft.)	5 stories								

Notes: **sf. = square feet; ft. = feet**

[1] The side yard standard only applies to exterior units.

[2] May be reduced per the provisions of Section 4.2.3.D(2)(f)(ii).

[3] 2,900 sf. per dwelling unit for lots located in the APZ 1, APZ 2, or Clear Zone.

[4] 75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified.

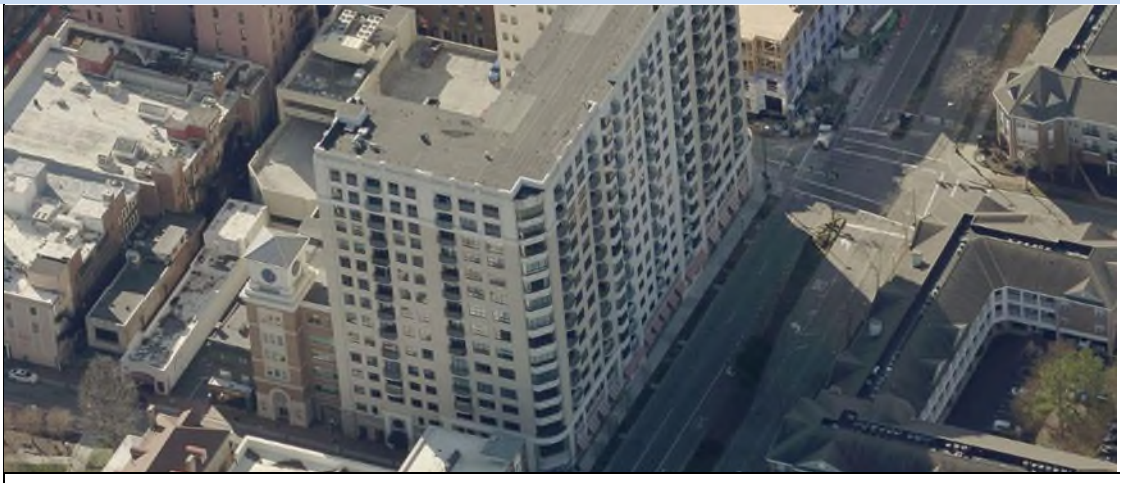
C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.11. MF-HR: MULTI-FAMILY - HIGH RISE

A. PURPOSE

The purpose of the Multi-Family - High Rise (MF-HR) district is to provide lands that accommodate primarily multi-story apartment towers, and also two-family dwellings and townhomes. Neighborhood-serving commercial uses and parks and recreation centers are allowed.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District		Suburban Character District			Coastal Character District		
	Multi-Family	All Other Uses	Single-Family	Multi-Family	All Other Uses	Single-Family	Multi-Family	All Other Uses
Lot Area, min. (sf.)	8,000 [5]	10,000 [5]	5,000 [1] [5]	8,000 [5]	10,000 [5]	5,000 [1] [5]	8,000 [5]	10,000 [5]
Lot Area, min. (sf per unit)	N/A	N/A	N/A	N/A [4]	N/A	N/A	N/A [4]	N/A
Lot Width, min. (ft.)	100 [5]		50 [2] [5]	100 [5]		50 [2] [5]	100 [5]	
Front Yard Setback (ft.)	0-15 [6]		18-25 [6]			0-15 [6]		
Side Yard Setback, min. (ft.)	10							
Corner Side Yard Setback, min. (ft.)	10							
Rear Yard Setback, min. (ft.)	25							
Building Height, min. (ft.)	6 stories [3]							

Notes: sf. = square feet; ft. = feet

[1] Minimum lot area may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 4,000 sf.

[2] Minimum lot width may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 40 ft.

[3] May be reduced per the provisions of Section 4.2.3.D(2)(c)(i).

[4] 2,900 sf. per dwelling unit for lots located in the APZ 1, APZ 2, or Clear Zone.

[5] Existing lots, of no less than 40 feet in width, within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D.

[6] 75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.2.12. USES FOR THE RESIDENTIAL BASE ZONING DISTRICT

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in a Residential base zoning district. This section identifies the Residential zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN RESIDENTIAL BASE DISTRICTS

Table 3.2.12, Principal, Accessory, and Temporary Use Table for Residential Base Zoning Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Residential zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.2.12: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR RESIDENTIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	SF-2	SF-4	SF-6	SF-10	SF-T	R-C	MF-NS	MF-AC	MF-HR	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES												
Conservation and Open Space Uses	Arboretum or botanical garden										4.2.3.C(1)	4.2.3.C(2)(a)
	Boat ramp	P	P	P	P	P	P	P	P	P		4.2.3.C(2)(b)
	Cemetery											4.2.3.C(2)(c)
	Community dock	P	P	P	P	P	P	P	P	P		4.2.3.C(2)(d)
	Community garden	P	P	P	P	P	P	P	P	P		4.2.3.C(2)(e)
	Park	P	P	P	P	P	P	P	P	P		4.2.3.C(2)(f)
	Resource conservation use	P	P	P	P	P	P	P	P	P		4.2.3.C(2)(g)
RESIDENTIAL USES												
Household Living Uses	Dwelling, live-work					P/C	P/C	P/C	P/C	P/C	4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, manufactured home								C			4.2.3.D(2)(b)
	Dwelling, multi-family						P/C	P/C	P/C	P/C		4.2.3.D(2)(c)
	Dwelling, single-family detached	P	P	P	P	P	P/C	P		P		4.2.3.D(2)(d)
	Dwelling, single-family semi-detached						P/C	P				4.2.3.D(2)(e)
	Dwelling, townhouse						P/C	P/C	P/C	P/C		4.2.3.D(2)(f)
	Dwelling, two-family						P/C	P				4.2.3.D(2)(g)
Group Living Uses	Assisted housing							P	P		4.2.3.D(3)	4.2.3.D(4)(a)
	Continuing care retirement community						C	C	C	C		4.2.3.D(4)(b)
	Dormitory											4.2.3.D(4)(c)
	Fraternity or sorority house							C	C			4.2.3.D(4)(d)
	Nursing home											4.2.3.D(4)(e)
	Residential re-entry facility											4.2.3.D(4)(f)
	Rooming house							C	C			4.2.3.D(4)(g)

TABLE 3.2.12: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR RESIDENTIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	SF-2	SF-4	SF-6	SF-10	SF-T	R-C	MF-NS	MF-AC	MF-HR	PERFORMANCE STANDARDS	
PUBLIC, CIVIC, AND INSTITUTIONAL USES												
Community Service Uses	Community recreation center	P	P	P	P	P	P	P	P	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Day care center, adult	C	C	C	C	C	C	C	C	C		4.2.3.E(2)(g)
	Day care center, child	C	C	C	C	C	C	C	C	C		4.2.3.E(2)(h)
	Government office						P	P	P	P		4.2.3.E(2)(j)
	Hospice							P	P	P		4.2.3.E(2)(m)
	Religious institution	C	C	C	C	C	C	C	C	C		4.2.3.E(2)(p)
	All other uses, not permitted											
Transportation and Utility Uses	All other uses, not permitted	P	P	P	P	P	P	P	P	P	4.2.3.E(3)	4.2.3.E(4)(i)
	All other uses, not permitted											
COMMERCIAL USES												
Eating and Drinking Uses	Restaurant								C	C	4.2.3.F(1)	4.2.3.F(2)(f)
	All other uses, not permitted											
Recreation Uses	Country club						C				4.2.3.F(3)	4.2.3.F(4)(g)
	Health and fitness facility								C	C		4.2.3.F(4)(h)
	All other uses, not permitted											

TABLE 3.2.12: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR RESIDENTIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	SF-2	SF-4	SF-6	SF-10	SF-T	R-C	MF-NS	MF-AC	MF-HR	PERFORMANCE STANDARDS	
Retail Sales and Service Uses	Artist studio/school/gallery								C	C	4.2.3.F(5)	4.2.3.F(6)(c)
	Bank or other financial institution								C	C		4.2.3.F(6)(f)
	Convenience store								C	C		4.2.3.F(6)(j)
	Farmer's market									C		4.2.3.F(6)(l)
	Music, dance, or martial arts studio/school								C	C		4.2.3.F(6)(r)
	Office								C	C		4.2.3.F(6)(t)
	Office, medical or dental								C	C		4.2.3.F(6)(v)
	Personal service business								C	P/C		4.2.3.F(6)(x)
	Retail goods establishment								C	C		4.2.3.F(6)(y)
	Smoke or vape shop								C	C		4.2.3.F(6)(aa)
	Used books/media								C	C		4.2.3.F(6)(dd)
	All other uses, not permitted											
Vehicle Sales and Service Uses	Not permitted											
Visitor Accommodation Uses	Bed and breakfast						C	C	C	C	4.2.3.F(9)	4.2.3.F(10)(a)
	Campground											4.2.3.F(10)(b)
	Hotel or motel											4.2.3.F(10)(c)
	Inn											4.2.3.F(10)(d)
	Short-term rental unit (vacation rental)	P/C	P/C	P/C	C	C	P/C	C				4.2.3.F(10)(e)
INDUSTRIAL USES												
Industrial Uses	Not permitted											
ACCESSORY USES												
Accessory Uses	Accessory dwelling unit	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	4.3.3	4.3.3.E(1)(a)
	Amusement device								P/C	P/C		4.3.3.E(1)(b)
	Automated teller machine							C	P	P		4.3.3.E(1)(c)
	Automatic car wash											4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)											4.3.3.E(1)(e)

TABLE 3.2.12: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR RESIDENTIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	SF-2	SF-4	SF-6	SF-10	SF-T	R-C	MF-NS	MF-AC	MF-HR	PERFORMANCE STANDARDS	
	Day care center, child (as an accessory use)	C	C	C	C	C	C	C	C	C		4.3.3.E(1)(f)
	Drive-through facility, large-scale											4.3.3.E(1)(g)
	Drive-through facility, small-scale											4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)											4.3.3.E(1)(i)
	Family day home	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)											4.3.3.E(1)(k)
	Home occupation	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(l)
	Kennel (as an accessory use)											4.3.3.E(1)(m)
	Live entertainment											4.3.3.E(1)(n)
	Outdoor display of merchandise									C		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)								C	C		4.3.3.E(1)(p)
	Outdoor storage											4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)											4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises											4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises											4.3.3.E(1)(t)
	Sale of smoking or vaping products								C	C		4.3.3.E(1)(u)
	Short-term rental unit (homestay)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES												
Temporary Uses and Structures	Carnival and circus										4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event											4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)						P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)											4.4.3.B(2)(e)
	Garage or yard sale	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(f)
	Manufactured home as temporary housing	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(g)

TABLE 3.2.12: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR RESIDENTIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	SF-2	SF-4	SF-6	SF-10	SF-T	R-C	MF-NS	MF-AC	MF-HR	PERFORMANCE STANDARDS	
	Outdoor display and storage											4.4.3.B(2)(h)
	Public event on private property	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(k)
	Temporary use of an accessory structure as a principal dwelling after a disaster	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(l)
	Tent	P	P	P	P	P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand									P		4.4.3.B(2)(n)

3.3 COMMERCIAL BASE ZONING DISTRICTS

3.3.1. GENERAL PURPOSES OF COMMERCIAL ZONING DISTRICTS

The purpose and intent of Commercial base zoning districts are to:

A. Provide a broad range of retail and service uses to benefit Norfolk citizens, business, and visitors;

B. Encourage the efficient use of land and ensure high quality design of the built environment;

C. Create suitable settings for a full range of and commercial and mixed-use development that is harmoniously designed and integrated;

D. Accommodate new infill development and redevelopment that is consistent with surrounding context and character, and compatible with adjacent land uses; and

E. Strengthen the city's economic base, provide employment opportunities close to home, promote tourism, and implement the comprehensive plan.

3.3.2. ESTABLISHED COMMERCIAL BASE ZONING DISTRICTS

The commercial base zoning districts established by this Ordinance are identified in Table 3.3.2, Established Commercial Base Zoning Districts.

Table 3.3.2: Established Commercial Base Zoning Districts

C-N:	Neighborhood Commercial
C-C:	Community Commercial
C-R:	Regional Commercial
O:	Office
BC-O:	Business and Commerce Park - Office
BC-I:	Business and Commerce Park - Industrial

3.3.3. C-N: NEIGHBORHOOD COMMERCIAL

A. PURPOSE

The purpose of the Neighborhood Commercial (C-N) district is to provide lands that accommodate small-scale, neighborhood-serving commercial development such as retail and personal service establishments, offices and small shopping centers, and historic structures. Mixed-use development is allowed at a scale and form that is consistent with district character.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District	Suburban Character District	Coastal Character District
	All Uses	All Uses	All Uses
Lot Area, min. (sf.)	5,000 [1]		
Lot Width, min. (ft.)	50 [2]		
Front Yard Setback (ft.)	0-10 [4]	10 (min.)	5-12 [4]
Side Yard Setback, min. (ft.)	0 [3]		
Corner Side Yard Setback, min. (ft.)	5 [5]		
Rear Yard Setback, min. (ft.)	0 [3]		
Building Height, max. (ft.)	35		

Notes: **sf. = square feet; ft. = feet**

[1] Minimum lot area may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less 4,000 sf.
[2] Minimum lot width may be reduced to the average width of properties on the same block face, but the minimum shall not be less than 40 ft.
[3] A 10-foot transitional buffer is required on properties adjacent to residential districts.
[4] 75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified.
[5] May be reduced to match existing setback for properties along same block face.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.4. C-C: COMMUNITY COMMERCIAL

A. PURPOSE

The purpose of the Community Commercial (C-C) district is to provide lands that accommodate community-serving commercial development primarily along heavily traveled arterial corridors. Community-serving mixed-use, commercial, and office development is allowed at a moderate scale, consistent with district character.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District	Suburban Character District	Coastal Character District
	All Uses	All Uses	All Uses
Lot Area, min. (sf.)	5,000		
Lot Width, min. (ft.)	50		
Front Yard Setback (ft.)	0-10 [2]	10 (min.)	10 (min.)
Side Yard Setback, min. (ft.)	0 [1]		
Corner Side Yard Setback, min. (ft.)	5 [3]		
Rear Yard Setback, min. (ft.)	0 [1]		
Building Height, max. (ft.)	60		

Notes **sf. = square feet; ft. = feet**

[1] A 10-foot transitional buffer is required on properties adjacent to residential districts.

[2] 75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified.

[3] May be reduced to match existing setback for properties along same block face.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

A Conditional Use Permit (see Section 2.4.8, Conditional Use Permit) shall be obtained prior to the issuance of any Zoning Certificate for either of the following:

(1) The development, redevelopment, or substantial improvement of a principal structure larger than 30,000 square feet.

(2) The establishment of a use within an existing single-tenant space larger than 30,000 square feet that has been vacant for two years or more.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.5. C-R: REGIONAL COMMERCIAL

A. PURPOSE

The purpose of the Regional Commercial (C-R) district is to provide lands that accommodate region-serving commercial development. Development allowed in this district includes retail establishments, large-scale shopping centers, offices, and high-density mixed-use development.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	30,000
Lot Width, min. (ft.)	125
Front Yard Setback, min. (ft.)	10
Side Yard Setback, min. (ft.)	10 [1]
Corner Side Yard Setback, min. (ft.)	10
Rear Yard Setback, min. (ft.)	10
Building Height, max. (ft.)	60

Notes: **sf. = square feet; ft. = feet**
[1] Outparcels adjacent to a C-C or C-R district shall have a minimum setback of 0 ft.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

A Conditional Use Permit (see Section 2.4.8, Conditional Use Permit) shall be obtained prior to the issuance of any Zoning Certificate for either of the following:

(1) The development, redevelopment, or substantial improvement of a principal structure larger than 30,000 square feet.

(2) The establishment of a use within an existing single-tenant space larger than 30,000 square feet that has been vacant for two years or more.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.6. O: OFFICE

A. PURPOSE

The purpose of the Office (O) district is to provide lands that accommodate high-quality office development and related employment uses in planned, campus-like settings.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	43,560
Lot Width, min. (ft.)	200
Front Yard Setback, min. (ft.)	25
Side Yard Setback, min. (ft.)	25
Corner Side Yard Setback, min. (ft.)	25
Rear Yard Setback, min. (ft.)	25
Building Height, max. (ft.)	65 [1]

Notes **sf. = square feet; ft. = feet**

[1] Maximum building height may be increased by 1 ft. for each additional 1 ft. of distance that the building is set back beyond the minimum setback in each yard.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) A 100-foot landscape buffer shall be maintained adjacent to all freshwater lakes except for the following uses:

(a) Outside eating and gathering areas or plazas; and

(b) Pedestrian circulation systems and bridges.

(2) A minimum 4-foot high visual buffer landscaped screen, berm, or a combination of the two shall be required and maintained along any side of a surface parking area that abuts a public right-of-way.

(3) No parking, loading, or storage shall be located within any required yard.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.7. BC-O: BUSINESS AND COMMERCE PARK - OFFICE

A. PURPOSE

The purpose of the Business and Commerce Park - Office (BC-O) district is to provide lands that accommodate multi-tenant business, research, and office development in an attractive setting, while minimizing impacts to adjacent residential lands.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	30,000
Lot Width, min. (ft.)	150
Front Yard Setback, min. (ft.)	25 [1] [2]
Side Yard Setback, min. (ft.)	15 [3]
Corner Side Yard Setback, min. (ft.)	25 [1] [2]
Rear Yard Setback, min. (ft.)	15 [3]
Building Height, max. (ft.)	65 [4]

Notes: sf. = square feet; ft. = feet

[1] 50 ft. when abutting an arterial roadway.

[2] No loading is allowed within the first 25 feet of the front and corner side yard setback and no parking is allowed within the first 10 feet of the front or corner side yard setback, as measured from the property line.

[3] No parking, loading, or access easement is allowed within a side or rear yard setback abutting a single-family residential district.

[4] Maximum building height may be increased by 1 ft. for each additional 1 ft. of distance that the building is set back beyond the minimum setback in each yard.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) A 100-foot landscape buffer shall be maintained adjacent to all freshwater lakes except for the following uses:

(a) Outside eating and gathering areas or plazas; and

(b) Pedestrian circulation systems and bridges.

(2) A minimum 4-foot high visual buffer landscaped screen, berm, or a combination of the two shall be required and maintained along any side of a surface parking area that abuts a public right-of-way.

(3) No parking, loading, or storage shall be located within any required yard.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.8. BC-I: BUSINESS AND COMMERCE PARK - INDUSTRIAL

A. PURPOSE

The purpose of the Business and Commerce Park - Industrial district (BC-I) is to provide land that accommodates business, research, light industrial, and manufacturing development in an attractive setting, while minimizing impacts to adjacent residential lands.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	30,000
Lot Width, min. (ft.)	150
Front Yard Setback, min. (ft.)	25 [1] [2]
Side Yard Setback, min. (ft.)	15 [3]
Corner Side Yard Setback, min. (ft.)	25 [1] [2]
Rear Yard Setback, min. (ft.)	15 [3]
Building Height, max. (ft.)	65 [4]

Notes: **sf. = square feet; ft. = feet**

[1] No loading is allowed within the first 25 feet of the front or corner side yard setback and no parking is allowed within the first 10 feet of the front or corner side yard setback as measured from the property line.

[2] 50 ft. when abutting Princess Anne Road or East Virginia Beach Boulevard.

[3] No parking, loading, or access easement is allowed within a side or rear yard abutting a single-family residential district.

[4] Maximum building height may be increased by 1 ft. for each additional 1 ft. of distance that the building is set back beyond the minimum setback in each yard.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) A 100-foot landscape buffer shall be maintained adjacent to all freshwater lakes except for the following uses:

(a) Outside eating and gathering areas or plazas; and

(b) Pedestrian circulation systems and bridges.

(2) A minimum 4-foot high visual buffer landscaped screen, berm, or a combination of the two shall be required and maintained along any side of a surface parking area that abuts a public right-of-way.

(3) No parking, loading, or storage shall be located within any required yard.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.3.9. USES FOR THE COMMERCIAL BASE ZONING DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in a Commercial base zoning district. This section identifies the Commercial zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN COMMERCIAL BASE DISTRICTS

Table 3.3.9, Principal, Accessory, and Temporary Use Table for Commercial Base Zoning Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Commercial zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES									
Conservation and Open Space Uses	Boat ramp	P	P	P	P	P	P	4.2.3.C(1)	4.2.3.C(2)(b)
	Park	P	P	P	P	P	P		4.2.3.C(2)(f)
	Resource conservation use	P	P	P	P	P	P		4.2.3.C(2)(g)
	All other uses, not permitted								
RESIDENTIAL USES									
Household Living Uses	Dwelling, live-work	P/C	P/C					4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, multi-family	P/C	P/C	P/C					4.2.3.D(2)(c)
	All other uses, not permitted								
Group Living Uses	Continuing care retirement community			P				4.2.3.D(3)	4.2.3.D(4)(b)
	Nursing home		P						4.2.3.D(4)(e)
	Residential re-entry facility		C						4.2.3.D(4)(f)
	All other uses, not permitted								
PUBLIC, CIVIC, AND INSTITUTIONAL USES									
Community Service Uses	Broadcasting studio		P	P	P	P	P	4.2.3.E(1)	4.2.3.E(2)(a)
	College or university		P	P	P	P	P		4.2.3.E(2)(b)
	Communication tower, commercial	C	C	C	C	C	C		4.2.3.E(2)(c)
	Community recreation center								4.2.3.E(2)(d)
	Correctional facility								4.2.3.E(2)(e)
	Cultural facility, museum, or library	P	P	P					4.2.3.E(2)(f)
	Day care center, adult	P	P	P	P	P	P		4.2.3.E(2)(g)
	Day care center, child	P	P	P	P	P	P		4.2.3.E(2)(h)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
	Government maintenance, storage, and distribution facility								4.2.3.E(2)(i)
	Government office	P	P	P	P	P	P		4.2.3.E(2)(j)
	Hiring hall		P						4.2.3.E(2)(k)
	Hospital								4.2.3.E(2)(l)
	Hospice	P							4.2.3.E(2)(m)
	Membership organization	P	P	P		P			4.2.3.E(2)(n)
	Military installation						P		4.2.3.E(2)(o)
	Religious institution	P	P	P					4.2.3.E(2)(p)
	School, boarding								4.2.3.E(2)(q)
	School, elementary								4.2.3.E(2)(r)
	School, secondary								4.2.3.E(2)(s)
	School, vocational or trade	P	P	P	P	P	P		4.2.3.E(2)(t)
Transportation and Utility Uses	Airport							4.2.3.E(3)	4.2.3.E(4)(a)
	Heliport				P	P	P		4.2.3.E(4)(b)
	Park and ride facility		P	P	P	P	P		4.2.3.E(4)(c)
	Parking facility	P/C	P/C	P/C					4.2.3.E(4)(d)
	Passenger terminal, surface transportation		P	P			P		4.2.3.E(4)(e)
	Solar energy collection facility (large-scale)						P		4.2.3.E(4)(f)
	Terminal, cruise ship								4.2.3.E(4)(g)
	Utility facility, major								4.2.3.E(4)(h)
	Utility facility, minor	P	P	P	P	P	P		4.2.3.E(4)(i)
	Wind energy conversion system (large-scale)						P		4.2.3.E(4)(j)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
COMMERCIAL USES									
Eating and Drinking Uses	After-hours membership establishment		C	C				4.2.3.F(1)	4.2.3.F(2)(a)
	Banquet hall		C	C	C	C			4.2.3.F(2)(b)
	Catering establishment/commercial kitchen	P	P	P	P	P	P		4.2.3.F(2)(c)
	Nightclub		C	C					4.2.3.F(2)(d)
	Production of craft beverages	C	C	C		C	C		4.2.3.F(2)(e)
	Restaurant	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(2)(f)
Recreation Uses	Amusement park							4.2.3.F(3)	4.2.3.F(4)(a)
	Arena, stadium, or amphitheater			C					4.2.3.F(4)(b)
	Casino								4.2.3.F(4)(c)
	Cinema or theater	C	P	P					4.2.3.F(4)(d)
	Commercial recreation center	C	C	C					4.2.3.F(4)(e)
	Conference or training center			P/C	P/C	P/C			4.2.3.F(4)(f)
	Country club		P						4.2.3.F(4)(g)
	Health and fitness facility	P	P	P	P	P	P		4.2.3.F(4)(h)
	Marina	P	P						4.2.3.F(4)(i)
	Recreation facility, indoor	C	P	P		P	P		4.2.3.F(4)(j)
	Recreation facility, outdoor		C	C					4.2.3.F(4)(k)
Retail Sales and Service Uses	Animal shelter						P	4.2.3.F(5)	4.2.3.F(6)(a)
	Artisanal production		P	P					4.2.3.F(6)(b)
	Artist studio/school/gallery	P	P	P		P	P		4.2.3.F(6)(c)
	Auction house		P	P			P		4.2.3.F(6)(d)
	Auto supply sales and rental		P/C	P/C					4.2.3.F(6)(e)
	Bank or other financial institution	P	P	P	P	P	P		4.2.3.F(6)(f)
	Cannabis dispensing facility		C	C					4.2.3.F(6)(g)
	Check cashing, auto title, or payday loan businesses		C						4.2.3.F(6)(h)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
	Consignment shop	P	P	P					4.2.3.F(6)(i)
	Convenience store	C	C	C					4.2.3.F(6)(j)
	Establishment for the sale of distilled spirits for off-premises consumption		C	C					4.2.3.F(6)(k)
	Farmer's market	P	P	P					4.2.3.F(6)(l)
	Flea market, indoor		C	C					4.2.3.F(6)(m)
	Flea market, outdoor		C	C					4.2.3.F(6)(n)
	Funeral home or mortuary		P						4.2.3.F(6)(o)
	Grocery store	C	P/C	P/C					4.2.3.F(6)(p)
	Kennel		C	C			C		4.2.3.F(6)(q)
	Music, dance, or martial arts studio/school	P	P	P	P	P	P		4.2.3.F(6)(r)
	Novelty store or theater, adult		C						4.2.3.F(6)(s)
	Office	P	P	P	P	P	P		4.2.3.F(6)(t)
	Office, contractor	P	P	P		P	P		4.2.3.F(6)(u)
	Office, medical or dental	P	P	P	P	P	P		4.2.3.F(6)(v)
	Pawnshop		C						4.2.3.F(6)(w)
	Personal service business	P/C	P/C	P/C	P/C	P/C			4.2.3.F(6)(x)
	Retail goods establishment	P/C	P/C	P/C					4.2.3.F(6)(y)
	Self-service storage units		P	P		P	P		4.2.3.F(6)(z)
	Smoke or vape shop	C	C	C					4.2.3.F(6)(aa)
	Tattoo parlor		C	C					4.2.3.F(6)(bb)
	Therapeutic massage facility		P	P					4.2.3.F(6)(cc)
	Used books/media	P	P	P					4.2.3.F(6)(dd)
	Used merchandise sales	C	C	C					4.2.3.F(6)(ee)
	Vendor park, food	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(ff)
	Veterinary hospital or clinic		P	P	P		P		4.2.3.F(6)(gg)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
Vehicle Sales and Service Uses	Automobile rental		P/C	P/C			P	4.2.3.F(7)	4.2.3.F(8)(a)
	Automobile repair and maintenance, major		C	C			P		4.2.3.F(8)(b)
	Automobile repair and maintenance, minor		C	C			P		4.2.3.F(8)(c)
	Automobile sales		C	C					4.2.3.F(8)(d)
	Automobile salvage yard, indoor or outdoor								4.2.3.F(8)(e)
	Automobile storage						C		4.2.3.F(8)(f)
	Automobile tow lot						C		4.2.3.F(8)(g)
	Autonomous vehicle storage and charging facility	C	C	C	P	P	P		4.2.3.F(8)(h)
	Boat building and repair								4.2.3.F(8)(i)
	Boat dry storage facility								4.2.3.F(8)(j)
	Boat sales, rental, service, or repair		P/C	P/C					4.2.3.F(8)(k)
	Car wash		C	C					4.2.3.F(8)(l)
	Commercial fueling depot			C			C		4.2.3.F(8)(m)
	Commercial vehicle repair and maintenance						P		4.2.3.F(8)(n)
	Commercial vehicle sales and rental						P		4.2.3.F(8)(o)
	Electric vehicle charging station		P	P			P		4.2.3.F(8)(p)
	Gas station		C	C					4.2.3.F(8)(q)
	Recreational vehicle sale, rental, and maintenance		C	C			C		4.2.3.F(8)(r)
	Taxi or limousine service facilities		C	C			P		4.2.3.F(8)(s)
	Tire sales and repair		C	C			P		4.2.3.F(8)(t)
Visitor Accommodation Uses	Bed and breakfast	C						4.2.3.F(9)	4.2.3.F(10)(a)
	Campground								4.2.3.F(10)(b)
	Hotel or motel	P	P	P	P	P	P		4.2.3.F(10)(c)
	Inn	C	C	C					4.2.3.F(10)(d)
	Short-term rental unit (vacation rental)	C	C	C					4.2.3.F(10)(e)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
INDUSTRIAL USES									
Industrial Uses	Brewery, cidery, distillery, or winery					P	P	4.2.3.G(1)	4.2.3.G(2)(a)
	Distribution center					P	P		4.2.3.G(2)(f)
	Food processing						P		4.2.3.G(2)(g)
	Fuel oil or bottled gas distribution						C		4.2.3.G(2)(h)
	Hazardous materials manufacturing or storage						C		4.2.3.G(2)(i)
	Industrial services, light					P	P		4.2.3.G(2)(k)
	Landscaping contractor's business					P	P		4.2.3.G(2)(n)
	Manufacturing, assembly or fabrication, light					P	P		4.2.3.G(2)(q)
	Moving and storage						P		4.2.3.G(2)(r)
	Recycling collection station	P	P	P			P		4.2.3.G(2)(s)
	Renewable energy equipment and supply manufacturing						P/C		4.2.3.G(2)(u)
	Small engine repair shop		P				P		4.2.3.G(2)(aa)
	Trucking Terminal						P		4.2.3.G(2)(dd)
	Warehouse					P	P		4.2.3.G(2)(ee)
	Wholesale establishment					P	P		4.2.3.G(2)(ff)
	All other uses, not permitted								
ACCESSORY USES									
Accessory Uses	Accessory dwelling unit							4.3.3	4.3.3.E(1)(a)
	Amusement device	P/C	P/C	P/C					4.3.3.E(1)(b)
	Automated teller machine	P	P	P	P	P	P		4.3.3.E(1)(c)
	Automatic car wash		P	P					4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)								4.3.3.E(1)(e)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
	Day care center, child (as an accessory use)	P	P	P	P	P	P		4.3.3.E(1)(f)
	Drive-through facility, large-scale		C	C	C	C	C		4.3.3.E(1)(g)
	Drive-through facility, small-scale	P	P	P	P	P	P		4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)		P	P			P		4.3.3.E(1)(i)
	Family day home								4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)		C	C					4.3.3.E(1)(k)
	Home occupation	P/C	P/C	P/C					4.3.3.E(1)(l)
	Kennel (as an accessory use)								4.3.3.E(1)(m)
	Live entertainment	C	C	C	C	C	C		4.3.3.E(1)(n)
	Outdoor display of merchandise	P	P	P	P	P	P		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(p)
	Outdoor storage		P	P		P	P		4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)					P	P		4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises	C	C	C	C	C	C		4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises	C	C	C	C	C	C		4.3.3.E(1)(t)
	Sale of smoking or vaping products	C	C	C					4.3.3.E(1)(u)
	Short-term rental unit (homestay)	P/C	P/C	P/C					4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES									
Temporary Uses and Structures	Carnival and circus	P	P	P				4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event	P	P	P					4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)	P	P	P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)	P	P	P	P	P	P		4.4.3.B(2)(e)

TABLE 3.3.9: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR COMMERCIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	C-N	C-C	C-R	O	BC-O	BC-I	PERFORMANCE STANDARDS	
	Garage or yard sale								4.4.3.B(2)(f)
	Manufactured home as temporary housing	P	P	P	P	P	P		4.4.3.B(2)(g)
	Outdoor display and storage	P	P	P	P	P	P		4.4.3.B(2)(h)
	Public event on private property	P	P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure								4.4.3.B(2)(k)
	Temporary use of an accessory structure as a principal dwelling after a disaster								4.4.3.B(2)(l)
	Tent	P	P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand	P	P	P	P	P	P		4.4.3.B(2)(n)

3.4 DOWNTOWN BASE ZONING DISTRICTS

3.4.1. GENERAL PURPOSES OF DOWNTOWN BASE ZONING DISTRICTS

The purpose and intent of the Downtown base zoning districts are to:

A. Promote the objectives and policies set forth in the comprehensive plan and other plans adopted by City Council;

B. Recognize the special complexity and interaction of land uses in the downtown;

C. Facilitate the creation of a convenient, attractive and harmonious context of buildings and streets, pedestrian ways, parks and open spaces;

D. Protect the public interest in downtown Norfolk as a unique regional center and a principal source of culture, entertainment, jobs and tax revenues;

E. Protect existing investment in the downtown;

F. Protect and enhance access to, and views of, the Elizabeth River;

G. Protect against destruction or encroachment upon the downtown's notable and historic buildings;

H. Promote vitality, activity, and safety on public streets and pedestrian ways; and

I. Protect the downtown parks, esplanades and other amenities.

3.4.2. ESTABLISHED DOWNTOWN BASE ZONING DISTRICTS

The Downtown base zoning districts established by this Ordinance are identified in Table 3.4.2, Established Downtown Base Zoning Districts.

Table 3.4.2: Established Downtown Base Zoning Districts
D-W: Downtown - Waterfront
D-BC: Downtown - Business Center
D-MU: Downtown - Mixed-Use
D-AD: Downtown - Arts and Design
D-FN: Downtown - Fort Norfolk
D-SP: Downtown - Saint Paul's

3.4.3. DOWNTOWN DISTRICT REVIEW PROCEDURES

A. REVIEW PROCEDURES APPLICABLE TO ALL DOWNTOWN DISTRICTS

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for development in a Downtown district.

B. DEVELOPMENT GUIDELINES APPLICABLE TO ALL DOWNTOWN DISTRICTS

Development in the Downtown districts shall comply with the *Downtown Norfolk Pattern Book* and the *Downtown Norfolk Streetscape Handbook*, whch are incorporated herein by reference.

3.4.4. STANDARDS APPLICABLE TO ALL DOWNTOWN BASE ZONING DISTRICTS

A. REQUIRED USE OF GROUND FLOOR AREAS

For development located on principal streets and other specified areas identified in the D-W, D-BC, D-MU, D-AD, and D-FN Downtown districts, no less than 65 percent of the length of the ground floor street-facing façade shall be devoted to one or more of the following activities, and in the D-SP district, no less than 50 percent of the ground floor area shall be devoted to the following activities:

(1) Commercial establishments.

(2) Display windows and display rooms for merchandise.

(3) Offices.

(4) Museums.

(5) Civic uses.

(6) Child and adult day care centers.

(7) Educational facilities.

(8) Rental offices (only in D-SP).

(9) Conference rooms (only in D-SP).

B. FENESTRATION

A minimum of 50 percent of the total area of ground floor facades in the D-W, D-BC, D-MU, D-AD, and D-FN Downtown districts shall be transparent. A minimum of 50 percent of those portions of ground floor façades of non-residential uses in the D-SP district shall be transparent.

3.4.5. D-W: DOWNTOWN - WATERFRONT

A. PURPOSE

The purpose of the Downtown - Waterfront (D-W) district is to protect public access to the edge of the scenic Elizabeth River and views of the river from the rest of downtown Norfolk. Pedestrian circulation along the waterfront is encouraged by a waterfront walkway, which is intended to provide outdoor recreation opportunities, shoreline access and views, and connections to a wide range of intensive multi-family, commercial, civic, institutional, and office uses.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District		
	Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of site area)	60		
Build-to line (% of building frontage abutting property line)	75		
Open Space (% lot area)	10		
Floor Area Ratio, max. (gross floor area / lot area)	3.0	3.0	4.0

Notes: **sf. = square feet; ft. = feet**

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Pedestrian Walkways

(a) Development fronting on the Elizabeth River shall provide access to the river through provision of a continuous and convenient pedestrian circulation area along the water's edge including a waterfront walkway, or esplanade, at least 10 feet in width, within a landscaped area at least 25 feet in width.

(b) Public access to the walkway or esplanade shall be provided through waterfront properties.

(2) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to all buildings with facades oriented toward the waterfront pedestrian walkway required in subsection (1), above.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.6. D-BC: DOWNTOWN - BUSINESS CENTER

A. PURPOSE

The purpose of the Downtown - Business Center (D-BC) district is to recognize downtown Norfolk's role as the regional business, economic, and cultural center of Hampton Roads. The district provides lands that support a wide range of intensive multi-family, commercial, civic, institutional, and office uses. The district is also intended to recognize historic buildings that give downtown Norfolk its distinctive character, such as the Customs House, St. Paul's Church, and the MacArthur Memorial. Development near such structures should contribute to their historic character.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District		
	Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of site area)	100		
Build-to line (% of building frontage abutting property line)	75		
Open Space (% lot area)	10		
Floor Area Ratio, max. (gross floor area / lot area)	5.0	5.0	6.0

Notes: **sf. = square feet; ft. = feet**

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to buildings oriented toward the following streets:

(a) Main Street;

(b) Plume Street;

(c) City Hall Avenue;

(d) Granby Street;

(e) Atlantic Street;

(f) Bank Street;

(g) Commercial Place;

(h) St. Paul's Boulevard;

(i) Monticello Avenue; and

(j) Boush Street.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.7. D-MU: DOWNTOWN - MIXED-USE

A. PURPOSE

The purpose of the Downtown – Mixed-Use (D-MU) is to encourage the adaptive reuse of existing buildings and the creation of new infill structures at a scale that is conducive to pedestrian circulation and the creation of relatively compact developments. The district provides lands that support a wide range of intensive multi-family, commercial, civic, institutional, and office uses.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District		
	Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of site area)	100		
Build-to line (% of building frontage abutting property line)	75 [1]		
Open Space (% lot area)	0		
Floor Area Ratio, max. (gross floor area / lot area)	4.5	4.5	3.0

Notes: **sf. = square feet; ft. = feet**

[1] The standard is 100 percent for properties adjacent to Granby Street.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to buildings oriented toward the following streets:

(a) All streets east of Boush Street, but not including:

(i) Galt's Court;

(ii) Green's Court;

(iii) Lowenberg's Lane;

(iv) McCullough's Lane;

(v) Madison Mews; and

(vi) Webster's Court.

(b) Bute Street, from Boush Street to Dunmore Street; and

(c) York Street, from Boush Street to Yarmouth Street.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.8. D-AD: DOWNTOWN - ARTS AND DESIGN

A. PURPOSE

The purpose of the Downtown - Arts and Design (D-AD) district is to recognize downtown Norfolk as the preeminent regional center for the visual, performing, and design arts. The district provides lands that support a wide range of intensive multi-family, commercial, civic, institutional, and office uses, which are intended to support creativity, skill, and talent in fine arts, creative arts, advertising, architecture, antiques, culinary arts, crafts, design, fashion, live performance, music, publishing, radio, and television.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District		
	Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of site area)	100		
Build-to line (% of building frontage abutting property line)	75		
Open Space (% lot area)	10		
Floor Area Ratio, max. (gross floor area / lot area)	3.0	3.0	3.0

Notes: **sf. = square feet; ft. = feet**

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to buildings oriented toward the following streets:

(a) St. Paul's Boulevard.

(b) The portion of Monticello Avenue south of Virginia Beach Boulevard;

(c) Granby Street;

(d) Boush Street;

(e) Brambleton Avenue;

(f) Duke Street;

(g) Olney Road, east of Duke Street; and

(h) Virginia Beach Boulevard.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.9. D-FN: DOWNTOWN - FORT NORFOLK

A. PURPOSE

The purpose of the Downtown – Fort Norfolk (D-FN) district is to promote the transition of the Fort Norfolk area, also known as Atlantic City, from a predominately heavy industrial area to a mixed-use waterfront setting that is more consistent with other downtown districts. The district provides lands for a wide range of intensive multi-family, commercial, civic, institutional, and office uses, and is also intended to protect views of the Elizabeth River and create public access to the waterfront.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		Downtown Character District		
		Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of site area)		80		
Build-to line (% of building frontage abutting property line)		75		
Front Yard Setback, min. (ft.)		20 [1]		
Side Yard Setback, min. (ft.)	Buildings under 3 stories	15 [2]		
	Buildings between three and five stories	20 [2]		
	Buildings over five stories	25 [2]		
Corner Side Yard Setback, min. (ft.)	Buildings under 3 stories	15 [2]		
	Buildings between three and five stories	20 [2]		
	Buildings over five stories	25 [2]		
Building separation, (ft.)	Buildings under 3 stories	15 [2] [3]		
	Buildings between three and five stories	20 [2] [3]		
	Buildings over five stories	25 [2] [3]		
Open Space (% lot area)		10	10	10
Floor Area Ratio, max. (gross floor area / lot area)		3.5	4.0	2.0

Notes: **sf. = square feet; ft. = feet**

[1] Only applies to buildings taller than 20 feet located on the north side of Front Street.

[2] Only applies to properties located on the south side of Front Street.

[3] Only applies to properties with multiple buildings.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Pedestrian Walkways

(a) Development fronting on the Elizabeth River shall provide access to the river through provision of a continuous and convenient pedestrian circulation area along the water's edge including a waterfront walkway, or esplanade, at least 10 feet in width, within a landscaped area at least 25 feet in width.

(b) Public access to the walkway or esplanade shall be provided through waterfront properties.

(2) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to buildings oriented toward the north side of Front Street.

(3) Off-street parking and loading

(a) Two parking spaces shall be required per dwelling unit for all residential uses. All parking shall be located within 100 feet of the southern district boundary line along the Elizabeth River unless separated from the river by a public right-of-way.

(b) All loading and maneuvering space shall be concealed from view from streets, public open space, and pedestrian ways and shall be located within building lines.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.10. D-SP: DOWNTOWN - SAINT PAUL'S

A. PURPOSE

The purpose of the Downtown - Saint Paul's (D-SP) district is to encourage redevelopment at a scale that is conducive to pedestrian circulation and is connected and integrated into Downtown. The district provides lands that support a wide range of intensely developed multi-family residential, commercial, civic, institutional, and office uses.

B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District	
	Buildings on & west of Church St. or Fenchurch St.	All other buildings
Lot Coverage, max. (% of site area)	100	
Build-to line	75% of building shall be at property line [1] [2]	100% of building shall be within 8 ft. of property line
Maximum Building Height	None	5 stories
Minimum Building Height	3 stories	2 stories
Open Space (% lot area)	0	

Notes: **sf. = square feet; ft. = feet**

[1] Outdoor dining, courtyards and other active spaces are considered part of the building.

[2] For residential uses with entrances, porches, stoops, or balconies on the first floor, the build-to line may be extended up to 8 ft. from the property line.

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Required Use of Ground Floor Areas

Ground floor use requirements identified in Section 3.4.4.A, Required Use of Ground Floor Areas, shall apply to buildings oriented toward the following streets:

(a) Freemason Street (only west of Fenchurch St.)

(b) Church Street

(c) Fenchurch Street

(d) Saint Paul's Boulevard (only west of Church St. or Fenchurch St.)

(e) Mariner Street (only west of Fenchurch St.)

(f) East Charlotte Street (only west of Fenchurch St.)

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.4.11. USES FOR THE DOWNTOWN BASE ZONING DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in a Downtown base zoning district. This section identifies the Downtown zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN DOWNTOWN BASE DISTRICTS

Table 3.4.11, Principal, Accessory, and Temporary Use Table for Downtown Base Zoning Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Downtown zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES									
Conservation and Open Space Uses	Boat ramp	P						4.2.3.C(1)	4.2.3.C(2)(b)
	Community garden	P	P	P	P	P	P		4.2.3.C(2)(e)
	Park	P	P	P	P	P	P		4.2.3.C(2)(f)
	All other uses, not permitted								
RESIDENTIAL USES									
Household Living Uses	Dwelling, live-work		P/C	P/C	P/C	P/C	P/C	4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, manufactured home								4.2.3.D(2)(b)
	Dwelling, multi-family	P	P	P	P	P	P		4.2.3.D(2)(c)
	Dwelling, single-family detached								4.2.3.D(2)(d)
	Dwelling, single-family semi-detached						P		4.2.3.D(2)(e)
	Dwelling, townhouse		P	P	P	P	P		4.2.3.D(2)(f)
	Dwelling, two-family						P		4.2.3.D(2)(g)
Group Living Uses	Assisted housing							4.2.3.D(3)	4.2.3.D(4)(a)
	Continuing care retirement community	C	C	C	C	P			4.2.3.D(4)(b)
	Dormitory								4.2.3.D(4)(c)
	Fraternity or sorority house								4.2.3.D(4)(d)
	Nursing home								4.2.3.D(4)(e)
	Residential re-entry facility								4.2.3.D(4)(f)
	Rooming house								4.2.3.D(4)(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES									
Community Service Uses	Broadcasting studio	P	P	P	P	P	P	4.2.3.E(1)	4.2.3.E(2)(a)
	College or university		P	P	P	P	P		4.2.3.E(2)(b)
	Communication tower, commercial	C	C	C	C	C	C		4.2.3.E(2)(c)
	Community recreation center	P	P	P	P	P			4.2.3.E(2)(d)
	Correctional facility		P						4.2.3.E(2)(e)

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
	Cultural facility, museum, or library	P	P	P	P	P	P		4.2.3.E(2)(f)
	Day care center, adult	P	P	P	P	P	P		4.2.3.E(2)(g)
	Day care center, child	P	P	P	P	P	P		4.2.3.E(2)(h)
	Government maintenance, storage, and distribution facility								4.2.3.E(2)(i)
	Government office	P	P	P	P	P	P		4.2.3.E(2)(j)
	Hiring hall								4.2.3.E(2)(k)
	Hospital								4.2.3.E(2)(l)
	Hospice								4.2.3.E(2)(m)
	Membership organization	P	P	P	P	C	P		4.2.3.E(2)(n)
	Military installation					P			4.2.3.E(2)(o)
	Religious institution	P	P	P	P	C	P		4.2.3.E(2)(p)
	School, boarding		P	P	P		P		4.2.3.E(2)(q)
	School, elementary		P	P	P		P		4.2.3.E(2)(r)
	School, secondary		P	P	P		P		4.2.3.E(2)(s)
	School, vocational or trade		P	P	P	P	P		4.2.3.E(2)(t)
Transportation and Utility Uses	Airport							4.2.3.E(3)	4.2.3.E(4)(a)
	Heliport	P							4.2.3.E(4)(b)
	Park and ride facility	P							4.2.3.E(4)(c)
	Parking facility	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.E(4)(d)
	Passenger terminal, surface transportation	P	P		P				4.2.3.E(4)(e)
	Solar energy collection facility (large-scale)								4.2.3.E(4)(f)
	Terminal, cruise ship	P							4.2.3.E(4)(g)
	Utility facility, major								4.2.3.E(4)(h)
	Utility facility, minor	P	P	P	P	P	P		4.2.3.E(4)(i)
	Wind energy conversion system (large-scale)								4.2.3.E(4)(j)
COMMERCIAL USES									

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
Eating and Drinking Uses	After-hours membership establishment	C	C	C	C		C	4.2.3.F(1)	4.2.3.F(2)(a)
	Banquet hall	C	C	C	C	C	C		4.2.3.F(2)(b)
	Catering establishment/commercial kitchen	P	P	P	P	P	P		4.2.3.F(2)(c)
	Nightclub	C	C	C	C	C	C		4.2.3.F(2)(d)
	Production of craft beverages	C	C	C	C	C	C		4.2.3.F(2)(e)
	Restaurant	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(2)(f)
Recreation Uses	Amusement park							4.2.3.F(3)	4.2.3.F(4)(a)
	Arena, stadium, or amphitheater	P			P				4.2.3.F(4)(b)
	Casino	P/C							4.2.3.F(4)(c)
	Cinema or theater	P	P	P	P	P	P		4.2.3.F(4)(d)
	Commercial recreation center	C	C	C	C		C		4.2.3.F(4)(e)
	Conference or training center	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(4)(f)
	Country club								4.2.3.F(4)(g)
	Health and fitness facility	P	P	P	P	P	P		4.2.3.F(4)(h)
	Marina	C				P			4.2.3.F(4)(i)
	Recreation facility, indoor		P	P	P	P	P		4.2.3.F(4)(j)
	Recreation facility, outdoor	C	C	C	C	C			4.2.3.F(4)(k)
Retail Sales and Service Uses	Animal shelter							4.2.3.F(5)	4.2.3.F(6)(a)
	Artisanal production	P	P	P	P	P			4.2.3.F(6)(b)
	Artist studio/school/gallery		P	P	P	P	P		4.2.3.F(6)(c)
	Auction house	P	P	P	P	P			4.2.3.F(6)(d)
	Auto supply sales and rental								4.2.3.F(6)(e)
	Bank or other financial institution	P	P	P	P	P	P		4.2.3.F(6)(f)
	Cannabis dispensing facility								4.2.3.F(6)(g)
	Check cashing, auto title, or payday loan businesses								4.2.3.F(6)(h)
	Consignment shop	P	P	P	P	P	P		4.2.3.F(6)(i)

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS
	Convenience store	C	C	C	C	C	C	4.2.3.F(6)(j)
	Establishment for the sale of distilled spirits for off-premises consumption			C	C		C	4.2.3.F(6)(k)
	Farmer's market			P	P		P	4.2.3.F(6)(l)
	Flea market, indoor	C	C	C	C	C		4.2.3.F(6)(m)
	Flea market, outdoor				C			4.2.3.F(6)(n)
	Funeral home or mortuary							4.2.3.F(6)(o)
	Grocery store	P/C	P/C	P/C	P/C	P/C	P/C	4.2.3.F(6)(p)
	Kennel	C	C	C	C	C		4.2.3.F(6)(q)
	Music, dance, or martial arts studio/school	P	P	P	P	P	P	4.2.3.F(6)(r)
	Novelty store or theater, adult							4.2.3.F(6)(s)
	Office	P	P	P	P	P	P	4.2.3.F(6)(t)
	Office, contractor	P	P	P	P	P	P	4.2.3.F(6)(u)
	Office, medical or dental	P	P	P	P	P	P	4.2.3.F(6)(v)
	Pawnshop	C	C	C	C	C		4.2.3.F(6)(w)
	Personal service business	P/C	P/C	P/C	P/C	P/C	P/C	4.2.3.F(6)(x)
	Retail goods establishment	P/C	P/C	P/C	P/C	P/C	P/C	4.2.3.F(6)(y)
	Self-service storage units							4.2.3.F(6)(z)
	Smoke or vape shop	C	C	C	C			4.2.3.F(6)(aa)
	Tattoo parlor	C	C	C	C	C		4.2.3.F(6)(bb)
	Therapeutic massage facility			P	P		P	4.2.3.F(6)(cc)
	Used books/media	P	P	P	P	P	P	4.2.3.F(6)(dd)
	Used merchandise sales				C			4.2.3.F(6)(ee)
	Vendor park, food	P/C	P/C	P/C	P/C	P/C	P/C	4.2.3.F(6)(ff)
	Veterinary hospital or clinic	P	P	P	P	P		4.2.3.F(6)(gg)

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
Vehicle Sales and Service Uses	Automobile rental	C	C	C	C	C		4.2.3.F(7)	4.2.3.F(8)(a)
	Automobile repair and maintenance, minor				C				4.2.3.F(8)(b)
	Gas station				C				4.2.3.F(8)(q)
	Tire sales and repair				C				4.2.3.F(8)(t)
	All other uses, not permitted								
Visitor Accommodation Uses	Bed and breakfast			P	P		P	4.2.3.F(9)	4.2.3.F(10)(a)
	Campground								4.2.3.F(10)(b)
	Hotel or motel	P	P	P	P	P	P		4.2.3.F(10)(c)
	Inn	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(10)(d)
	Short-term rental unit (vacation rental)	P/C	P/C	P/C	P/C	P/C	P/C		4.2.3.F(10)(e)
INDUSTRIAL USES									
Industrial Uses	Not permitted								
ACCESSORY USES									
Accessory Uses	Accessory dwelling unit							4.3.3	4.3.3.E(1)(a)
	Amusement device	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(b)
	Automated teller machine	P	P	P	P	P	P		4.3.3.E(1)(c)
	Automatic car wash				P				4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)	P	P	P	P	P			4.3.3.E(1)(e)
	Day care center, child (as an accessory use)	P	P	P	P	P	P		4.3.3.E(1)(f)
	Drive-through facility, large-scale		C	C			C		4.3.3.E(1)(g)
	Drive-through facility, small-scale		P	P	P/C		P		4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)								4.3.3.E(1)(i)

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
	Family day home								4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)				C				4.3.3.E(1)(k)
	Home occupation	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(l)
	Kennel (as an accessory use)								4.3.3.E(1)(m)
	Live entertainment	C	C	C	C	C	C		4.3.3.E(1)(n)
	Outdoor display of merchandise	P	P	P	P	P	P		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(p)
	Outdoor storage								4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)								4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises	C	C	C	C	C	C		4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises	C	C	C	C	C	C		4.3.3.E(1)(t)
	Sale of smoking or vaping products	C	C	C	C				4.3.3.E(1)(u)
	Short-term rental unit (homestay)	P/C	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES									
Temporary Uses and Structures	Carnival and circus	P	P	P	P	P	P	4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event	P	P	P	P	P	P		4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)	P	P	P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)	P	P	P	P	P	P		4.4.3.B(2)(e)
	Garage or yard sale								4.4.3.B(2)(f)
	Manufactured home as temporary housing								4.4.3.B(2)(g)
	Outdoor display and storage	P	P	P	P	P	P		4.4.3.B(2)(h)
	Public event on private property	P	P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P	P	P		4.4.3.B(2)(j)

TABLE 3.4.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR DOWNTOWN BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	D-W	D-BC	D-MU	D-AD	D-FN	D-SP	PERFORMANCE STANDARDS	
	Temporary health care structure								4.4.3.B(2)(k)
	Temporary use of an accessory structure as a principal dwelling after a disaster								4.4.3.B(2)(l)
	Tent	P	P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand	P	P	P	P	P	P		4.4.3.B(2)(n)

3.5 INDUSTRIAL BASE ZONING DISTRICTS

3.5.1. GENERAL PURPOSES OF INDUSTRIAL BASE ZONING DISTRICTS

The purpose and intent of the industrial base zoning districts are to:

A. Create suitable environments for various types of industrial businesses, and protect them from the adverse effects of incompatible development;

B. Strengthen the local economy and provide employment opportunities;

C. Accommodate new infill development and redevelopment that is consistent with surrounding context and character;

D. Ensure industrial development is located and designed to protect and preserve the character of existing single-family districts and neighborhoods;

E. Improve the design quality of industrial areas; and

F. Help implement the comprehensive plan and other plans adopted by City Council.

3.5.2. ESTABLISHED INDUSTRIAL BASE ZONING DISTRICTS

The industrial base zoning districts established by this Ordinance are identified in Table 3.5.2, Established Industrial Base Zoning Districts.

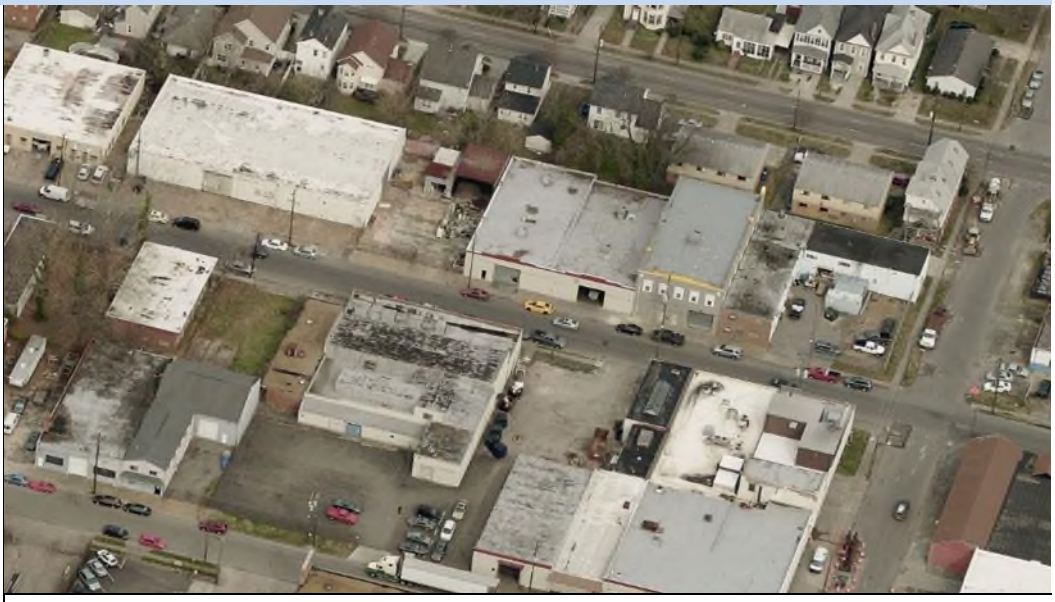
Table 3.5.2: Established Industrial Base Zoning Districts

I-L:	Industrial - Light
I-G:	Industrial - General
I-W:	Industrial - Waterfront
I-DW:	Industrial - Deep Water

3.5.3. I-L: INDUSTRIAL - LIGHT

A. PURPOSE

The purpose of the Industrial - Light (I-L) district is to provide lands to accommodate a range of primarily indoor industrial uses, such as wholesale, warehousing, distribution, light fabrication or processing, light repair and service, storage, and limited assembly uses. District standards are also intended to minimize impacts to adjacent residential land uses.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District	Suburban or Coastal Character District
	All Uses	All Uses
Lot Area, min. (sf.)	10,000	10,000
Lot Width, min. (ft.)	100	100
Front Yard Setback, min. (ft.)	10 [1]	10
Side Yard Setback, min. (ft.)	0 [2]	0 [2]
Corner Side Yard Setback, min. (ft.)	10 [1]	10
Rear Yard Setback, min. (ft.)	0 [2]	0 [2]
Building Height, max. (ft.)	65 [3]	65 [3]

Notes: **sf. = square feet; ft. = feet**

[1] Minimum front or corner side yard setback shall be equal to the average front or corner side yard setback for properties on the same block face or 10 feet, whichever is less.

[2] A Type C buffer (see Section 5.3, Perimeter Buffers) is required on properties adjacent to residential districts.

[3] Maximum building height of 35 ft. if adjacent to residential districts.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.5.4. I-G: INDUSTRIAL - GENERAL

A. PURPOSE

The purpose of the Industrial - General Light (I-G) district is to provide lands to accommodate a range of intensive indoor and outdoor industrial uses such as fabrication, manufacturing, assembly, processing and bulk storage. District standards are also intended to minimize impacts to adjacent residential land uses.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown or Traditional Character District	Suburban or Coastal Character District
	All Uses	All Uses
Lot Area, min. (sf.)	30,000	30,000
Lot Width, min. (ft.)	150	150
Front Yard Setback, min. (ft.)	10 [1]	10
Side Yard Setback, min. (ft.)	0 [2]	0 [1]
Corner Side Yard Setback, min. (ft.)	10	10
Rear Yard Setback, min. (ft.)	0 [2]	0 [2]
Building Height, max. (ft.)	65	65

Notes: **sf. = square feet; ft. = feet**

[1] Minimum front yard setback shall be equal to the average front yard setback for properties on the same block face or 10 feet, whichever is less.

[2] A Type C buffer (see Section 5.3, Perimeter Buffers) is required on properties adjacent to residential districts.

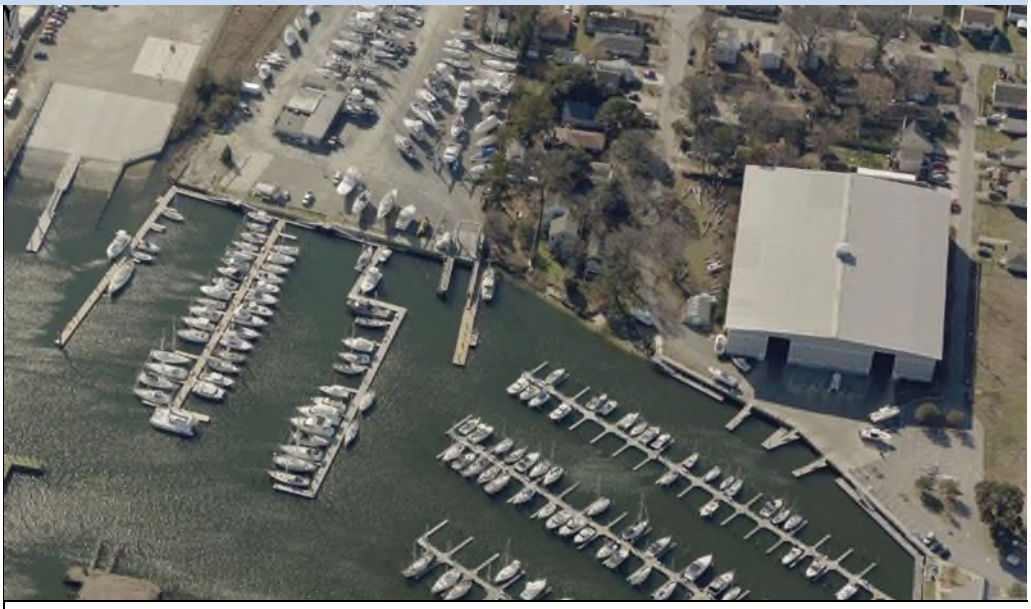
C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.5.5. I-W: INDUSTRIAL - WATERFRONT

A. PURPOSE

The purpose of the Industrial - Waterfront (I-W) district is to provide lands to accommodate water-dependent maritime industrial activities which do not require direct access to deep water channels. This includes marinas, yacht clubs, seafood processing, ship building and repair, and utility facilities.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	15,000
Lot Width, min. (ft.)	150
Front Yard Setback, min. (ft.)	10
Side Yard Setback, min. (ft.)	0 [1]
Corner Side Yard Setback, min. (ft.)	10
Rear Yard Setback, min. (ft.)	0 [1]
Building Height, max. (ft.)	45

Notes: **sf. = square feet; ft. = feet**
[1] A Type C buffer (see Section 5.3, Perimeter Buffers) is required on properties adjacent to residential districts.

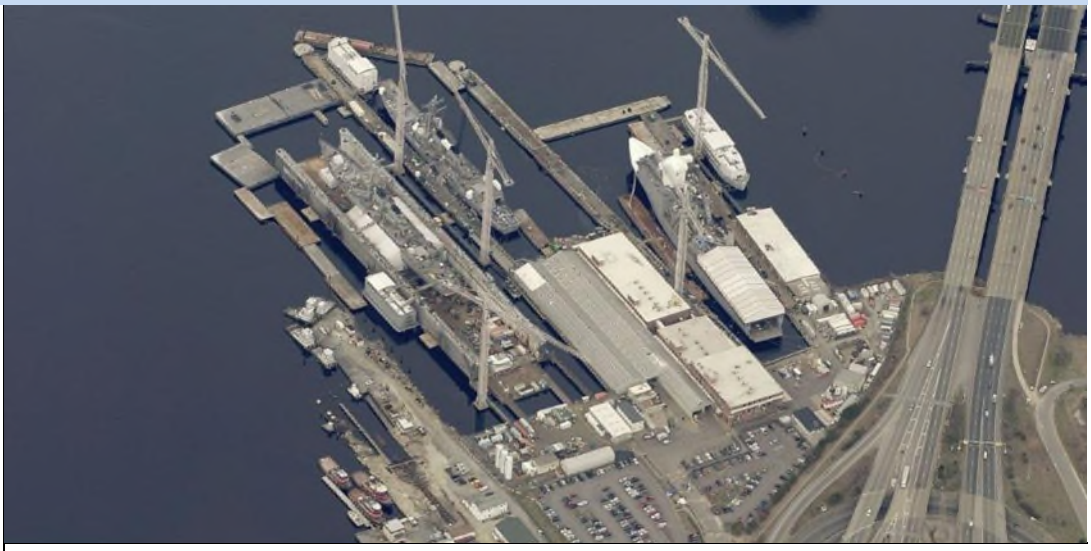
C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.5.6. I-DW: INDUSTRIAL - DEEP WATER

A. PURPOSE

The purpose of the Industrial - Deep Water (I-DW) district is to provide lands that accommodate water-dependent maritime industrial activities that require access to deep water channels. This includes shipping, shipbuilding and repair, and bulk cargo transfer.







B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
Lot Area, min. (sf.)	43,560
Lot Width, min. (ft.)	150
Front Yard Setback, min. (ft.)	10
Side Yard Setback, min. (ft.)	0 [1]
Corner Side Yard Setback, min. (ft.)	10
Rear Yard Setback, min. (ft.)	0 [1]
Building Height, max. (ft.)	N/A

Notes: **sf. = square feet; ft. = feet**
[1] A Type C buffer (see Section 5.3, Perimeter Buffers) is required on properties adjacent to residential districts.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.5.7. USES FOR THE INDUSTRIAL BASE ZONING DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in an Industrial base zoning district. This section identifies the Industrial zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN INDUSTRIAL BASE DISTRICTS

Table 3.5.7, Principal, Accessory, and Temporary Use Table for Industrial Base Zoning Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Industrial zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES							
Conservation and Open Space Uses	Arboretum or botanical garden					4.2.3.C(1)	4.2.3.C(2)(a)
	Boat ramp			P			4.2.3.C(2)(b)
	Cemetery						4.2.3.C(2)(c)
	Community dock						4.2.3.C(2)(d)
	Community garden	P					4.2.3.C(2)(e)
	Park	P	P	P	P		4.2.3.C(2)(f)
	Resource conservation use	P	P	P	P		4.2.3.C(2)(g)
RESIDENTIAL USES							
Household Living Uses	Not permitted						
Group Living Uses	Not permitted						
PUBLIC, CIVIC, AND INSTITUTIONAL USES							
Community Service Uses	Broadcasting studio	P				4.2.3.E(1)	4.2.3.E(2)(a)
	College or university						4.2.3.E(2)(b)
	Communication tower, commercial	C	C	C	C		4.2.3.E(2)(c)
	Community recreation center						4.2.3.E(2)(d)
	Correctional facility						4.2.3.E(2)(e)
	Cultural facility, museum, or library						4.2.3.E(2)(f)
	Day care center, adult	C					4.2.3.E(2)(g)
	Day care center, child	C					4.2.3.E(2)(h)
	Government maintenance, storage, and distribution facility	P	P				4.2.3.E(2)(i)
	Government office	P	P	P	P		4.2.3.E(2)(j)
	Hiring hall	P	P	P	P		4.2.3.E(2)(k)
	Hospital						4.2.3.E(2)(l)
	Hospice						4.2.3.E(2)(m)

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
	Membership organization	P					4.2.3.E(2)(n)
	Military installation						4.2.3.E(2)(o)
	Religious institution	P		P			4.2.3.E(2)(p)
	School, boarding						4.2.3.E(2)(q)
	School, elementary						4.2.3.E(2)(r)
	School, secondary						4.2.3.E(2)(s)
	School, vocational or trade	P	P		P		4.2.3.E(2)(t)
Transportation and Utility Uses	Airport					4.2.3.E(3)	4.2.3.E(4)(a)
	Heliport				P		4.2.3.E(4)(b)
	Park and ride facility						4.2.3.E(4)(c)
	Parking facility	P/C	P/C	P/C	P/C		4.2.3.E(4)(d)
	Passenger terminal, surface transportation						4.2.3.E(4)(e)
	Solar energy collection facility (large-scale)						4.2.3.E(4)(f)
	Terminal, cruise ship				P		4.2.3.E(4)(g)
	Utility facility, major		P		P		4.2.3.E(4)(h)
	Utility facility, minor	P	P	P	P		4.2.3.E(4)(i)
	Wind energy conversion system (large-scale)			P	P		4.2.3.E(4)(j)
COMMERCIAL USES							
Eating and Drinking Uses	After-hours membership establishment					4.2.3.F(1)	4.2.3.F(2)(a)
	Banquet hall	C					4.2.3.F(2)(b)
	Catering establishment/commercial kitchen	P					4.2.3.F(2)(c)
	Nightclub						4.2.3.F(2)(d)
	Production of craft beverages	C		C			4.2.3.F(2)(e)
	Restaurant	P/C	P/C	P/C			4.2.3.F(2)(f)

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
Recreation Uses	Country club			P		4.2.3.F(3)	4.2.3.F(4)(g)
	Health and fitness facility	P	P				4.2.3.F(4)(h)
	Marina			P			4.2.3.F(4)(i)
	Recreation facility, indoor	P	P				4.2.3.F(4)(j)
	Recreation facility, outdoor	C					4.2.3.F(4)(k)
	All other uses, not permitted						
Retail Sales and Service Uses	Animal shelter	P				4.2.3.F(5)	4.2.3.F(6)(a)
	Artist studio/school/gallery	P	P				4.2.3.F(6)(c)
	Auction house	P	P				4.2.3.F(6)(d)
	Bank or other financial institution	P					4.2.3.F(6)(f)
	Convenience store	C	C				4.2.3.F(6)(j)
	Kennel	P	P				4.2.3.F(6)(q)
	Music, dance, or martial arts studio/school	P					4.2.3.F(6)(r)
	Office	P	P				4.2.3.F(6)(t)
	Office, contractor	P	P				4.2.3.F(6)(u)
	Self-service storage units	P					4.2.3.F(6)(z)
	Tattoo parlor	C					4.2.3.F(6)(bb)
	Vendor park, food	P/C	P/C				4.2.3.F(6)(ff)
	Veterinary hospital or clinic	P					4.2.3.F(6)(gg)
	All other uses, not permitted						
Vehicle Sales and Service Uses	Automobile rental	C	C			4.2.3.F(7)	4.2.3.F(8)(a)
	Automobile repair and maintenance, major	C	C				4.2.3.F(8)(b)
	Automobile repair and maintenance, minor	C	C				4.2.3.F(8)(c)
	Automobile sales						4.2.3.F(8)(d)
	Automobile salvage yard, indoor or outdoor		C				4.2.3.F(8)(e)
	Automobile storage	C	C				4.2.3.F(8)(f)
	Automobile tow lot	C	C				4.2.3.F(8)(g)

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
	Autonomous vehicle storage and charging facility	P	P				4.2.3.F(8)(h)
	Boat building and repair			P			4.2.3.F(8)(i)
	Boat dry storage facility			C			4.2.3.F(8)(j)
	Boat sales, rental, service, or repair	P		P			4.2.3.F(8)(k)
	Car wash	C					4.2.3.F(8)(l)
	Commercial fueling depot	P	P				4.2.3.F(8)(m)
	Commercial vehicle repair and maintenance		C				4.2.3.F(8)(n)
	Commercial vehicle sales and rental		P				4.2.3.F(8)(o)
	Electric vehicle charging station	P	P				4.2.3.F(8)(p)
	Gas station	C	C				4.2.3.F(8)(q)
	Recreational vehicle sale, rental, and maintenance	C	C				4.2.3.F(8)(r)
	Taxi or limousine service facilities	P	P				4.2.3.F(8)(s)
	Tire sales and repair	C	C				4.2.3.F(8)(t)
Visitor Accommodation Uses	Not permitted						
INDUSTRIAL USES							
Industrial Uses	Brewery, cidery, distillery, or winery	P/C	P/C			4.2.3.G(1)	4.2.3.G(2)(a)
	Cannabis cultivation or manufacturing facility		C				4.2.3.G(2)(b)
	Cargo pier and terminal				P		4.2.3.G(2)(c)
	Composting facility		C				4.2.3.G(2)(d)
	Concrete, asphalt, brick, manufacturing plant		P/C	P	P		4.2.3.G(2)(e)
	Distribution center	C	P/C				4.2.3.G(2)(f)
	Food processing	P/C	P/C				4.2.3.G(2)(g)

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS
	Fuel oil or bottled gas distribution	C	C		C	4.2.3.G(2)(h)
	Hazardous materials manufacturing or storage		C		C	4.2.3.G(2)(i)
	Industrial services, heavy		P/C		P	4.2.3.G(2)(j)
	Industrial services, light	P	P	P	P	4.2.3.G(2)(k)
	Junkyard or storage yard		C			4.2.3.G(2)(l)
	Landfill					4.2.3.G(2)(m)
	Landscaping contractor's business	P	P			4.2.3.G(2)(n)
	Laundry and dry cleaning plant	P/C	P/C			4.2.3.G(2)(o)
	Manufacturing, assembly or fabrication, heavy		P/C		P/C	4.2.3.G(2)(p)
	Manufacturing, assembly or fabrication, light	P	P		P/C	4.2.3.G(2)(q)
	Moving and storage	P/C				4.2.3.G(2)(r)
	Recycling collection station	P	P			4.2.3.G(2)(s)
	Recycling sorting and processing center	C	C		C	4.2.3.G(2)(t)
	Renewable energy equipment and supply manufacturing	P/C	P/C	P/C	P/C	4.2.3.G(2)(u)
	Rock, sand, and gravel distribution and storage		C	C	C	4.2.3.G(2)(v)
	Seafood processing	P/C	P/C	P		4.2.3.G(2)(w)
	Septic tank and portable toilet service	C	P/C			4.2.3.G(2)(x)
	Ship building and repair				P	4.2.3.G(2)(y)
	Slaughterhouse		C			4.2.3.G(2)(z)
	Small engine repair shop	P	P	P		4.2.3.G(2)(aa)
	Solid waste processing facility		C			4.2.3.G(2)(bb)
	Solid waste transfer station		C			4.2.3.G(2)(cc)
	Trucking Terminal	C	C			4.2.3.G(2)(dd)
	Warehouse	P/C	P/C	P	P	4.2.3.G(2)(ee)

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
	Wholesale establishment	P/C	P/C				4.2.3.G(2)(ff)
ACCESSORY USES							
Accessory Uses	Accessory dwelling unit					4.3.3	4.3.3.E(1)(a)
	Amusement device	P/C	P/C	P/C			4.3.3.E(1)(b)
	Automated teller machine	P	P	P	P		4.3.3.E(1)(c)
	Automatic car wash	P					4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)	P	P				4.3.3.E(1)(e)
	Day care center, child (as an accessory use)	P	P				4.3.3.E(1)(f)
	Drive-through facility, large-scale	C	C	C	C		4.3.3.E(1)(g)
	Drive-through facility, small-scale	P	P	P	P		4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)	P	P				4.3.3.E(1)(i)
	Family day home						4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)						4.3.3.E(1)(k)
	Home occupation						4.3.3.E(1)(l)
	Kennel (as an accessory use)						4.3.3.E(1)(m)
	Live entertainment	C					4.3.3.E(1)(n)
	Outdoor display of merchandise	P	P				4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)	P/C	P/C	P/C			4.3.3.E(1)(p)
	Outdoor storage	P	P	P	P		4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)	P	P				4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises	C		C			4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises	C		C			4.3.3.E(1)(t)
	Sale of smoking or vaping products						4.3.3.E(1)(u)
	Short-term rental unit (homestay)						4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES							

TABLE 3.5.7: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR INDUSTRIAL BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	I-L	I-G	I-W	I-DW	PERFORMANCE STANDARDS	
Temporary Uses and Structures	Carnival and circus	P	P	P	P	4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event	P	P	P	P		4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)	P	P				4.4.3.B(2)(d)
	Flea market (as a temporary use)	P	P				4.4.3.B(2)(e)
	Garage or yard sale						4.4.3.B(2)(f)
	Manufactured home as temporary housing						4.4.3.B(2)(g)
	Outdoor display and storage	P	P	P	P		4.4.3.B(2)(h)
	Public event on private property	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure						4.4.3.B(2)(k)
	Temporary use of an accessory structure as a principal dwelling after a disaster						4.4.3.B(2)(l)
	Tent	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand	P	P	P	P		4.4.3.B(2)(n)

3.6 HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

3.6.1. PURPOSE

The purpose of the Historic and Cultural Conservation base zoning districts is to:

A. Protect and conserve areas of the city and individual structures, premises and sites having special historic or cultural significance;

B. Encourage new development and redevelopment that is consistent with the character of existing development in the historic districts;

C. Prevent destruction of historic structures and encroachment by uses, structures and site development features that are incompatible with the unique appearance and historic and cultural significance in the historic districts; and

D. Implement the historic preservation policies in the adopted comprehensive plan.

3.6.2. ESTABLISHED HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

The Historic and Cultural Conservation base zoning districts established by this Ordinance are identified in Table 3.6.2, Established Historic and Cultural Conservation Base Zoning Districts.

Table 3.6.2: Established Historic and Cultural Conservation Base Zoning Districts

HC-G1:	Ghent Historic and Cultural Conservation
HC-G2:	Ghent Historic and Cultural Conservation
HC-G3:	Ghent Historic and Cultural Conservation
HC-WF1:	West Freemason Historic and Cultural Conservation
HC-WF2:	West Freemason Historic and Cultural Conservation
HC-EF:	East Freemason Historic and Cultural Conservation

3.6.3. HISTORIC DISTRICT GUIDELINES

Development in the historic and cultural conservation districts shall comply with the City of Norfolk *Historic District Design Guidelines*, which is incorporated herein by reference.

3.6.4. STANDARDS APPLICABLE TO ALL HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

A. FENESTRATION

(1) Existing Commercial Buildings

(a) Any window facing a public street shall be kept transparent.

(b) Nothing shall be installed or positioned on the window to block the window's transparency (such as signage, films, fixtures, or furnishings).

(c) Interior or exterior decorative window treatments that do not obscure more than 50 percent of the required transparency are allowed.

(2) New Commercial Buildings

(a) A minimum of 50 percent of the total area of the ground floor of a façade facing a public street shall be transparent.

(b) Nothing shall be installed or positioned on a window to block the window's transparency (such as signage, films, fixtures, or furnishings).

(c) Interior or exterior decorative window treatments that do not obscure more than 50 percent of required transparency are allowed.

B. DEVIATION FROM HEIGHT REQUIREMENTS

In the HC-G1, HC-G2, HC-G3, HC-WF1, and HC-WF2 districts, height requirements may be exceeded after first receiving approval of a Certificate of Appropriateness, and then approval of a Conditional Use Permit in accordance with Section 2.4.8, Conditional Use Permit.

C. PARKING REQUIREMENTS FOR SPECIFIC DISTRICTS

In the HC-G1, HC-G2, and HC-G3 districts, 1 parking space per dwelling unit shall be required. In all other districts and for all other uses, see Section 5.1, Parking, Loading, and Bicycle Standards.

D. REQUIRED MAINTENANCE

All buildings and structures within an Historic and Cultural Conservation base zoning district shall be maintained in good repair, kept in a structurally sound fashion, and be reasonably protected against decay and deterioration in compliance with the applicable maintenance provisions of the Uniform Statewide Building Code.

3.6.5. HC-G1: GHENT HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the Ghent Historic and Cultural Conservation (HC-G1) district is to protect the existing concentration of harmonious and noteworthy structures and sites in Ghent, which is one of the first planned residential suburbs in the city. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, and prevent the creation or encroachment of adverse environmental influences. Allowed uses are primarily residential in order to ensure new structures are compatible with district character.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District				
	Single Family	Two-Family	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	2,500	3,750	1,800	1,650 [1]	10,000
Lot Width, min. (ft.)	25	37.5	18	50	100
Lot Coverage, max. (% of lot)	55				
Front Yard Setback (ft.)	17-20 [2]				
Side Yard Setback, min. (ft.)	3 [3]				
Corner Side Yard Setback, min. (ft.)	5 [4]				
Rear Yard Setback, min. (ft.)	3 [3]				
Building Separation, min. (ft.)	3				
Building Height (ft.)	25-35				
Accessory Building Height, max. (ft.)	25				

Notes **sf. = square feet; ft. = feet**

[1] This standard applies per dwelling unit. The total lot area must not be less than 5,000 square feet.

[2] If at least 25 percent of the block face has a front yard depth that is less than the standard, the minimum front yard setback shall be within 1.5 feet of the block face average.

[3] Does not apply to structures sharing common walls at lot lines where there is no space between buildings.

[4] If the lot is less than 30 feet wide, the setback is 3 feet.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.6. HC-G2: GHENT HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the Ghent Historic and Cultural Conservation (HC-G2) district is to protect the existing concentration of harmonious and noteworthy structures and sites in Ghent, which is one of the first planned residential suburbs in the city. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, and prevent the creation or encroachment of adverse environmental influences. Allowed uses are primarily residential in order to ensure new structures are compatible with district character.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District				
	Single Family	Two-Family	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	2,500	3,750	1,800	1,650 [1]	10,000
Lot Width, min. (ft.)	25	37.5	18	50	100
Lot Coverage, max. (% of lot)	55				
Front Yard Setback (ft.)	17-20 [2]				
Side Yard Setback, min. (ft.)	3 [3]				
Corner Side Yard Setback, min. (ft.)	5 [4]				
Rear Yard Setback, min. (ft.)	3 [3]				
Building Separation, min. (ft.)	3				
Building Height (ft.)	25-35				
Accessory Building Height, max. (ft.)	25				

Notes: **sf. = square feet; ft. = feet**

[1] This standard applies per dwelling unit. The total lot area must not be less than 5,000 square feet.

[2] If at least 25 percent of the block face has a front yard depth that is less than the standard, the minimum front yard setback shall be within 1.5 feet of the block face average.

[3] Does not apply to structures sharing common walls at lot lines where there is no space between buildings.

[4] If the lot is less than 30 feet wide, the setback is 3 feet.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.7. HC-G3: GHENT HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the Ghent Historic and Cultural Conservation (HC-G3) district is to protect the existing concentration of harmonious and noteworthy structures and sites in Ghent, which is one of the first planned residential suburbs in the city. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, and prevent the creation or encroachment of adverse environmental influences. Residential uses are allowed, along with limited commercial activities that retain structures of historical and architectural significance.



B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Traditional Character District				
	Single Family	Two-Family	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	2,500	3,750	1,800	1,650 [1]	10,000
Lot Width, min. (ft.)	25	37.5	18	50	100
Lot Coverage, max. (% of lot)	55				
Front Yard Setback (ft.)	17-20 [2]				
Side Yard Setback, min. (ft.)	3 [3]				
Corner Side Yard Setback, min. (ft.)	5 [4]				
Rear Yard Setback, min. (ft.)	3 [3]				
Building Separation, min. (ft.)	3				
Building Height (ft.)	25-35				
Accessory Building Height, max. (ft.)	25				

Notes: sf. = square feet; ft. = feet

[1] This standard applies per dwelling unit. The total lot area must not be less than 5,000 square feet.

[2] If at least 25 percent of the block face has a front yard depth that is less than the standard, the minimum front yard setback shall be within 1.5 feet of the block face average.

[3] Does not apply to structures sharing common walls at lot lines where there is no space between buildings.

[4] If the lot is less than 30 feet wide, the setback is 3 feet.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.8. HC-WF1: WEST FREEMASON HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the West Freemason Historic and Cultural Conservation (HC-WF1) district is to protect the existing concentration of harmonious and noteworthy structures and sites in West Freemason, which includes structures listed on the National Register of Historic Places. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, prevent the creation or encroachment of adverse environmental influences, and ensure new structures and uses are compatible with district character.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District				
	Single Family	Two-Family	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	2,500	3,750	1,800	1,650 [1]	10,000
Lot Width, min. (ft.)	25	37.5	18	50	35
Lot Coverage, max. (% of lot)	67				
Front Yard Setback (ft.)	7-10 [2]				
Side Yard Setback, min. (ft.)	3 [3]				
Corner Side Yard Setback, min. (ft.)	3				
Rear Yard Setback, min. (ft.)	3 [3]				
Building Separation, min. (ft.)	3				
Building Height (ft.)	25-45				
Accessory Building Height, max. (ft.)	25				

Notes: **sf. = square feet; ft. = feet**

[1] This standard applies per dwelling unit. The total lot area must not be less than 5,000 square feet.

[2] If at least 25 percent of the block face has a front yard depth that is less than the standard, the minimum front yard setback shall be within 1.5 feet of the block face average.

[3] Does not apply to structures sharing common walls at lot lines where there is no space between buildings.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.9. HC-WF2: WEST FREEMASON HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the West Freemason Historic and Cultural Conservation (HC-WF2) district is to protect the existing concentration of harmonious and noteworthy structures and sites in West Freemason, which includes structures listed on the National Register of Historic Places. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, prevent the creation or encroachment of adverse environmental influences, and ensure new structures and uses are compatible with district character.



B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Downtown Character District				
	Single Family	Two-Family	Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)	2,500	3,750	1,800	1,650 [1]	10,000
Lot Width, min. (ft.)	25	37.5	18	50	35
Lot Coverage, max. (% of lot)	67				
Front Yard Setback (ft.)	7-10 [2]				
Side Yard Setback, min. (ft.)	3 [3]				
Corner Side Yard Setback, min. (ft.)	3				
Rear Yard Setback, min. (ft.)	3 [3]				
Building Separation, min. (ft.)	3				
Building Height (ft.)	25-45				
Accessory Building Height, max. (ft.)	25				

Notes: **sf. = square feet; ft. = feet**

[1] This standard applies per dwelling unit. The total lot area must not be less than 5,000 square feet.

[2] If at least 25 percent of the block face has a front yard depth that is less than the standard, the minimum front yard setback shall be within 1.5 feet of the block face average.

[3] Does not apply to structures sharing common walls at lot lines where there is no space between buildings.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.10. HC-EF: EAST FREEMASON HISTORIC AND CULTURAL CONSERVATION

A. PURPOSE

The purpose of the East Freemason Historic and Cultural Conservation (HC-EF) district is to protect the existing concentration of harmonious and noteworthy structures and sites in East Freemason, which includes structures listed on the National Register of Historic Places, and also to promote downtown Norfolk as a cultural center for the region. District standards encourage uses and activities which foster the conservation and improvement of historic structures and sites, prevent the creation or encroachment of adverse environmental influences, and ensure new structures and uses are compatible with district character.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		Downtown Character District		
		Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of lot)		55	55	25
Building Height, max. (ft.)	Two-story building	50		
	Three-story building	50 [1]		
	Four or more stories	60 [2]		

Notes: **sf. = square feet; ft. = feet**

[1] The first-floor elevation of three-story buildings shall be between four and five feet above grade unless a greater elevation is required by applicable flood plain regulations.

[2] The first-floor elevation of buildings with four or more stories may be at grade unless a greater elevation is required by applicable flood plain regulations.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.6.11. USES FOR THE HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in a Historic and Cultural Conservation base zoning district. This section identifies the Historic and Cultural Conservation zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN HISTORIC AND CULTURAL CONSERVATION BASE DISTRICTS

Table 3.6.11, Principal, Accessory, and Temporary Use Table for Historic and Cultural Conservation Base Zoning Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Historic and Cultural Conservation zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.6.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES									
Conservation and Open Space Uses	Community dock				P			4.2.3.C(1)	4.2.3.C(2)(d)
	Community garden	P	P	P	P	P	P		4.2.3.C(2)(e)
	Park	P	P	P	P	P	P		4.2.3.C(2)(f)
	All other uses, not permitted								
RESIDENTIAL USES									
Household Living Uses	Dwelling, live-work			P/C				4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, manufactured home								4.2.3.D(2)(b)
	Dwelling, multi-family		P	P	P	P	P		4.2.3.D(2)(c)
	Dwelling, single-family detached	P	P	P	P	P			4.2.3.D(2)(d)
	Dwelling, single-family semi-detached								4.2.3.D(2)(e)
	Dwelling, townhouse		P	P	P	P			4.2.3.D(2)(f)
	Dwelling, two-family		P	P	P	P			4.2.3.D(2)(g)
Group Living Uses	Not permitted								
PUBLIC, CIVIC, AND INSTITUTIONAL USES									
Community Service Uses	Cultural facility, museum, or library				P		P	4.2.3.E(1)	4.2.3.E(2)(f)
	Day care center, child						C		4.2.3.E(2)(h)
	Government office	P	P	P	P	P	P		4.2.3.E(2)(j)
	Hospice			P		P	P		4.2.3.E(2)(m)
	Membership organization				C				4.2.3.E(2)(n)
	Religious institution		P	P	C		P		4.2.3.E(2)(p)
	School, boarding		C						4.2.3.E(2)(q)

TABLE 3.6.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	PERFORMANCE STANDARDS	
	School, elementary	P							4.2.3.E(2)(r)
	School, secondary	C							4.2.3.E(2)(s)
	All other uses, not permitted								
Transportation and Utility Uses	Utility facility, minor	P	P	P	P	P	P	4.2.3.E(3)	4.2.3.E(4)(a)
	All other uses, not permitted								
COMMERCIAL USES									
Eating and Drinking Uses	Restaurant			P/C		P/C		4.2.3.F(1)	4.2.3.F(2)(f)
	All other uses, not permitted								
Recreation Uses	Country club				P			4.2.3.F(3)	4.2.3.F(4)(g)
	Health and fitness facility				C				4.2.3.F(4)(h)
	Marina				P				4.2.3.F(4)(i)
	All other uses, not permitted								
Retail Sales and Service Uses	Artist studio/school/gallery			P	P	P	P	4.2.3.F(5)	4.2.3.F(6)(c)
	Bank or other financial institution					P	P		4.2.3.F(6)(f)
	Convenience store					C	C		4.2.3.F(6)(j)
	Music, dance, or martial arts studio/school				P	P	P		4.2.3.F(6)(r)
	Office			P	P	P	P		4.2.3.F(6)(t)

TABLE 3.6.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	PERFORMANCE STANDARDS	
	Office, medical or dental			P	P	P	P		4.2.3.F(6)(v)
	Personal service business			P/C	P/C	P/C	P/C		4.2.3.F(6)(x)
	Retail goods establishment			P/C	P/C	P/C	P/C		4.2.3.F(6)(y)
	Smoke or vape shop			C	C	C	C		4.2.3.F(6)(aa)
	All other uses, not permitted								
Vehicle Sales and Service Uses	Not permitted								
Visitor Accommodation Uses	Bed and breakfast	C	C	C	C	C		4.2.3.F(9)	4.2.3.F(10)(a)
	Inn	C	C	C	C	C	C		4.2.3.F(10)(d)
	All other uses, not permitted								
INDUSTRIAL USES									
Industrial Uses	Not permitted								
ACCESSORY USES									
Accessory Uses	Accessory dwelling unit							4.3.3	4.3.3.E(1)(a)
	Amusement device			P/C		P/C			4.3.3.E(1)(b)
	Automated teller machine					P	P		4.3.3.E(1)(c)
	Automatic car wash								4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)								4.3.3.E(1)(e)
	Day care center, child (as an accessory use)						C		4.3.3.E(1)(f)
	Drive-through facility, large-scale								4.3.3.E(1)(g)
	Drive-through facility, small-scale								4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)								4.3.3.E(1)(i)

TABLE 3.6.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	PERFORMANCE STANDARDS	
	Family day home								4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)								4.3.3.E(1)(k)
	Home occupation	P	P	P	P/C	P/C	P		4.3.3.E(1)(l)
	Kennel (as an accessory use)								4.3.3.E(1)(m)
	Live entertainment			C		C	C		4.3.3.E(1)(n)
	Outdoor display of merchandise			P	P	P	P		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)					P/C			4.3.3.E(1)(p)
	Outdoor storage								4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)								4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises			C	C	C	C		4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises			C		C	C		4.3.3.E(1)(t)
	Sale of smoking or vaping products			C	C	C	C		4.3.3.E(1)(u)
	Short-term rental unit (homestay)	P/C	P/C		P/C	P/C			4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES									
Temporary Uses and Structures	Carnival and circus							4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event								4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)		P	P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)		P	P	P	P	P		4.4.3.B(2)(e)
	Garage or yard sale	P	P	P	P	P	P		4.4.3.B(2)(f)
	Manufactured home as temporary housing	P	P	P	P	P	P		4.4.3.B(2)(g)
	Outdoor display and storage	P	P	P	P	P	P		4.4.3.B(2)(h)
	Public event on private property	P	P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure	P							4.4.3.B(2)(k)

TABLE 3.6.11: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR HISTORIC AND CULTURAL CONSERVATION BASE ZONING DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	PERFORMANCE STANDARDS	
	Temporary use of an accessory structure as a principal dwelling after a disaster	P	P	P	P	P	P		4.4.3.B(2)(l)
	Tent	P	P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand					P			4.4.3.B(2)(n)

3.7 SPECIAL PURPOSE DISTRICTS

3.7.1. GENERAL PURPOSE OF SPECIAL PURPOSE DISTRICTS

The purpose and intent of Special Purpose zoning districts are to:

A. Accommodate development patterns that do not fit within other base zoning classifications (e.g., residential, commercial, industrial) due to unique physical characteristics or land use characteristics;

B. Allow for the development, maintenance and expansion of special land uses, such as airports or medical centers that have unique character and needs; and

C. Address land uses which are otherwise difficult to regulate with other base district standards.

3.7.2. ESTABLISHED SPECIAL PURPOSE BASE ZONING DISTRICTS

Special Purpose base zoning districts established by this Ordinance are identified in Table 3.7.2, Established Special Purpose Base Zoning Districts.

Table 3.7.2: Established Special Purpose Base Zoning Districts

IN:	Institutional
IN-C:	Institutional - Campus
A:	Airport
OSP:	Open Space and Preservation
RESOURCE:	Resource Conservation
MI:	Military Installation
MW:	Monarch Way
EBH:	East Beach Harbor
TOD:	Transit-Oriented Development
TOD-C:	Transit-Oriented Development – Core
TOD-S:	Transit-Oriented Development – Support
G-1:	Granby/Monticello Corridor Mixed-Use

3.7.3. IN: INSTITUTIONAL

A. PURPOSE

The purpose of the Institutional (IN) district is to provide lands that accommodate institutional land uses, with a variety of different, but related land uses, preferably in a campus-style environment. District standards promote the compatibility of uses while minimizing potential impacts on neighboring development.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Character Districts
		All Uses
Lot Area, min. (acres)		1
Front Yard Setback, min. (ft.)	Adjacent to residential zoning district	20 [1] [2]
	Adjacent to non-residential zoning district	10 [1] [2]
Side Yard Setback, min. (ft.)		[3]
Corner Side Yard Setback, min. (ft.)		5
Rear Yard Setback, min. (ft.)		[4]
Building Height, max. (ft.)		[5]
Landscaped Open Space (% lot area)		20

Notes **sf. = square feet; ft. = feet**

[1] If the property abuts another zoning district on the same block face, the front yard setback shall be the same that is required in the abutting district.

[2] If the property abuts two different zoning districts on the same block face, the front yard setback shall be the average required front yard setback for the two districts.

[3] If the side yard abuts a different zoning district, the side yard setback shall be the same that is required in the abutting district, however for accessory buildings abutting a residential district, the side yard setback shall be 25 feet.

[4] If the rear yard abuts a different zoning district, the rear yard setback shall be the same that is required in the abutting district. If abutting a residential zoning district, a five-foot buffer yard is required, and the setback for accessory structures shall be 25 feet.

[5] There is no maximum height limit, however building features on properties abutting a residential district shall not be taller than the horizontal distance between the building feature and boundary of the residential district.

C. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.4. IN-C: INSTITUTIONAL - CAMPUS

A. PURPOSE

The purpose of the Institutional - Campus (IN-C) district is to provide lands that accommodate multi-functional institutional uses, such as university and medical campuses. Development may include the grouping of multiple institutional buildings on large sites, and inter-related public, private, and nonprofit development. District standards are intended to provide adequate parking and pedestrian circulation; ensure infrastructure is adequately provided; mitigate traffic congestion; protect surrounding residential and historic lands against incompatible uses, and facilitate the creation of an attractive and harmonious fabric of buildings, streets, and open spaces.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		All Character Districts
		All Uses
Lot Area, min. (acres)		10
Front Yard Setback, min. (ft.)	External street frontage	20
	Internal street frontage	10
Side Yard Setback, min. (ft.)		[1]
Corner Side Yard Setback, min. (ft.)	External street frontage	20
	Internal street frontage	10
Rear Yard Setback, min. (ft.)		[1]
Building Height, max. (ft.)		[2]
All Other Standards		[3]

Notes: **sf. = square feet; ft. = feet**

[1] Setback not required, however for properties abutting a residential district a 10-foot buffer yard is required, and the setback for accessory structures in side or rear yards abutting residential districts is 25 feet.

[2] There is no maximum height limit, however building features on properties abutting a residential district shall not be taller than the horizontal distance between the building feature and boundary of the residential district.

[3] Consistent with approved Institutional Development Plan as described in Section 3.7.4.C(1), Institutional Development Plan.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

(1) Development Certificate Required

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures and substantial improvements or additions to existing principal structures in the IN-C district.

(2) Review Standards

A Development Certificate approved for the IN-C district shall comply with standards identified below.

(a) Proposed development shall be compatible with existing development within, and adjacent to, the IN-C district.

(b) Off-street parking and loading facilities shall be sufficient and provide for adequate circulation between existing and proposed buildings.

(c) Anticipated traffic generation and circulation patterns shall be compatible with internal and external street capacities and configurations.

(d) Proposed open space and landscaping areas shall be consistent with the purpose of the district, sufficiently located to satisfy the needs of the proposed development, and properly integrated with existing and proposed buildings, pedestrian ways and streets.

(e) Proposed pedestrian circulation within the district shall be properly integrated with buildings, parking areas, and open space.

(f) The form and function of proposed buildings shall be compatible with other buildings within and immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.

(g) View corridors and historic buildings or structures both within and immediately adjacent to the district shall be sufficiently protected.

(h) Natural features and environmental quality shall be sufficiently protected and maintained.

(i) Potential noise shall be sufficiently mitigated.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.5. A: AIRPORT

A. PURPOSE

The purpose of the Airport (A) district is to provide lands to accommodate the efficient layout and operation of Norfolk International Airport, including facilities for commercial airline operations, air cargo, and general aviation. The district also allows a range of airport-serving retail and service uses. District standards support the implementation of the Norfolk International Airport Master Plan.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Suburban Character District
	All Uses
All Dimensional and Intensity Standards	[1]

Notes: **sf. = square feet; ft. = feet**

[1] Consistent with approved Airport Master Plan as described in Section 3.7.5.C(1), Airport Master Plan.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

(1) Airport Master Plan

(a) General

Prior to seeking a Zoning Certificate in the A district, the land owner shall prepare, and have approved in accordance with this section an Airport Master Plan, which demonstrates how development, land uses, and airport-related functions will be coordinated in the district.

(b) Review of Airport Master Plan

The Airport Master Plan shall be reviewed by the Planning Commission and approved by City Council.

(c) Amendments to Approved Airport Master Plan

An Airport Master Plan shall be amended in accordance with the procedures and standards for its original approval.

(2) Effect

Development in the A district shall be in substantial compliance with the approved Airport Master Plan, in addition to all other applicable standards and requirements of this Ordinance.

D. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Existing Landscaping

The wooded and landscaped character of the approach roads, parking facilities, and terminal building shall be retained.

E. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.6. OSP: OPEN SPACE AND PRESERVATION

A. PURPOSE

The purpose of the Open Space and Preservation (OSP) district is to provide lands to accommodate the preservation and protection of active park and recreation activities, passive open space lands, significant natural features, and environmentally sensitive lands. District standards limit development in these areas in order to preserve the city's natural, scenic, and recreational assets; ensure their proper functioning; and promote visitor enjoyment.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
All standards	[1]

Notes: **sf. = square feet; ft. = feet**

[1] There are no specific intensity and dimensional standards for the OSP district.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

Development in the OSP district shall be:

(1) Consistent with OSP district purposes; and

(2) Appropriately mitigated to ensure development does not adversely affect the natural features and functions of district lands.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.7. RESOURCE: RESOURCE CONSERVATION

A. PURPOSE

The purpose of the Resource Conservation (RESOURCE) district is to provide lands to accommodate the preservation and protection of natural resources. Lands in this district are primarily owned by the city and the Norfolk Redevelopment and Housing Authority, and are intended for passive recreation uses, and the preservation of open space and environmentally-sensitive lands. District standards limit development to preserve the natural and scenic assets of the district and ensure the proper functioning of the natural systems.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
All standards	[1]

Notes: **sf. = square feet; ft. = feet**
[1] There are no specific intensity and dimensional standards for the RESOURCE district.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

Development in the RESOURCE district shall be:

(1) Consistent with the district purposes; and

(2) Appropriately mitigated to ensure development does not adversely affect the natural features and functions of district lands.

D. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.8. MI: MILITARY INSTALLATION

A. PURPOSE

The purpose of the Military Installation (MI) district is to recognize and support major single-use and multiple-use military facilities in the city that are owned and operated by the federal military. While federal military lands are not subject to this Ordinance and other local ordinances and codes, they occupy large land areas in the city and are therefore identified on the Official Zoning Map to differentiate them from lands that are subject to the Zoning Ordinance.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	All Character Districts
	All Uses
All standards	[1]

Notes: **sf. = square feet; ft. = feet**
[1] There are no specific intensity and dimensional standards for the MI district.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

(1) Development Coordination

(a) General

The military is encouraged to establish a coordinated planning process with the city when developing lands within the MI district.

(b) Goals for Development Coordination

The purpose of coordinating development activities is to:

(i) Achieve mutual benefits for the military and the city;

(ii) Minimize undesirable development impacts; and

(iii) Help meet the policies and objectives of the comprehensive plan.

(c) Development the city is Most Interested in Coordinating with the Military

The city is particularly interested in coordinating the following types of development within the MI district with the military:

(i) Commercial;

(ii) Residential; and

(iii) Mixed-use.

3.7.9. MW: MONARCH WAY

A. PURPOSE

The purpose of the Monarch Way (MW) district is to provide lands to accommodate the development proposed in the Redevelopment Plan for the Hampton Boulevard Redevelopment Project, and accommodate the needs of Old Dominion University (a strategic institutional asset for the city and region). Allowed uses include a range of university-related institutional uses, a diverse type of residential uses, and campus and neighborhood-serving commercial and office uses. District standards are intended to accommodate the growth of Old Dominion University and provide for orderly redevelopment of the surrounding area.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		Traditional Character District
		All Uses
Setback, max. (ft.)	On Monarch Way	8
	On a numbered street	15
	On Hampton Boulevard	40
Setback, min. (ft.)	On Killam Avenue	15
Building Height, max. (ft.)		75

Notes: **sf. = square feet; ft. = feet**

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for development in the Monarch Way district.

D. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Development in the MW district shall comply with the following standards.

(1) Pedestrian Access

(a) Designated pedestrian pathways shall be provided and marked from the public sidewalk to the main entrances of the principal building.

(b) Mid-block plazas with landscaping shall be provided for residential development. Plazas shall include a paved, eight-foot-wide path between Monarch Way and the parking facilities.

(c) Development that is required to provide 50 or more parking spaces shall provide pedestrian access between the parking facilities and major building entrances.

(d) Parking facilities for residential development shall incorporate the following pedestrian features:

(i) A continuous sidewalk not less than four feet wide between the parking lot and the residential building. All parking spaces adjacent to the sidewalk shall have bumper logs to maintain a clear sidewalk; and

(ii) A space not less than eight feet in width at each entrance to residential buildings to ensure unobstructed access to the sidewalk from the parking lot. This area shall be clearly marked and delineated.

(2) Façade Treatment

(a) A minimum of fifty percent of the total area of ground floor facades (as measured from a point beginning no higher than three feet above sidewalk grade, and ending at a point no higher than ten feet above sidewalk grade) along Monarch Way, Killam Avenue, and Hampton Boulevard shall be transparent from the street, in order to promote pedestrian activity and safety. Clear glass shall be used to maintain the transparency standard. No film shall be applied to the windows.

(b) At least one pedestrian entrance shall be provided for each retail space, academic space, and office space located along a facade fronting a public right-of-way.

(c) For multi-family residential dwellings, one pedestrian entrance shall be provided for each ground-level unit and lobby entrance.

(3) Signs

The sign standards for commercial uses in Section 5.7, Signs, shall apply, subject to the following limitations:

(a) Freestanding signs are not permitted for ground floor, nonresidential uses.

(b) No more than two freestanding signs are permitted to identify each residential complex. The sign(s) shall be a monument type sign not to exceed 32 square feet of sign surface area per sign face. Maximum height of the sign shall be six feet. The sign(s) shall be landscaped three feet in depth from each side of the sign base.

(c) Wall signs, which are geometric in form, plastic coated, internally illuminated, and have a changeable face for each tenant are not permitted.

(d) Subject to a permit issued by the City of Norfolk, one A-frame sign on the public sidewalk in front of each individual storefront is permitted. The size, placement, removal, and other characteristics of A-frame signs shall be in accordance with the guidelines for A-frame signs.

(4) Review Standards

Development shall be shall be consistent with:

(a) The comprehensive plan and other relevant, adopted plans; and

(b) *The Monarch Way Design and Development Guidelines*, as submitted by the Old Dominion Real Estate Foundation and approved by the Planning Commission.

E. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.10. EBH: EAST BEACH HARBOR

A. PURPOSE

The purpose of the East Beach Harbor (EBH) district is to provide lands to accommodate the district's maritime-oriented character. Allowed uses include a diversity of residential uses and limited neighborhood-serving commercial uses that protect water views north of Pretty Lake Avenue.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		Coastal Character District		
		Townhouse	Multi-Family	All Other Uses
Lot Area, min. (sf.)		2,000	N/A	N/A
Lot Width, min. (ft.)		20	N/A	N/A
Density, max.	Dwelling units per acre	36	36	36
	Dwelling units per 1,000 sf of residential net building area	1	1	1
Front Yard Setback, (ft.)	Minimum	0 [1]	0 [1]	0 [1]
	Maximum	7.5 [1]	7.5 [1]	7.5 [1]
Side Yard Setback, min. (ft.)	Adjacent to buildings with two or fewer floors	15 [1]	15 [1]	15 [1]
	Adjacent to buildings with three or four floor	20 [1]	20 [1]	20 [1]
	Adjacent to buildings with five floors	25 [1]	25 [1]	25 [1]
Rear Yard Setback, min. (ft.)		[1]	[1]	[1]
Building Length, max. (ft.)		250 [2]	250 [2]	250 [2]
Building Height, max. (ft.)		35	[3]	[3]
Usable Open Space, min		100 sf /dwelling [4]	100 sf /dwelling [4]	20% of net lot area [4]

Notes: sf. = square feet; ft. = feet

[1] For lots adjacent to wetlands or water bodies, the setback shall be at least 15 feet from either the landward boundary of the wetland, or the mean high water level.

[2] Only applies to structures greater than four stories in height.

[3] Maximum building height shall be five stories.

[4] For purposes of calculating usable open space, 100% of recreation areas and yards (excluding parking areas) may be counted toward the requirement; 50% of lawns, green spaces, and wetlands may be counted; and 25% of stormwater and utility easements may be counted. All facilities (including irregularly-shaped portions) must be at least 10 feet wide to count toward the usable open space requirement.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

(1) Development Certificate Required

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures and substantial improvements or additions to existing principal structures in the EBH district.

D. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Development in the EBH district shall comply with the following standards.

(1) Location and Appearance of Required Off-Street Parking

(a) Parking shall not be allowed in required front yards, or yards adjacent to wetlands or water bodies.

(b) Parking shall not be directly visible from Pretty Lake Avenue. This can be mitigated by:

(i) Situating parking facilities behind or adjacent to buildings or structures; or

(ii) Installing landscaping, decorative fences, or low walls.

(2) Building Design

Except for townhouses:

(a) Articulation

All exterior walls of buildings facing Pretty Lake Avenue or facing yards adjacent to wetlands or water bodies shall incorporate variations in the façade and roofline, such as:

(i) Recesses and projections of at least three feet;

(ii) Variation in building materials and color; or

(iii) Fenestration at intervals between 30 and 50 feet.

(b) Pedestrian Access

(i) Individual units on the ground floor shall have at least one primary pedestrian entrance opening to the street.

(ii) Additional entrances may be located in side yards, including yards adjacent to wetlands and water bodies.

(c) Fenestration

(i) At least 50 percent of the ground floor façade facing Pretty Lake Avenue shall be transparent.

(ii) At least 40 percent of upper floor façades facing Pretty Lake Avenue, and upper-floor facades facing wetlands and water bodies, shall be transparent.

(d) Materials

No exterior portion of any building shall consist of unfinished or unpainted concrete.

(e) Ground Floor Treatment

(i) Height

For all buildings greater than three stories in height, the ground floor shall be at least 33 percent taller than the upper stories, and no less than 12 feet in height.

(ii) Arrangement

For all lands adjacent to Pretty Lake Avenue, the ground floor of buildings facing Pretty Lake Avenue shall be designed and arranged to accommodate retail and office uses.

(f) Top Floor Treatment

For all five-story buildings, the top story shall have a visual feature distinguishing the top of the building, such as:

(i) A course, decorative line;

(ii) A change in finish material; or

(iii) A change in window pattern.

(3) Projections Into Yards

The following building features shall be permitted to project into certain yards as indicated:

(a) Projections from upper stories of a building may extend into the street yard up to the full extent of the yard.

(b) Projections from ground floors of buildings may extend into one-half of the depth of a street yard except for patios serving commercial establishments which may project up to the full extent of the yard.

(c) Projections from both ground floors and upper stories of buildings may extend into any required side yard or street yard to a maximum extent of 7½ feet.

(d) Projections that extend into any yard adjacent to water or wetlands shall only be from upper stories of buildings.

(4) Signs

The only signs permitted in the district shall be wall signs that comply with the following regulations. All other standards and requirements set forth in Section 5.7, Signs, shall apply.

(a) All signs shall generally complement the architecture, materials, and colors of the building to which they are affixed.

(b) Size for signs shall be limited as follows:

(i) If mounted on the exterior wall most nearly parallel to and closest to Pretty Lake Avenue, the total cumulative area of signage may have a maximum of one square foot of sign surface area for each linear foot of the wall measured at the foundation.

(ii) Signs placed on all other façades shall have a maximum cumulative size of one-half square foot of sign surface area for each linear foot of the building façade on the exposure involved.

(c) Signs may include only the following elements:

(i) Individual articulated letters.

(ii) Painted signs (on the building or on other suitable surface).

(iii) Neon tubing.

(iv) Lettering on an awning.

(v) Signs extending perpendicular to the front façade of the building (blade signs).

(vi) Box wall signs, which typically are geometric in form, plastic coated, internally lighted, and have a changeable face, are not permitted.

E. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.11. TOD: TRANSIT-ORIENTED DEVELOPMENT

A. PURPOSE

The purpose of the Transit-Oriented Development (TOD) district is to encourage the location of uses that will enhance the street-level experience while providing for a mix of transit-supportive uses within no more than ½ mile of a fixed transit station.

B. APPLICABILITY

(1) General Applicability

The standards and requirements of this section apply to individually-designated TOD districts.

(2) Specific Areas of Applicability

Two TOD districts are established by the city. Those established include:

(a) The Transit-Oriented Development Core (TOD-C) District (see Section 3.7.11.F(1)); and

(b) The Transit-Oriented Development Support (TOD-S) District (see Section 3.7.11.F(2)).

(3) District Boundaries

Individual TOD districts shall be represented on the Official Zoning Map.

C. PROCEDURE AND CRITERIA FOR DESIGNATION

Individual TOD districts shall be established as a Zoning Map Amendment consistent with Section 2.4.3, Zoning Map Amendment.

D. REVIEW PROCEDURES APPLICABLE TO TOD DISTRICTS

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures and substantial improvements or additions to existing principal structures in the TOD district.

E. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

(1) Form Standards

(a) Notwithstanding those standards listed below, any development in the TOD districts shall be considered in a Traditional Character District for the purposes of Section 5.9, Form Standards.

(b) All buildings shall provide a clearly distinguishable primary façade including a principal entrance into the building.

(c) Buildings shall be oriented toward the street. If a rail transit station is located within 250 feet of the building, the building may be oriented toward the street or rail transit station.

(d) For property with frontage on multiple streets, the ZA shall determine which street buildings shall be oriented toward.

(e) The first 12 feet above grade of the primary façade of non-residential and mixed-use buildings shall include a minimum of 50 percent transparent area. No more than 30 percent of the transparent area may be covered by window signs.

(2) Location of Parking Facilities

(a) Surface parking lots shall be located behind buildings except where space behind buildings is not entirely adequate, in which case that parking that cannot be accommodated behind buildings may be located beside a building. No parking shall be located between a building and any right-of-way.

(b) In addition to the landscape planting requirements of Article 5, surface parking lots shall be screened along all streets by a masonry wall or fence four feet in height.

(c) Parking structures that abut a street shall have at least 50 percent of the ground floor fronting on any street developed with office, retail, or other pedestrian-oriented uses.

(d) Wherever single-family dwellings are permitted, the following regulations shall apply:

(i) Attached and detached garages shall be set back a minimum of ten feet behind the primary building façade.

(ii) Garages shall not make up more than 50 percent of the overall width of the dwelling.

(3) Off-street Loading

For all buildings located within 250 feet of a transit station, off-street loading is not permitted in any location visible from the right-of-way along which the primary building façade is located.

(4) Signs

The sign standards of Section 5.7, Signs, applicable to Downtown Districts shall apply, except that no pole signs are permitted.

F. SPECIFIC TRANSIT-ORIENTED DEVELOPMENT DISTRICTS

The following TOD districts have been established:

(1) Transit-Oriented Development Core (TOD-C)

(a) Purpose Statement

The purpose of the Transit-Oriented Development Core (TOD-C) district is to promote transit-, bicycle-, and pedestrian-oriented uses while discouraging low-intensity, auto-oriented uses.

(b) Eligibility for Rezoning

At the time of the creation of this district, no properties are zoned or rezoned to lie within the district. To be included in the district, a Zoning Map Amendment must be approved. No property is eligible to be rezoned to this district except those which meet the following criteria:

(i) Only properties located within ¼ mile of a fixed-rail transit station shall be eligible for designation as TOD-C.

(ii) No property located in any HC district shall be eligible for designation as TOD-C.

(c) Development Standards

(i) Intensity and Dimensional Standards

The intensity and dimensional standards found in Table 3.7.11(A), Intensity and Dimensional Standards – TOD-C District, shall apply to all new development within the TOD-C district:

TABLE 3.7.11(A): INTENSITY AND DIMENSIONAL STANDARDS – TOD-C DISTRICT

Standard		Single-Family Semi-Detached, Two-Family, Townhouse	Multi-Family	Non-Residential and Mixed-Use
Lot Coverage (% of lot area)	Minimum	Use Standards of MF-NS (see Section 3.2.9)	75	75
	Maximum		85	100
Build-to Line (min. % of primary building façade abutting property line)			75	75
Open Space, min. (% lot area)			25-35	25-35
Building Height (ft.)	Minimum		30	30
	Maximum		80	80

(ii) Parking Requirements

The minimum number of parking spaces required shall equal 50 percent of the minimum required in Table 5.1.7(D), Minimum Number of Parking Spaces.

(2) Transit-Oriented Development Support (TOD-S)

(a) Purpose Statement

The purpose of the Transit-Oriented Development Support (TOD-S) district is to facilitate the harmonious transition between a TOD-C district and the surrounding neighborhoods.

(b) Eligibility for Rezoning

At the time of the creation of this district, no properties are zoned or rezoned to lie within the district. To be included in the district, a Zoning Map Amendment must be approved. No property is eligible to be rezoned to this district except those which meet the following criteria:

(i) Only properties located within ½ mile of a fixed-rail transit station shall be eligible for designation as TOD-S.

(ii) No property located in any HC district shall be eligible for designation as TOD-S.

(c) Development Standards

(i) Intensity and Dimensional Standards

The intensity and dimensional standards found in Table 3.7.11(B), Intensity and Dimensional Standards – TOD-S District, shall apply to all new development within the TOD-S district:

TABLE 3.7.11(B): INTENSITY AND DIMENSIONAL STANDARDS – TOD-S DISTRICT

Standard		Single-Family Detached, Single-Family Semi-Detached, Two-Family, Townhouse	Multi-Family	Non-Residential and Mixed-Use
Lot Coverage (% of lot area)	Minimum	Use Standards of MF-NS (see Section 3.2.9)	65	65
	Maximum		75	85
Build-to Line (min. % of primary building façade abutting property line)			75	75
Open Space, min. (% lot area)			25-35	25-35
Building Height (ft.)	Minimum		30	30
	Maximum		45	45

(ii) Parking Requirements

The minimum number of parking spaces required shall equal 65 percent of the minimum required in Table 5.1.7(D), Minimum Number of Parking Spaces.

3.7.12. G-1: GRANBY/MONTICELLO CORRIDOR MIXED-USE

A. PURPOSE

The purpose of the Granby/Monticello Corridor Mixed-Use (G-1) district is to support the transition of lands in the district from a predominately industrial and automobile-oriented character to one that is compatible with the residential and institutional character of Ghent, which is adjacent to the G-1 district. Allowed uses include a variety of high-intensity and pedestrian-oriented residential and mixed-use development.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard		Traditional Character District		
		Residential	Mixed-Use	All Other Uses
Lot Coverage, max. (% of lot area)		80	80	80
Front Yard Setback (max.)	Frontage on a principal street [1]	10 [2]	10 [2]	10 [2]
	Frontage on all other streets	10 [3]	10 [3]	10 [3]
Usable Open Space, min. (% of lot area)		15	15	15
Building Height, max. (ft.)		65	85	65

Notes: **sf. = square feet; ft. = feet**

[1] Principal streets include Granby Street, Monticello Avenue, Princess Anne Road, and 21st Street.

[2] At least 90 percent of the building façade needs to meet this standard.

[3] At least 65 percent of the building façade needs to meet this standard.

C. DISTRICT-SPECIFIC REVIEW PROCEDURES

(1) Development Certificate Required

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures and substantial improvements or additions to existing principal structures in the G-1 district.

D. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Development in the G-1 district shall comply with the following standards.

(1) Required Use of Ground Floor Areas

(a) Development with frontage on Granby Street, Monticello Avenue, Princess Anne Road, and 21st Street shall dedicate a minimum of 65 percent of the ground floor to:

(i) Commercial or office uses;

(ii) Retail sales and service uses that include display windows;

(iii) Child or adult day care uses; or

(iv) Residential dwellings that provide an exterior patio, stoop, or usable balcony.

(b) At least 50 percent of the front façade shall be transparent from the street for uses identified under subsection (a), above.

(2) Appearance of Off-street Parking and Loading Facilities

(a) Loading Areas

All loading areas shall be:

(i) Concealed from view, to the extent practical, from:

(A) Granby Street;

(B) Monticello Avenue;

(C) Princess Anne Road;

(D) 21st Street;

(E) Public open spaces; and

(F) Pedestrian ways.

(ii) Located behind the front façade of the principal building.

(b) Off-street Parking Facilities

A maximum of 25 percent of the length of the ground floor façade may consist of parking facilities visible from the public right-of-way, on:

(i) Granby Street;

(ii) Monticello Avenue;

(iii) Princess Anne Road; or

(iv) 21st Street.

E. REFERENCE TO OTHER STANDARDS

Article 2	Administration	Sec. 5.7	Signs
Article 4	Performance Standards	Sec. 5.8	Exterior Lighting
Sec. 5.1	Parking, Loading, and Bicycle Standards	Sec. 5.9	Form Standards
Sec. 5.2	Landscaping Standards	Sec. 5.10	Neighborhood Protection
Sec. 5.3	Perimeter Buffers	Sec. 5.11	Accessory Structures
Sec. 5.4	Screening	Sec. 5.12	Resilience Quotient
Sec. 5.5	Open Space Set-Asides	Article 6	Nonconformities

3.7.13. USES FOR THE SPECIAL PURPOSE DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in a Special Purpose base zoning district. This section identifies the Special Purpose zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN SPECIAL PURPOSE BASE DISTRICTS

Table 3.7.13, Principal, Accessory, and Temporary Use Table for Special Purpose Districts, lists allowable uses and shows whether each use is permitted or prohibited within the various Special Purpose zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES														
Conservation and Open Space Uses	Arboretum or botanical garden				P								4.2.3.C(1)	4.2.3.C(2)(a)
	Boat ramp				P				P					4.2.3.C(2)(b)
	Cemetery	P	P		P									4.2.3.C(2)(c)
	Community dock				P									4.2.3.C(2)(d)
	Community garden	P	P		P									4.2.3.C(2)(e)
	Park	P	P	P	P		P	P	P	P	P	P		4.2.3.C(2)(f)
	Resource conservation use	P	P	P	P	P		P	P					4.2.3.C(2)(g)
RESIDENTIAL USES														
Household Living Uses	Dwelling, live-work							P/C	P/C	P/C	P/C	P/C	4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, manufactured home													4.2.3.D(2)(b)
	Dwelling, multi-family							P	P	P	C	P/C		4.2.3.D(2)(c)
	Dwelling, single-family detached										P			4.2.3.D(2)(d)
	Dwelling, single-family semi-detached									C	P			4.2.3.D(2)(e)
	Dwelling, townhouse							P	P/C	P/C	P/C	P		4.2.3.D(2)(f)
	Dwelling, two-family									C	C			4.2.3.D(2)(g)
Group Living Uses	Assisted housing	P	P							C	C		4.2.3.D(3)	4.2.3.D(4)(a)
	Continuing care retirement community	P	P						P					4.2.3.D(4)(b)
	Dormitory		P					P						4.2.3.D(4)(c)
	Fraternity or sorority house		P					P		C	C			4.2.3.D(4)(d)
	Nursing home	P	P											4.2.3.D(4)(e)
	Residential re-entry facility	C	C											4.2.3.D(4)(f)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Rooming house													4.2.3.D(4)(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES														
Community Service Uses	Broadcasting studio	C	P					P				P	4.2.3.E(1)	4.2.3.E(2)(a)
	College or university		P					P		P				4.2.3.E(2)(b)
	Communication tower, commercial	C	C	C	C		C	C	C	C	C	C		4.2.3.E(2)(c)
	Community recreation center		P	P				P		P	P	P		4.2.3.E(2)(d)
	Correctional facility		C											4.2.3.E(2)(e)
	Cultural facility, museum, or library	P	P					P	P	P	P	P		4.2.3.E(2)(f)
	Day care center, adult	P	P					C		P	C	P		4.2.3.E(2)(g)
	Day care center, child	P	P	C				C	C	C	C	C		4.2.3.E(2)(h)
	Government maintenance, storage, and distribution facility													4.2.3.E(2)(i)
	Government office	P	P	P	P		P	P	P	P	P	P		4.2.3.E(2)(j)
	Hiring hall													4.2.3.E(2)(k)
	Hospital		P											4.2.3.E(2)(l)
	Hospice	P	P											4.2.3.E(2)(m)
	Membership organization	P	P							C	C	C		4.2.3.E(2)(n)
	Military installation						P							4.2.3.E(2)(o)
	Religious institution	P	P							C	C	C		4.2.3.E(2)(p)
	School, boarding		P											4.2.3.E(2)(q)
	School, elementary	P	P					P		P	P			4.2.3.E(2)(r)
	School, secondary	P	P					P		P	P			4.2.3.E(2)(s)
	School, vocational or trade	P	P					P		P	P			4.2.3.E(2)(t)
Transportation and Utility Uses	Airport			P			P						4.2.3.	4.2.3.E(4)(a)
	Heliport		P	P			P							4.2.3.E(4)(b)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Park and ride facility	P	P	P						P	P			4.2.3.E(4)(c)
	Parking facility			P/C				P/C						4.2.3.E(4)(d)
	Passenger terminal, surface transportation			P						P	P			4.2.3.E(4)(e)
	Solar energy collection facility (large-scale)				C		P							4.2.3.E(4)(f)
	Terminal, cruise ship													4.2.3.E(4)(g)
	Utility facility, major													4.2.3.E(4)(h)
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P		4.2.3.E(4)(i)
	Wind energy conversion system (large-scale)				P		P							4.2.3.E(4)(j)
COMMERCIAL USES														
Eating and Drinking Uses	After-hours membership establishment									C	C		4.2.3.F(1)	4.2.3.F(2)(a)
	Banquet hall	C	C	P						C				4.2.3.F(2)(b)
	Catering establishment/commercial kitchen	P	P	P			P			C		P		4.2.3.F(2)(c)
	Nightclub									C				4.2.3.F(2)(d)
	Production of craft beverages									C	C	C		4.2.3.F(2)(e)
	Restaurant	P/C	P/C	P/C	P/C			P/C	P/C	P/C	P/C	P/C		4.2.3.F(2)(f)
Recreation Uses	Amusement park				P								4.2.3.F(3)	4.2.3.F(4)(a)
	Arena, stadium, or amphitheater		P					P						4.2.3.F(4)(b)
	Casino													4.2.3.F(4)(c)
	Cinema or theater	P	P					P		C		P		4.2.3.F(4)(d)
	Commercial recreation center			C				C		C	C			4.2.3.F(4)(e)
	Conference or training center		P/C	P/C				P/C						4.2.3.F(4)(f)
	Country club	P												4.2.3.F(4)(g)
	Health and fitness facility			P				P	P	P	C	P		4.2.3.F(4)(h)
	Marina								P					4.2.3.F(4)(i)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Recreation facility, indoor				P			C		P	C	P		4.2.3.F(4)(j)
	Recreation facility, outdoor				P/C			C						4.2.3.F(4)(k)
Retail Sales and Service Uses	Animal shelter												4.2.3.F(5)	4.2.3.F(6)(a)
	Artisanal production													4.2.3.F(6)(b)
	Artist studio/school/gallery							P		P	P			4.2.3.F(6)(c)
	Auction house													4.2.3.F(6)(d)
	Auto supply sales and rental											P/C		4.2.3.F(6)(e)
	Bank or other financial institution		P	P				P	P	P	P	P		4.2.3.F(6)(f)
	Cannabis dispensing facility													4.2.3.F(6)(g)
	Check cashing, auto title, or payday loan businesses													4.2.3.F(6)(h)
	Consignment shop									C	C			4.2.3.F(6)(i)
	Convenience store			P/C				C	C	C	C	C		4.2.3.F(6)(j)
	Establishment for the sale of distilled spirits for off-premises consumption													4.2.3.F(6)(k)
	Farmer's market		P	P				P	P	P		P		4.2.3.F(6)(l)
	Flea market, indoor													4.2.3.F(6)(m)
	Flea market, outdoor													4.2.3.F(6)(n)
	Funeral home or mortuary	P									P			4.2.3.F(6)(o)
	Grocery store							P/C		P/C	P/C	C		4.2.3.F(6)(p)
	Kennel			P										4.2.3.F(6)(q)
	Music, dance, or martial arts studio/school							P		P	P	P		4.2.3.F(6)(r)
	Novelty store or theater, adult													4.2.3.F(6)(s)
	Office	P	P	P				P	P	P	P	P		4.2.3.F(6)(t)
	Office, contractor											P		4.2.3.F(6)(u)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Office, medical or dental		P					P	P	P	P	P		4.2.3.F(6)(v)
	Pawnshop													4.2.3.F(6)(w)
	Personal service business		P/C	P/C				P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(x)
	Retail goods establishment		P/C	P/C	P/C			P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(y)
	Self-service storage units										C	C		4.2.3.F(6)(z)
	Smoke or vape shop		C	C	C			C	C	C	C	C		4.2.3.F(6)(aa)
	Tattoo parlor													4.2.3.F(6)(bb)
	Therapeutic massage facility			P						P		P		4.2.3.F(6)(cc)
	Used books/media			P				P		P	P			4.2.3.F(6)(dd)
	Used merchandise sales													4.2.3.F(6)(ee)
	Vendor park, food									P/C		P/C		4.2.3.F(6)(ff)
	Veterinary hospital or clinic	P	P							P	P	P		4.2.3.F(6)(gg)
Vehicle Sales and Service Uses	Automobile rental			P								C	4.2.3.F(7)	4.2.3.F(8)(a)
	Automobile repair and maintenance, major											C		4.2.3.F(8)(b)
	Automobile repair and maintenance, minor			C								C		4.2.3.F(8)(c)
	Car wash			C										4.2.3.F(8)(l)
	Commercial vehicle sales and rental											C		4.2.3.F(8)(o)
	Electric vehicle charging station		P	P				P						4.2.3.F(8)(p)
	Gas station											C		4.2.3.F(8)(q)
	Taxi or limousine service facilities			C										4.2.3.F(8)(s)
	All other uses, not permitted													
Visitor Accommodation Uses	Bed and breakfast								P				4.2.3.F(9)	4.2.3.F(10)(a)
	Campground				P									4.2.3.F(10)(b)
	Hotel or motel		P	P				P		P		P		4.2.3.F(10)(c)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Inn		P/C	P/C				P/C		P/C		P/C		4.2.3.F(10)(d)
	Short-term rental unit (vacation rental)									P/C	P/C	P/C		4.2.3.F(10)(e)
INDUSTRIAL USES														
Industrial Uses	Distribution center			P									4.2.3.G(1)	4.2.3.G(2)(f)
	Food processing			P										4.2.3.G(2)(g)
	Manufacturing, assembly or fabrication, light			P										4.2.3.G(2)(q)
	Moving and storage			P										4.2.3.G(2)(r)
	Recycling collection station	P	P											4.2.3.G(2)(s)
	Trucking Terminal			P										4.2.3.G(2)(dd)
	Warehouse			P								C		4.2.3.G(2)(ee)
	Wholesale establishment			P								C		4.2.3.G(2)(ff)
	All other uses, not permitted													
ACCESSORY USES														
Accessory Uses	Accessory dwelling unit												4.3.3	4.3.3.E(1)(a)
	Amusement device	P/C	P/C	P/C	P/C			P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(b)
	Automated teller machine		P	P	P			P	P	P	P	P		4.3.3.E(1)(c)
	Automatic car wash											P		4.3.3.E(1)(d)
	Day care center, adult (as an accessory use)													4.3.3.E(1)(e)
	Day care center, child (as an accessory use)	P	P	C				C	C	C	C	C		4.3.3.E(1)(f)
	Drive-through facility, large-scale							C				C		4.3.3.E(1)(g)
	Drive-through facility, small-scale							C				P		4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)		P	P				P						4.3.3.E(1)(i)
	Family day home													4.3.3.E(1)(j)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Gasoline sales (as an accessory use)													4.3.3.E(1)(k)
	Home occupation									P/C	P/C	P/C		4.3.3.E(1)(l)
	Kennel (as an accessory use)													4.3.3.E(1)(m)
	Live entertainment	C	C	P/C				C	C	C	C	C		4.3.3.E(1)(n)
	Outdoor display of merchandise		P	P				P	P	P	P	P		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)	P/C	P/C	P/C	P/C			P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(p)
	Outdoor storage													4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)													4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises	C	C	P/C				C	C	C	C	C		4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises	C	C	P/C				C	C	C	C	C		4.3.3.E(1)(t)
	Sale of smoking or vaping products		C	C	C			C	C	C	C	C		4.3.3.E(1)(u)
	Short-term rental unit (homestay)									P/C	P/C	P/C		4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES														
Temporary Uses and Structures	Carnival and circus	P	P		P								4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event	P	P		P						P			4.4.3.B(2)(b)
	Construction-related office/yard	P	P		P			P	P			P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)	P	P		P			P	P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)	P	P		P			P	P	P		P		4.4.3.B(2)(e)
	Garage or yard sale													4.4.3.B(2)(f)
	Manufactured home as temporary housing													4.4.3.B(2)(g)
	Outdoor display and storage	P	P		P			P	P	P	P	P		4.4.3.B(2)(h)
	Public event on private property	P	P		P			P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P		P			P	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure	P	P		P			P	P	P	P	P		4.4.3.B(2)(k)

TABLE 3.7.13: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR SPECIAL PURPOSE DISTRICTS

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	IN	IN-C	A	OSP	RESOURCE	MI	MW	EBH	TOD-C	TOD-S	G-1	PERFORMANCE STANDARDS	
	Temporary use of an accessory structure as a principal dwelling after a disaster													4.4.3.B(2)(l)
	Tent	P	P		P			P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand		P		P			P		P	P			4.4.3.B(2)(n)

3.8 PLANNED DEVELOPMENT DISTRICTS

3.8.1. ESTABLISHED PLANNED DEVELOPMENT ZONING DISTRICTS

The PD: Planned Development zoning district is established by this Ordinance.

3.8.2. GENERAL PROVISIONS FOR PLANNED DEVELOPMENT ZONING DISTRICTS

A. GENERAL PURPOSES OF PLANNED DEVELOPMENT ZONING DISTRICTS

The purpose and intent of Planned Development (PD) zoning districts is to encourage innovative and efficient land planning and physical design concepts on sites at least three acres in area or greater. Planned Development zoning districts are intended to support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, public services, and other goals and objectives by:

(1) Reducing the inflexibility of zoning district standards that sometimes results from strict application of the base district, development, and form standards established in this Ordinance;

(2) Allowing greater freedom and flexibility in selecting:

- **(a)** The form and design of development;
- **(b)** The ways by which pedestrians and traffic circulate;
- **(c)** How the development will be located and designed to respect the natural features of the land and protect the environment;
- **(d)** The location and integration of open space and civic space into the development; and
- **(e)** Design amenities.

(3) Encouraging a greater mix of land uses within the same development, including a mix of non-residential development, housing types, lot sizes, and densities/intensities;

(4) Allowing more efficient use of land, with smaller networks of streets and utilities;

(5) Providing pedestrian connections within the site, and to the public right-of way;

(6) Encouraging the provision of centrally-located open space amenities on the site;

(7) Promoting development forms and patterns that respects the character of established surrounding neighborhoods and or other types of land uses; and

(8) Promoting development forms that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic features.

B. CLASSIFICATION OF PLANNED DEVELOPMENT ZONING DISTRICTS

Land shall be classified into a PD zoning district only in accordance with the procedures and standards set forth in Section 2.4.5, Planned Development District, and this section.

C. ORGANIZATION OF PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS

The following section sets out general standards applicable to PD zoning districts, including a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD master plan and terms and conditions document, and references to applicable use and other standards.

D. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT ZONING DISTRICTS

Before approving a PD zoning district, the City Council shall find that the application for the PD zoning district classification, as well as the PD master plan and terms and conditions document, comply with the following standards.

(1) PD Master Plan

As set forth in Section 2.4.5, Planned Development District, a PD Master Plan is a required component in the establishment of a PD district. The PD Master Plan shall:

(a) Establish a statement of planning and development goals for the zoning district that is consistent with the comprehensive plan and purposes of the individual PD zoning district;

(b) Establish the specific principal, accessory, and temporary uses permitted in the zoning district. Any use allowed in the Principal Use Tables may be proposed for a PD zoning district. They must align in the PD zoning plan in a way that conforms to the requirements, goals, and purpose of the individual PD district and the comprehensive plan;

(c) Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity. The residential density and non-residential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district;

(d) Establish the dimensional standards that apply in the individual PD zoning district. The dimensional standards shall be consistent with the requirements of the individual PD zoning district, and its purposes;

(e) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zoning district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

(f) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zoning district;

(g) Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zoning district and the requirements of this Ordinance;

(h) Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

(i) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

(j) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

(k) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance;

(l) Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD zoning district. The other on-site and off-site public facilities considered shall include – but not be limited to – parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

(m) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

(n) Establish the development standards that will be applied to development. The development standards shall be consistent with the requirements of the individual PD zoning district and its purposes, and the requirements of this Ordinance, as appropriate. At a minimum, the development standards shall address:

(i) Off-street parking and loading, and bicycle standards;

(ii) Landscaping;

(iii) Open space;

(iv) Neighborhood protection;

(v) Signs;

(vi) Fences and walls;

(vii) Exterior lighting;

(viii) Form standards; and

(ix) Green building practices.

(2) PD Terms and Conditions Document

As set forth in Section 2.4.5, Planned Development District, a PD terms and conditions document is a required component in the establishment of a PD district. A terms and conditions document shall include, but not be limited to:

(a) Conditions related to approval of the application for the individual PD zoning district classification;

(b) Conditions related to the approval of the PD Master Plan, including any conditions related to the form and design of development shown in the PD Master Plan;

(c) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

(i) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and federal regulations;

(ii) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public

facilities in compliance with applicable City, State, and federal regulations;

(d) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

(e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zoning district;

(f) Any other provisions the City Council determines are relevant and necessary to the development of the planned development; and

(g) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

(3) Development Phasing Plan

If development in a PD zoning district is proposed to be phased, the PD Master Plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the city's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

(4) Conversion Schedule

The PD master plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

3.8.3. PD: PLANNED DEVELOPMENT

A. PURPOSE

The purpose of the Planned Development (PD) district is to encourage integrated and well-planned mixed-use developments in locations throughout the city. A range of residential and non-residential uses are allowed, with the intent of providing a variety of housing options and mutually-supportive non-residential uses that serve the residents and the surrounding neighborhood.

Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zoning districts. District standards encourage the efficient use of land and resources; promote greater efficiency in providing services and infrastructure; and mitigate potential adverse impacts on surrounding developments.





B. INTENSITY AND DIMENSIONAL STANDARDS

Standard	Requirement
Site size, min. (acres)	To be established in PD master plan and terms and conditions document as set forth in Section 2.4.5, Planned Development District.
Lot Area, min. (sf.)	
Lot Width, min. (ft.)	
Front Yard Setback, min. (ft.)	
Side Yard Setback, min. (ft.)	
Corner Side Yard Setback, min. (ft.)	
Rear Yard Setback, min. (ft.)	
Building Height, max. (ft.)	
Other intensity and dimensional standards	

C. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Development in a PD district must comply with the following standards.

(1) Use mixing

A PD district shall provide a mix of residential and non-residential uses, when feasible.

(2) Building Types

A PD district shall provide a mix of building types, when feasible.

(3) Pedestrian and Nonmotorized Connections

Pedestrian and nonmotorized amenities shall be provided to establish connections within the site, and to adjacent public streets. Amenities may include, but are not limited to:

(a) Sidewalks and trails;

(b) Wayfinding markers and signage;

(c) Crosswalks, raised intersections, traffic signals, or other safety features;

(d) Curb cuts for bicycles, wheelchairs, and other forms of nonmotorized transportation; and

(e) Paths that connect to buildings, parking areas, open space areas, and public streets.

(4) General Development Standards

(a) Development in a PD district shall comply with the standards in Article 5: Development Standards, unless they are modified as allowed by Table 3.8.3, Development Standards Subject to Modification.

TABLE 3.8.3: DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION

Standard	Means to Modify
Section 5.1, Parking, Loading, and Bicycle Standards	PD master plan
Section 5.2, Landscaping Standards	PD master plan
Section 5.3, Perimeter Buffers	PD master plan
Section 5.4, Screening	PD master plan
Section 5.5, Open Space Set-Asides	Modifications prohibited
Section 5.6, Tree Protection	PD master plan
Section 5.7, Signs	PD master plan
Section 5.8, Exterior Lighting	PD master plan
Section 5.9, Form Standards	PD master plan
Section 5.10, Neighborhood Protection	Modifications prohibited
Section 5.11, Accessory Structures	PD master plan
Section 5.12, Resilience Quotient	Modifications prohibited

(b) Modifications to development standards, as allowed in Table 3.8.3, Development Standards Subject to Modification, shall be:

(i) Consistent with the purpose the PD district; and

(ii) Documented in the PD master plan and terms and conditions document, with a clear basis for why the change is needed and how it supports high-quality development.

(5) Screening

(a) Applicability

Screening shall be required in any of the following situations:

(i) Where adequate privacy for adjacent land uses is not already provided by the site topography, or other characteristics; or

(ii) Where non-residential uses or structures are located adjacent to a residential district.

(b) Materials

Screening shall be installed through one of the following techniques when screening is required:

(i) A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three feet in height at planting; or

(ii) A wooden, masonry or other fence with a maximum height of six feet in residential districts or eight feet in non-residential district; or

(iii) Any other method which will provide full privacy screening.

(6) Facilities for Parking and Loading

(a) The location, construction, and operation of parking and loading facilities and related service areas, entrances, exits, yards, courts, and landscaping, signs, or lighting shall not produce noise or other influences that adversely affect uses within and adjacent to the planned development.

(b) Such facilities shall be designed to avoid adverse effects on residential uses within or adjacent to the planned development, including traffic congestion or other hazards to vehicular or pedestrian traffic.

(7) Open Space

(a) Establishment, Ownership and Operation

(i) A PD district shall include formal open space areas for recreation and community gathering.

(ii) All common open space shall be set aside and improved no later than the date on which the certificates of occupancy are issued for the first 50 percent of the total number of dwelling units to be constructed within the project area.

(iii) Common open space and recreational facilities shall not be operated as a for-profit enterprise.

(iv) All required common open space shall be conveyed to the trustees of a homeowner's association created for the project area.

(v) Any conveyance to the trustees of a homeowner's association shall be subject to restrictive covenants and easements, reviewed for compliance with PD master plan by the ZA, and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, that the association is responsible for liability insurance and local taxes, that any fees levied by the association that remain unpaid will become a lien on the individual property, and that the association will be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development of any common open space and shall provide for continued maintenance of any common open space and recreational facilities.

(vi) Zoning certificates or building permits for any phase of the approved PD master plan shall not be issued unless and until the open space which is part of that phase has been dedicated and improved as specified on the approved PD master plan.

(vii) No portion of a planned development shall be conveyed or dedicated to public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

(viii) All land represented as common open space on the approved PD master plan shall either be:

(A) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures, or improvements which have been placed on it; or

(B) Conveyed to a homeowner's association or similar group organized for the purpose, among others, of owning and maintaining common buildings, area, and land within the planned development.

(b) Location, Configuration, and Improvements

(i) To the extent possible, the required common open space shall be situated generally in or through the center of the project area or along the streets bounding the project area and shall be designed so that it is accessible to and usable by all persons living in the project area.

(ii) The location, shape, size, and character of the common open space shall be suitable for the planned development.

(iii) Common open space must be improved except that areas containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements located in the common open space shall be appropriate to the uses which are authorized for it, and shall conserve and enhance the amenities of the common open space based on its topography and unimproved condition.

(c) Use of Open Space Areas

Common open space shall be usable for recreational purposes or for provision of visual, aesthetic and environmental amenities. The uses authorized for the common space shall be appropriate to the scale and character of the planned development, considering its size, density,

expected population, topography, and the number and type of dwellings to be provided.

(8) Site Access

Any streets, alleys and driveways proposed shall be adequate to serve the residents, occupants, visitors and other anticipated traffic of the PD district, but may be designed to discourage through traffic from traversing the development.

(9) Off-street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use.

(10) Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

(11) Utilities

The planned development shall provide for underground installation of utilities (including electricity and telephone) both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

(12) Privacy

A planned development containing residential uses shall provide reasonable visual and acoustical privacy for dwelling units, including fences, insulation, walks, barriers, protection and aesthetic enhancement of property and the privacy of its occupants. High rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings so as not to invade the privacy of the occupants.

3.9 OVERLAY DISTRICTS AND DESIGNATIONS

3.9.1. GENERAL PURPOSES OF OVERLAY DISTRICTS AND DESIGNATIONS

The purpose and intent of overlay zoning districts and designations are to provide supplemental standards with respect to special areas, land uses, or environmental features, that supersede the standards of the underlying base zoning district.

3.9.2. ESTABLISHED OVERLAY ZONING DISTRICTS AND DESIGNATIONS

Overlay zoning districts and designations established by this Ordinance are identified in Table 3.9.2, Established Overlay Zoning Districts.

Table 3.9.2: Established Overlay Zoning Districts and Designations

ASO/AICUZ:	Airport Safety, Air Installation Compatibility Use Zone, and Noise Zone Overlays
CBPA-O:	Chesapeake Bay Preservation Area Overlay
FPCH-O:	Flood Plain / Coastal Hazard Overlay
HO:	Historic Overlay
HO-Downtown:	Downtown Historic Overlay
HO-N&W:	Norfolk & Western Historic Overlay
BCRO:	Broad Creek Refresh Overlay
PCO:	Pedestrian Commercial Overlay
PCO-Colley:	Pedestrian Commercial Overlay - Colley Avenue
PCO-21st Street:	Pedestrian Commercial Overlay - 21st Street
PCO-Riverview:	Pedestrian Commercial Overlay - Riverview
PCO-35th Street:	Pedestrian Commercial Overlay - 35th Street
PCO-Lafayette:	Pedestrian Commercial Overlay - Lafayette Boulevard
NRO:	Neighborhood Resilience Overlay
CRO:	Coastal Resilience Overlay
URO:	Upland Resilience Overlay
HL:	Historic Landmark Designation

3.9.3. CONFLICTING STANDARDS

If there is a conflict between any base zoning district and overlay district regulations, the overlay district regulations shall control, unless expressly stated to the contrary.

3.9.4. CLASSIFICATION OF OVERLAY DISTRICTS

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and standards in Section 2.4.3, Zoning Map Amendment.

3.9.5. ASO/AICUZ: AIRPORT SAFETY, AIR INSTALLATION COMPATIBILITY USE ZONE, AND NOISE ZONE OVERLAYS

A. PURPOSE

The purpose of the Airport Safety Overlay (ASO) and Air Installation Compatibility Use Zone (AICUZ) districts is to establish standards of safety and compatibility for lands in the immediate vicinity of Norfolk International Airport and Chambers Field at Naval Station Norfolk, and to protect these areas from the adverse effects associated with flight operations and high noise levels. District standards encourage compatibility to protect people, property, and airport operations, and to limit physical obstructions that which can interfere with aircraft maneuverability.

B. APPLICABILITY

The standards and requirements in this section apply to development located in the ASO and AICUZ districts, in addition to base zoning district standards. All existing or new airports or airfields shall be located within either an ASO or AICUZ district.

(1) An ASO Overlay applies to certain lands surrounding Norfolk International Airport.

(2) An AICUZ Overlay applies to certain lands within the Hampton Roads Joint Land Use Study (JLUS) Air Installations Compatible Use Zones (AICUZ) Planning Map, first adopted in 2005, surrounding Chambers Field at Naval Station Norfolk.

(3) If a portion of a parcel lies within one of the ASO or AICUZ subdistricts, the restrictions upon uses and structures apply only to that portion of the parcel located within the ASO or AICUZ subdistrict(s).

C. DEFINITIONS

As used in this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(1) Airport Elevation

The highest point on any usable landing surface expressed in feet above mean sea level.

(2) Approach Surface

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at

the same slope as the approach zone height limitation slope set forth in this section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

(3) Conical Surface

A surface extending horizontally 20 feet for every one foot vertically from the periphery of the horizontal surface.

(4) Hazard to Air Navigation

An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration (FAA) to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the commonwealth.

(5) Height

For the purposes set forth in this district, the datum shall be mean sea level elevation unless otherwise specified.

(6) Horizontal Surface

A horizontal plane one hundred 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(7) Nonconforming Use

Any preexisting structure or object of natural growth which is inconsistent with the provisions of this Ordinance or any amendment to this Ordinance.

(8) Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this section.

(9) Primary Surface

A surface, with a specified width longitudinally centered on a runway. When the runway has specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(10) Runway

A specified area on an airport prepared for landing and takeoff of aircraft.

(11) Structure

Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flag poles, and ship masts.

(12) Transitional Surfaces

Surfaces which extend outward perpendicular to the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the

sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(13) Vegetation

Any object of natural growth.

(14) Zone

Any area defined in subsection D(1), below, generally described in three dimensions by reference to ground elevation, horizontal distance from the runway centerline and the primary and horizontal surfaces, and capped at specific vertical limits by the surfaces of the zones provided for in Section 3.9.5.E, Specific District Regulations.

D. SUBDISTRICTS AND PURPOSE

(1) Within the Airport Safety Overlay

Within the ASO the following sub-districts are designated on the Official Zoning Map:

(a) Airport Zone

A zone that extends away from the runway and primary surface, and is capped by the horizontal surface.

(b) Approach Zone

A zone that extends away from the runway, ends along the extended runway centerline, and is capped by the approach surfaces.

(c) Transitional Zone

A zone that fans away perpendicular to the runway centerline and approach surfaces, and is capped by the transitional surfaces.

(d) Conical Zone

A zone that circles around the periphery of and outward from the horizontal surface, and is capped by the conical surface.

(2) Within the Air Installation Compatibility Use Zone Overlay

Within the AICUZ the following sub-districts are designated on the Official Zoning Map:

(a) Clear Zones and Accident Potential Zones

In general, these are areas where mishaps are most likely to occur, which is to be distinguished from the probability of an accident occurring. They are provided under flight tracks which experience 5,000 or more operations and are broken down as follows:

(i) Clear Zone (CZ)

An area extending 3,000 feet beyond the runway ends with the greatest potential for aircraft accidents that should remain undeveloped.

(ii) Accident Potential Zone 1 (APZ-1)

An area that extends 5,000 feet beyond the CZ and possesses a measurable potential for accidents relative to the clear zone.

(iii) Accident Potential Zone 2 (APZ-2)

An area that extends 7,000 feet beyond APZ-1 and possesses a measurable potential for accidents relative to APZ-1.

(3) Within the Noise Zones

Airport noise zones are also designated on the Official Zoning Map. The noise zones reflect the noise exposure in the surrounding communities and the fact that noise impacts diminish with distance from the airfield. The noise zones are measured in the day-night average sound level (DNL), which is based on the number of aircraft operations that occur on an average annual day or average busy day over a 24-hour period. DNL has become the standard metric used by many government agencies and organizations for assessing aircraft noise. The following noise zones are designated:

(a) Noise Zone 65 to 70 DNL.

(b) Noise Zone 70 to 75 DNL.

(c) Noise Zone Greater Than 75 DNL.

E. SPECIFIC DISTRICT REGULATIONS

(1) Within the Airport Safety Overlay

(a) Maximum Structure and Vegetation Height

No structure or vegetation may be constructed or allowed to grow to a height that exceeds airport obstruction standards as specified in the Federal Code of Regulations.

(b) Use Restrictions

Uses are prohibited on land and water in the ASO district if they will result in any of the following airport safety hazards:

(i) Electrical interference with navigational signals or radio communication between the airport and aircraft.

(ii) Reduced ability for pilots to distinguish between airport lights and other lights.

(iii) Glare in the eyes of pilots using the airport.

(iv) Diminished visibility in the vicinity of the airport.

(v) Increased potential for bird strike hazards.

(vi) Any other interference or endangerment with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Within an Air Installation Compatibility Use Zone Overlay or Noise Zone

It shall be the policy of the City Council that no application for discretionary development included within the provisions of this section should be approved unless the uses and structures it contemplates are designated as compatible uses under either Table 3.9.5(A), Air Installations Compatible Uses Zones Land Use Compatibility in Accident Potential Zones, or Table 3.9.5(B), Air Installations Compatible Uses Zones Land Use Compatibility in Noise Zones, below.

(a) Applicability

The provisions of this section should apply to discretionary development applications for any property located within an Accident Potential Zone (Clear Zone, APZ 1, or APZ 2) or Noise Zone (>75 DNL, 70-75 DNL, or 65-70 DNL) as shown on the official zoning map, that have not been approved or denied by City Council as of the date of adoption of this Ordinance. For the purposes of this section, discretionary development applications should include applications for:

(vii) Rezonings, including conditional rezonings.

(viii) Conditional use permits for new uses or structures, or for alterations or enlargements of existing conditional uses where the occupant load would increase.

(ix) Conversions or enlargements of nonconforming uses or structures, except where the application contemplates the construction of a new building or structure or expansion of an existing use or structure where the total occupant load would not increase.

(x) Street closures where the application contemplates the construction of a new building or structure or the expansion of a use or structure where the total occupant load is increased.

(b) City Council Policy

Except as otherwise provided in this Ordinance, it shall be the policy of the City Council that no application included within the provisions of subsection E(2) should be approved unless the uses and structures it contemplates are designated as compatible under Table 3.9.5(A), Air Installations Compatible Uses Zones Land Use Compatibility In Accident Potential Zones, and, if applicable, Table 3.9.5(B), Air Installations Compatible Uses Zones Land Use Compatibility In Noise Zones, below, unless the City Council finds that no reasonable use designated as compatible under the applicable table or tables can be made of the property. In such cases, the City Council may approve the proposed use

of property at the lowest density or intensity of development that is reasonable.

(c) Compatible Uses in Accident Potential Zones

Table 3.9.5(A), Air Installations Compatible Uses Zones Land Use Compatibility In Accident Potential Zones, shows the uses designated as compatible (Y) and those designated as not compatible (N) in each accident potential zone. The designation of any use as compatible shall not be construed to allow such use in any zoning district in which it is not permitted as either a principal or conditional use.

TABLE 3.9.5(A): AIR INSTALLATIONS COMPATIBLE USES ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES

LAND USE	CLEAR ZONE	APZ 1	APZ 2
CONSERVATION AND OPEN SPACE USES			
Resource conservation use	Y	Y	Y
All other Conservation and Open Space Uses	N	Y	Y
RESIDENTIAL USES			
All Residential Uses	N	N	N
PUBLIC, CIVIC, AND INSTITUTIONAL USES			
Government maintenance, storage, and distribution facility	N	Y	Y
Medical or dental clinic/office	N	N	Y
Military installation	Y	Y	Y
All other Community Service Uses	N	N	N
Airport	Y	Y	Y
Heliport	Y	Y	Y
Terminal, cruise ship	N	N	N
Wind energy conversion system (large-scale)	N	N	N
All other Transportation and Utility Uses	N	Y	Y
COMMERCIAL USES			
After-hours membership establishment	N	N	N
Banquet hall	N	N	N
Nightclub	N	N	N
All other Eating and Drinking Uses	N	N	Y
Country club	N	Y	Y
Recreation facility, indoor	N	Y	Y
Recreation facility, outdoor	N	Y	Y
All other Recreation Uses	N	N	N
Artist studio/school	N	N	N
Music, dance, or martial arts studio/school	N	N	N
All other Retail Sales and Service Uses	N	N	Y
All Vehicle Sales and Service Uses	N	Y	Y
All Visitor Accommodation Uses	N	N	N
INDUSTRIAL USES			
Composting facility	N	N	N
Concrete, asphalt, brick manufacturing plant	N	N	N
Hazardous materials manufacturing or storage	N	N	N

TABLE 3.9.5(A): AIR INSTALLATIONS COMPATIBLE USES ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES			
LAND USE	**CLEAR ZONE**	**APZ 1**	**APZ 2**
Landfill	N	N	N
Rock, sand, and gravel distribution and storage	N	N	N
Seafood processing	N	N	N
Solid waste processing facility	N	N	N
Solid waste transfer station	N	N	N
All other Industrial Uses	N	Y	Y
ACCESSORY USES			
Accessory dwelling unit	N	N	N
Day care center, child (as an accessory use)	N	N	N
Day care home	N	N	N
Home occupation	N	N	N
Short-term rental unit (homestay)	N	N	N
All other Accessory Uses	N	N	Y
TEMPORARY USES AND STRUCTURES			
Manufactured home as temporary housing	N	N	N
Temporary health care structure	N	N	N
Temporary use of an accessory structure as a principal dwelling after a disaster	N	N	N
All other Temporary Uses and Structures	N	Y	Y

(d) Compatible Uses in Noise Zones

Table 3.9.5(B), Air Installations Compatible Uses Zones Land Use Compatibility In Noise Zones, shows the uses designated as compatible (Y) and those designated as not compatible (N) in each noise zone. The designation of any use as compatible shall not be construed to allow such use in any zoning district in which it is not permitted as either a principal or conditional use.

(e) Sound Attenuation

Sound attenuation measures should be incorporated into any use or structure located in the >75 DNL, 70-75 DNL, or 65-70 DNL Noise Zones in accordance with the requirements of the Virginia Uniform Statewide Building Code and within such structures where sound attenuation measures are installed, the uses in Table 3.9.5(B) are conditionally compatible.

TABLE 3.9.5(B): AIR INSTALLATIONS COMPATIBLE USES ZONES LAND USE COMPATIBILITY IN NOISE ZONES			
LAND USE	**>75 DNL**	**70-75 DNL**	**65-70 DNL**
CONSERVATION AND OPEN SPACE USES			
All Conservation and Open Space Uses	N	Y	Y
RESIDENTIAL USES			
All Residential Uses	N	N	N

TABLE 3.9.5(B): AIR INSTALLATIONS COMPATIBLE USES ZONES LAND USE COMPATIBILITY IN NOISE ZONES			
LAND USE	**>75 DNL**	**70-75 DNL**	**65-70 DNL**
PUBLIC, CIVIC, AND INSTITUTIONAL USES			
Government maintenance, storage, and distribution facility	Y	Y	Y
Military installation	Y	Y	Y
All other Community Service Uses	N	Y	Y
All Transportation and Utility Uses	Y	Y	Y
COMMERCIAL USES			
All Eating and Drinking Uses	Y	Y	Y
Arena, stadium, or amphitheater	N	N	N
Country club	Y	Y	Y
All other Recreation Uses	N	Y	Y
All Retail Sales and Service Uses	Y	Y	Y
All Vehicle Sales and Service Uses	Y	Y	Y
All Visitor Accommodation Uses	N	N	N
INDUSTRIAL USES			
All Industrial Uses	Y	Y	Y
ACCESSORY USES			
Accessory dwelling unit	N	N	N
Day care center, child (as an accessory use)	N	N	N
Day care home	N	N	N
Home occupation	N	N	N
Short-term rental unit (homestay)	N	N	N
All other Accessory Uses	Y	Y	Y
TEMPORARY USES AND STRUCTURES			
Manufactured home as temporary housing	N	N	N
Temporary health care structure	N	N	N
Temporary use of an accessory structure as a principal dwelling after a disaster	N	N	N
All other Temporary Uses and Structures	Y	Y	Y

(f) Reservation of Powers; Severability

(i) Nothing in this section shall be construed to require the City Council to approve any application solely because it meets the requirements of this section, it being the intention of this section that the City Council be entitled to exercise its authority in such applications to the fullest extent allowed by law.

(ii) The provisions of this section shall be severable, it being the intention of the City Council that in the event one or more of the provisions of this section shall be adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this section shall be unaffected by such adjudication.

3.9.6. CBPA-O: CHESAPEAKE BAY PRESERVATION AREA OVERLAY

A. PURPOSE

This section was enacted to implement the requirements of section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act). The Chesapeake Bay and its tributaries constitute an important and productive estuarine system, providing economic and social benefits to the citizens of the City of Norfolk and the Commonwealth of Virginia. The health of the Chesapeake Bay is vital to maintaining the city's economy and the welfare of its citizens. The intent of the city and the purposes of the Overlay District are to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the city.

The regulations of this district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by this Ordinance.

B. DEFINITIONS

The following words and terms used in the Overlay District have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this section but defined in Article 8, Definitions and Rules of Measurement, shall be given the meanings set forth therein.

(1) Beach

The shoreline zone comprised of unconsolidated sandy material as defined in section 28.2-1400 of the Code of Virginia.

(2) Best Management Practice (BMP)

A practice, or a combination of practices, that is determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

(3) Buffer Area

An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

(4) Buildable Area

The portion of the lot remaining after required yards, buffer areas, and BMP areas have been provided but in no event shall the buildable area be less than 1,200 sq. ft. for lots of over 5,000 sq. ft. For lots under 5,000 sq. ft., the minimum buildable area shall be as determined by the ZA.

(5) Chesapeake Bay Preservation Area (CBPA)

Any land designated by the city pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-70, and section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

(6) Chesapeake Bay Preservation Area Buffer (CBPA Buffer)

A 100-foot vegetated buffer area located adjacent to and landward of tidal wetlands, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, tidal shores, and along both sides of any water bodies with perennial flow. This 100-foot buffer area shall consist of two 50 foot areas. The area measured 50 ft. from the jurisdictional wetland line shall be called the 50-foot seaward buffer while the remainder of the buffer area shall be called the 50-foot landward buffer. This includes the RPA and IDA.

(7) Coastal Primary Sand Dune

A mound of unconsolidated sandy soil as defined in section 28.2-1400 of the Code of Virginia.

(8) Construction Footprint

The area of impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

(9) Construction Impact Zone

A 10-foot wide area adjacent to any structure's footprint.

(10) Development

The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, utility facilities or structures, or public streets, curbs or sidewalks.

(11) Diameter at Breast Height (DBH)

A method of measuring the size of an existing tree. Diameter is measured at 4.5 ft. above the ground adjacent to the tree.

(12) Impervious Cover

A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are

not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

(13) Infill

Utilization of vacant land in previously developed areas.

(14) Intensely Developed Area (IDA)

Area where development is concentrated and little of the natural environment remains and where at least one of the following conditions existed on or before March 3, 1992: development has severely altered the natural state of the area such that it has more than 50 percent impervious surface; public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and served the area on or before March 3, 1992; or housing density is equal to or greater than 4 dwelling units per acre. Intensely Developed Areas are designated as an overlay on the Chesapeake Bay Preservation Area, as depicted in the Chesapeake Bay Preservation Areas Supplemental Working Map, as periodically amended.

(15) Land Disturbing Activity or Land Disturbance

Any land change including, but not limited to, clearing, grading, excavating, transporting and filling of land, or other construction activities which would disturb the natural vegetation or the existing contours of the land, which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage systems or waters of the state.

(16) Nonpoint Source Pollution

Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from land development and use.

(17) Nontidal Wetlands

Those wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act, in 33 CFR 328.3b.

(18) Public Road

A publicly owned road designed and constructed in accordance with policies, procedures and criteria of the Virginia Department of Transportation, including regulations promulgated pursuant to (1) the Erosion and Sediment Control Law (section 10.1-560 et seq. of the Code of Virginia) and (2) the Virginia Stormwater Management Act (section 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia

Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the City of Norfolk in accordance with city standards.

(19) Redevelopment

The process of developing land that is or has been previously developed.

(20) Resource Management Area (RMA)

That component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area. The RMA is adjacent to and landward of the CBPA buffer.

(21) Resource Protection Area (RPA)

That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

(22) Substantial Alteration

An expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 sq. ft. in the Resource Management Area only.

(23) Tidal Shore or Shore

Land or shoreline stabilization structure contiguous to a tidal body of water between the mean low water level and the mean high water level.

(24) Tidal Wetlands

Vegetated and non-vegetated wetlands as defined in section 28.2-1300 of the Code of Virginia.

(25) Utilities

Natural gas, electrical power, cable television, telephone, water, stormwater, and sewer service.

(26) Water-Dependent Facility

A development of land that cannot exist outside of the CBPA buffer and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking

structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

(27) Water Body with Perennial Flow

A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation.

(28) Wetlands

Tidal and nontidal wetlands.

C. APPLICABILITY

(1) Areas of Applicability

The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the city and as shown for administrative and demonstrative purposes on the official zoning map and the Chesapeake Bay Preservation Areas supplemental working map.

(a) Resource Protection Area

The resource protection area includes: tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and a 100-foot vegetated buffer area to be known as the CBPA Buffer, located adjacent to and landward of these components, and along both sides of any water bodies with perennial flow.

The CBPA buffer area shall consist of two 50 foot areas. The area measured 50 ft. from the RPA components shall be called the 50-foot seaward buffer while the remainder of the buffer area shall be called the 50-foot landward buffer. Development within the RPA shall restore the CBPA buffer accordance with the mitigation requirements of this section.

(b) Resource Management Area

The resource management area includes land that, if improperly used or developed, has the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area. The RMA is adjacent to and landward of the CBPA buffer and extends landward to include the remainder of the lot or parcel designated as a resource protection area. When the landward boundary of the CBPA buffer falls within an improved public right-of-way, the RMA is defined as the remainder of the improved public right-of-way.

When the CBPA buffer boundary falls within a flag lot subdivision, unimproved public right-of-way, coastal primary sand dune or beach, the RMA shall extend landward to the first improved public right-of-way.

(c) Intensely Developed Area

Generally, intensely developed areas shall serve as redevelopment areas in which development is concentrated on or before March 3, 1992. IDAs shall be areas as identified on the Zoning Map of the city or as determined by the ZA with the assistance of the Bureau of Environmental Services and that meet one of the following criteria:

(i) Development has severely altered the natural state of the area such that it has more than 50% impervious surface;

(ii) Public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and served the area on or before March 3, 1992. This condition does not include areas planned for public sewer and water or constructed stormwater drainage systems; or

(iii) Housing Density is equal to or greater than four dwelling units per acre.

IDAs shall include: tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and a 100-foot vegetated buffer area, to be known as the CBPA Buffer, located adjacent to and landward of the components listed in subsections (i) through (iii), above, and along both sides of any water bodies with perennial flow. Areas so designated and where development is proposed shall comply with all erosion and sediment control requirements, performance standards for redevelopment, and CBPA buffer restoration/mitigation as required in this section.

(2) Conflict with Other Regulations

In any case where the requirements of the Chesapeake Bay Preservation Area Overlay District conflict with any other provision of the City Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

D. EXEMPTIONS FROM CHESAPEAKE BAY PRESERVATION AREA DEVELOPMENT CRITERIA

(1) Public Utilities, Railroads, Public Roads, and Public Facilities

Public Utilities, Railroads, Public Roads, and Public Facilities shall be exempted from CBPA development criteria provided that:

(a) Construction, installation, operation, and maintenance of electric, natural gas, fiber optic, and telephone transmission lines, railroads, and public roads, and their appurtenant structures are in accordance with:

(i) Regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, section 10.1-560 et seq.) and the

Stormwater Management Act (Code of Virginia, section 10.1-603.1 et seq.);

(ii) An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation; or,

(iii) Local water quality protection criteria at least as stringent as the above stated requirements.

(b) In addition to satisfying the provisions of subsection (a), above, public roads shall be optimally designed and aligned, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

(2) City of Norfolk or Regional Service Authority Water, Sewer, Natural Gas and Underground Telecommunications and Cable Television Lines

City of Norfolk or Regional Service Authority Water, Sewer, Natural Gas and Underground Telecommunications and Cable Television Lines shall be exempted from CBPA development criteria provided that:

(a) To the degree possible, the location of such utilities and facilities are sited outside of the CBPA buffer;

(b) No more land shall be disturbed than is necessary to provide for installation of the proposed utility;

(c) All such construction, installation and maintenance of such utilities and facilities shall be in compliance will all applicable local state and federal permits and designed and conducted in a manner that protects water quality; and,

(d) Any land disturbance or land disturbing activity exceeding an area of 2,500 sq. ft. shall comply with all erosion and sediment control requirements of Chapter 15 of the City Code.

(3) Other Land Disturbing Activities

The following land disturbances or land disturbing activities in the CBPA buffer may be exempted from the Overlay District: (1) water wells; (2) passive recreation facilities such as boardwalks, trails, and pathways; and (3) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the ZA that:

(a) Any required permits shall have been issued;

(b) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality or adversely impact significant vegetation or trees within the CBPA buffer.

(c) The intended use does not conflict with nearby planned or approved uses; and

(d) Any land disturbance or land disturbing activity exceeding an area of 2,500 sq. ft. shall comply with all erosion and sediment control requirements of Chapter 15 of the City Code.

E. DISTRICT BOUNDARY INTERPRETATIONS AND DELINEATIONS

(1) Relevant Maps

The official zoning map and the Chesapeake Bay Preservation Areas supplemental working map show the general location of CBPA-O and must be consulted by persons contemplating development, redevelopment, or land disturbing activities within the city prior to engaging in such activities.

(2) Lot or Parcel Included Within Boundaries of CBPA

If the boundaries of a CBPA include a portion of a lot or parcel, the entire lot or parcel shall comply with the requirements of the Overlay District. The subdivision of property shall not constitute an exemption from this requirement.

(3) Lot or Parcel Not Included Within Boundaries of a CBPA

If land within the City of Norfolk meets the definition of a component of the CBPA-O but is not identified on the supplemental working map, it is hereby designated to be within the boundaries of the CBPA-O and regulated under the provisions of this section.

(4) Interpretation of CBPA Boundaries

(a) Delineation by the Applicant

The site-specific boundaries of the CBPA buffer shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the ZA and in accordance with Section 2.4.18, Site Plan Review, or Section 2.4.19, Single-Family Plan Review. The official zoning map and the Chesapeake Bay Preservation Areas supplemental working map shall be used as a guide to the general location of the CBPA-O.

(b) Delineation by the Zoning Administrator

At the request of an applicant, the ZA with the assistance of the Bureau of Environmental Services may elect to perform the delineation of the environmental features on the site, e.g., tidal wetlands, tidal shores, and nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow. The applicant is responsible for incorporating this information into the environmental site assessment.

(c) Where Conflict Arises Over Delineation

Where the applicant has provided a site-specific delineation of the CBPA buffer, the ZA, with the assistance of the Bureau of Environmental

Services, will verify the accuracy of the boundary delineation. In determining the site-specific CBPA buffer boundary, the ZA may render adjustments to the applicant's boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief by appealing such administrative decision to the BZA. Appellants shall be given a reasonable opportunity to present their case to the BZA and to submit technical evidence to support their case. The ZA may submit technical data and information to the BZA to support the decision.

F. PERMIT AND APPLICATION REQUIREMENTS

All permit applications for development within the CBPA areas shall be accompanied by the following documentation:

(1) New Single-Family Residences

(a) Site Plan

The site plan shall be prepared by a design professional and shall contain the following information:

(i) A topographical survey showing all improvements, elevations, wetlands, and any slopes or elevation changes to the site.

(ii) Delineated CBPA buffer area locating all existing trees of 4 inches or greater at diameter breast height.

(iii) Flood zone delineation and determination note.

(iv) All proposed improvements and impervious surfaces.

(v) Drainage design indicating how the property will drain to the right of way or an adjacent body of water.

(vi) Stormwater management features.

(vii) A landscape plan showing all required mitigation plantings.

(viii) All required notes.

(ix) All required E&S measures, including tree protection and site access, or an agreement in lieu of a plan.

(x) Limits of disturbance.

(xi) Any additional information required by the Bureau of Environmental Services.

(b) Water Quality Impact Assessment

(2) Residential Additions and Accessory Structures

(a) Survey

The survey shall show all existing and proposed improvements.

(b) Landscape Plan

The landscape plan shall show the location of all required plantings.

(c) Water Quality Impact Assessment

A water quality impact assessment shall be included, if required by the Bureau of Environmental Services.

(3) All Other Development

(a) Site Plan

The site plan shall be prepared by a design professional and shall include all information required for major site plan review according to Section 2.4.18, Site Plan Review, or Section 2.4.19, Single-Family Plan Review.

(b) Water Quality Impact Assessment

G. USE REGULATIONS

Principal permitted uses, uses permitted by special exception, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth in this section.

H. LOT SIZE AND THE CREATION OF LOTS

(1) Minimum Lot Size

Minimum lot size shall be subject to the requirements of the underlying zoning district.

(2) New Lots in the RPA

New lots shall not be created within the RPA unless a buildable area, as defined by this Ordinance, can be created outside of the entire CBPA buffer.

(3) New Lots in the IDA

New lots shall not be created within the IDA unless a buildable area, as defined by this Ordinance, can be created outside of the 50-foot seaward CBPA buffer.

I. PERFORMANCE STANDARDS FOR DEVELOPMENT

(1) Purpose and Intent

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these standards are to establish criteria to implement the following objectives: prevent a net increase in nonpoint source pollution from development and achieve a ten-percent reduction in nonpoint source pollution from redevelopment.

Site-specific standards for development and redevelopment in the RPA, IDA and RMA shall be met as per Section 3.96.J, General Development Standards, below.

(2) General Performance Standards for Development and Redevelopment

(a) Land disturbance or land disturbing activity shall be limited to the area necessary to provide for the proposed use, development or redevelopment.

(b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use, development or redevelopment permitted in accordance with the "Virginia Erosion and Sediment Control Handbook," 1988, as amended and in accordance with the requirements of Chapter 45 of the City Code.

(c) Land development or redevelopment shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use, development or redevelopment permitted.

(d) Notwithstanding any other provisions of this section or exceptions or exemptions thereto, any land disturbance or land disturbing activity exceeding 2,500 sq. ft., including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Erosion and Sediment Control Ordinance (Chapter 15) of the City Code.

(e) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the standards of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program", and in compliance with the Virginia Stormwater Management Regulations of the Virginia Administrative Code.

(f) Prior to any land disturbance, development, redevelopment or land disturbing activity on any portion of a lot or parcel, all wetland, dune and beach permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the ZA.

(g) Roads and driveways not meeting the definition of public road in Section 3.9.6.B, Definitions, and not exempt under Section 3.9.6.D, Exemptions from Chesapeake Bay Preservation Area Development Criteria, may be constructed in or across the CBPA buffer if each of the following conditions is met:

(i) The ZA makes a finding that there are no reasonable alternatives to aligning the road or driveway in the CBPA buffer;

(ii) The alignment and features of the road or driveway are designed, consistent with other applicable requirements, to minimize encroachment into the CBPA buffer and minimize adverse effects on water quality;

(iii) The proposed road alignment and design are reviewed in accordance with the provisions of site plan review in Section 2.4.18, Site Plan Review, or Section 2.4.19, Single-Family Plan Review; and

(iv) The design and construction of the road or driveway satisfy all applicable criteria of this Article.

(3) Required Conditions

(a) All development and redevelopment including all single-family houses shall be subject to the approval of a site plan in accordance with the site plan review provisions in Section 2.4.18, Site Plan Review, and Section 2.4.19, Single-Family Plan Review.

(b) Development in RPAs may be allowed only if it satisfies one of the following:

(i) Is a new or expanding water-dependent use that satisfies the following criteria:

(A) It does not conflict with the comprehensive plan;

(B) It complies with the general performance standards;

(C) Any non-water dependent component is located outside of RPAs; and

(D) Access to the water dependent facility will be provided with the minimum disturbance necessary; and where practicable, a single point of access is provided.

(ii) Constitutes redevelopment;

(iii) Constitutes development or redevelopment within a designated Intensely Developed Area;

(iv) Is a permitted development, activity, or improvement established pursuant to Section 3.9.6.L, Existing Structures Located Within the CBPA, and 3.9.6.M, Variances.

(c) A major water quality impact assessment shall be required for any proposed development or redevelopment within RPAs and for any development within RMAs when required by the ZA because of the unique characteristics of the site or intensity of development, in accordance with the site plan review provisions in Section 2.4.18, Site Plan Review.

(d) Redevelopment outside locally designated Intensely Developed Areas shall be permitted in the RPA only if there is no increase in the amount

of impervious cover and no further encroachment within the RPA, and it shall conform to applicable erosion and sediment control and stormwater management criteria in accordance with all erosion and sediment control requirements in Chapter 15 of the City Code and the Virginia Stormwater Management Regulations, as well as all applicable stormwater management requirements of other state and federal agencies.

(4) Flood Control and Stormwater Management Facilities

Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, where the following conditions are met:

(a) The location of the facility is the optimum location;

(b) The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;

(c) The facility is consistent with a stormwater program approved by the Virginia State Water Control Board;

(d) All applicable state and federal permits are obtained from the appropriate federal and state agencies having jurisdiction;

(e) Approval is received from the ZA prior to construction; and

(f) Routine maintenance is performed on such facilities to assure that they continue to function as designed.

(5) Virginia Stormwater Management Program Construction General Permits

For all projects not subject to either the continuation of Virginia Stormwater Management Program Construction General Permits or the grandfathering provisions set forth in the Virginia Administrative Code, the stormwater management criteria consistent with the water quality protection provisions of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program" and the Virginia Stormwater Management Regulations of the Virginia Administrative Code shall be satisfied. A project constructed under the provisions of a Virginia Stormwater Management Program Construction General Permit shall comply with the water quality standards in effect as of the date of registration under the General Permits Program. A project constructed under the grandfathering regulations of the Virginia Administrative Code shall comply with the provisions of Section 41.2 of the Norfolk City Code, "Virginia Stormwater Management Program".

(a) The following stormwater management options shall be considered to comply with this requirement:

(i) Incorporation on the site of best management practices that meet the water quality protection requirements set forth in Section 41.2

of the Norfolk City Code, "Virginia Stormwater Management Program";

(ii) Compliance with a locally adopted regional stormwater management plan or program, which may include a Virginia Stormwater Management Program (VSMP) permit issued by the Department of Environmental Quality to a local government for its municipally owned separate storm sewer system discharges, that is reviewed and found by the Virginia State Water Control Board to achieve water quality protection equivalent to that required by this subsection; and

(iii) Compliance with a site-specific VSMP permit issued by the Department of Environmental Quality, provided that the Director of Public Works specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by this subsection.

(b) Any maintenance, alteration, use or improvement to an existing structure that does not degrade the quality of surface water discharge, as determined by the Director of Public Works, may be exempted from the requirements of this subsection.

(c) Stormwater management criteria for redevelopment shall apply to any redevelopment, whether or not it is located within the CBPA-O designated by the City of Norfolk.

(6) On-Site Sewage Treatment Systems

On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:

(a) Have pump-out accomplished for all such systems at least once every five years;

(i) If deemed appropriate by the Norfolk Health Department and subject to conditions the Norfolk Health Department may set, the Norfolk Health Department may offer to the owners of such systems, as an alternative to the mandatory pump-out, the option of having a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by the Virginia Department of Health.

(ii) Furthermore, in lieu of requiring proof of septic tank pump-out every five years, the Norfolk Health Department may allow owners of on-site sewage treatment systems to submit documentation every five years, certified by a sewage handler permitted by the Virginia Department of Health, that the septic system has been

inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.

(b) For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the Norfolk Health Department. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the department of environment quality. As an alternative to the 100% reserve sewage disposal site, the Health Department may offer the owners of such systems the option of installing an alternating drainfield system meeting the following conditions:

(i) Each of the two alternating drainfields in the system shall have, at a minimum, an area not less than fifty percent of the area that would otherwise be required if a single primary drainfield were constructed.

(ii) An area equaling 50% of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that utilize a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system. Expansion of the primary system will require an expansion of this reserve area.

(iii) The two alternating drainfields shall be connected by a diversion valve, approved by the Norfolk Health Department, located in the pipe between the septic (aerobic) tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one drainfield or the other at a time. However, diversion valves shall not be used for the following types of treatment systems:

(A) Sand mounts;

(B) Low-pressure distribution systems;

(C) Repair situations when installation of a valve is not feasible; and

(D) Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the Norfolk Health Department.

(iv) The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage and leak proof and designed so that the effluent from the tank can be directed to flow into either one of the two distribution boxes).

(v) There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.

(vi) The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.

(vii) In lieu of the aforementioned diversion valve, any device that can be designed and constructed to conveniently direct the flow of effluent from the tank into either one of the two distribution boxes may be approved if plans are submitted to the Norfolk Health Department and found to be satisfactory.

(viii) The Norfolk Health Department shall require that the owner(s) alternate the drainfields every twelve months to permit the yearly resting of half of the absorption system.

(ix) The Norfolk Health Department shall ensure that the owner(s) are notified annually of the requirement to which the valve to the opposite drainfield.

J. GENERAL DEVELOPMENT STANDARDS

(1) Buffer Area Requirements

To minimize the adverse effects of human activities on the other components of the CBPA-O, state waters, and aquatic life, a 100-foot buffer area of vegetation (CBPA buffer) that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist in both RPA and IDA areas. The buffer area shall be located adjacent to and landward of other RPA/IDA components and along both sides of any water body with perennial flow.

(2) Buffer Restoration Requirements

Where vegetation is proposed to be removed from the CBPA buffer area, CBPA Buffer restoration shall be provided as required for development as outlined in Table 3.9.6(A), Buffer Restoration Planting Units. For the purposes of buffer restoration and mitigation, one planting unit shall equal the three values identified in Table 3.9.6(A), Buffer Restoration Planting Units.

TABLE 3.9.6(A): BUFFER RESTORATION PLANTING UNITS

One planting unit equals:		
One large canopy tree (1.5-2 in. caliper) -or- One large evergreen tree (6 ft. tall)	Two small canopy trees (1.0-1.5 in. caliper)	Three small shrubs

When determined by the Bureau of Environmental services, specific plantings may be substituted or replaced depending on the site conditions of the property and where different plantings will have significant impact on prohibiting erosion or improve water quality.

(3) Tree Mitigation Requirements

Tree mitigation is based upon the guidelines established in Table 3.9.6(B), Tree Mitigation Requirements, which consider tree size class, species, and location. For the purposes of this section, the construction impact zone (CIZ) is a 10-foot-wide area adjacent to any structure's footprint. Large canopy tree species (LCT) are those that reach at least 60 feet in height at maturity. Small canopy species (SCT) are those that reach less than 35 feet in height at maturity.

TABLE 3.9.6(B): TREE MITIGATION REQUIREMENTS

Size Class of Tree Removed	Tree Mitigation Requirement
Single Family and Additions	
Mitigation for trees located within building footprints	
0-12 in. DBH	One 1.5 in. caliper tree (LCT)
13-24 in. DBH	Two 1.5 in. caliper trees (LCT)
25-35 in. DBH	Three 1.5 in. caliper trees (LCT)
Mitigation for trees located within construction impact zone	
0-12 in. DBH	Two 1.5 in. caliper trees (1 LCT + 1 SCT)
13-24 in. DBH	Four 1.5 in. caliper trees (2 LCT + 2 SCT)
25-35 in. DBH	Six 1.5 in. caliper trees (3 LCT + 3 SCT)
Site Plan Development	
0-12 in. DBH	Two 1.5 in. caliper trees (LCT)
13-24 in. DBH	Four 1.5 in. caliper trees (LCT)
25-35 in. DBH	Six 1.5 in. caliper trees (LCT)

(4) Trees Removed Without a Permit

Where trees are removed without first acquiring a permit from the Department of City Planning, the tree mitigation required by Table 3.9.6(B), Tree Mitigation Requirements, shall be doubled.

(5) Significant Specimen Trees

Existing trees with a DBH of 36 inches or greater are considered large specimen trees and shall be maintained on site. When determined by the Bureau of Environmental Services where site constraints do not allow avoidance, mitigation is influenced by tree condition and a tree risk assessment performed by an ISA Certified Arborist. The following formula shall be utilized to determine mitigation for significant specimen trees: (Diameter/3) = # of replacement large canopy trees.

(6) Dead or Dying Trees

Existing trees that are determined by an ISA Certified Arborist to be dead or dying, shall be replaced at a rate of 1 new tree for every dead or dying tree.

(7) Substitution Guidelines

(a) The mitigation requirements specified in Table 3.9.6(B), Tree Mitigation Requirements, may be substituted at the following rate: 1 LCT = 2 SCT = 10 large growing shrubs (6-8 ft. height and/or width at maturity) provided that no less than one half of mitigation planting shall consist of trees.

(b) The ZA may allow monetary substitution of any required plantings if the required plantings cannot physically fit in or be appropriately sited in the buffer area or on the property.

(8) CBPA Accessory Structure Encroachment Fees

Development of accessory structures within the CBPA shall be subject to fees as noted in the City Code.

K. SPECIFIC DEVELOPMENT STANDARDS WITHIN THE CBPA AREAS

(1) Resource Protection Areas

(a) New Development

On zoning lots located in the RPA that have not been previously developed or have been created after the adoption of this Ordinance, new development must meet the following criteria:

(i) All structures and impervious surfaces must be located outside of the CBPA buffer.

(ii) All construction activity and the limits of disturbance that encroaches into the CBPA buffer shall be the minimum necessary to develop the zoning lot.

(iii) The CBPA buffer shall be reestablished with plantings equal to one planting unit (see subsection J(2), above) per every 400 square feet of impervious surfaces on the lot.

(b) Redevelopment

On zoning lots located in the RPA that have been previously developed or were created prior to the adoption of this Ordinance, redevelopment and substantial improvements must meet the following criteria:

(i) All proposed principal structures shall be located at the front yard setback to minimize encroachment into the CBPA buffer if the proposed structure is located within the CBPA buffer area.

(ii) All structures and impervious surfaces shall be located outside of the 50-foot seaward CBPA buffer to the greatest extent possible. No impervious encroachment within 25 feet of jurisdictional wetlands.

(iii) Proposed encroachment into the seaward CBPA buffer shall be limited to the same distance and size as the impervious area encroachment that previously existed with the prior development on the parcel.

(iv) The CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) per every 400 square feet of impervious surface within the CBPA Buffer.

(c) Additions to Existing Buildings Not Considered to be Substantial Improvements

On zoning lots located in the RPA that are currently developed and the proposed renovations or additions are not deemed a substantial improvement, improvements shall meet the following criteria:

(i) Single-Family Detached Development

(A) All additions shall not extend into the 50-foot seaward CBPA buffer or 25 feet from the jurisdictional wetlands, whichever is greater, unless approved under the provisions of Section 3.9.6.L.

(B) Encroachment may be permitted within the 50-foot seaward CBPA buffer if impervious area exists within the 50-foot seaward CBPA buffer and will be removed as part of this development. No impervious encroachment may be permitted within 25 feet of jurisdictional wetlands.

(C) All additions shall be located in a manner as to not impact any existing buffer area vegetation.

(D) The 100-foot CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) per every 400 square feet of proposed new impervious surface on the lot.

(ii) All Other Development

(A) All additions shall not extend into the 50-foot seaward CBPA buffer or 30 feet from the jurisdictional wetlands, whichever is greater, unless approved under the provisions of Section 3.9.6.L.

(B) Encroachment may be permitted within the 50-foot seaward CBPA buffer if existing impervious area exists within the 50-foot seaward CBPA buffer and will be removed as part of this

development. No impervious encroachment may be permitted within 30 feet of jurisdictional wetlands.

(C) All additions shall be located in a manner as to not impact any existing buffer area vegetation.

(D) The 100-foot CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) per every 400 square feet of proposed new impervious surface on the lot.

(d) Accessory Structures

Accessory structures shall be located outside of the CBPA buffer area.

(2) Intensely Developed Areas

(a) New Development

On zoning lots located in the IDA that have not been previously developed or have been created after the adoption of this Ordinance, new development must meet the following criteria:

(i) All structures and impervious surfaces must be located outside of the 50-foot seaward CBPA buffer

(ii) All construction activity and the limits of disturbance that encroaches into the CBPA buffer shall be the minimum necessary to develop the zoning lot.

(iii) The CBPA buffer shall be re-established with vegetation equal to one planting unit or one planting unit (see subsection J(2), above) per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

(b) Redevelopment

On zoning lots located in the IDA that have been previously developed or were created prior to the adoption of this Ordinance, redevelopment and substantial improvements must meet the following criteria:

(i) Single-Family Detached Development

(A) All proposed principal structures shall be located at the front yard setback to minimize encroachment into the CBPA buffer if the proposed structure is located within the CBPA buffer area.

(B) All encroachment into the 50-foot seaward CBPA buffer shall be limited to the same distance and size as the impervious area encroachment that previously existed with the prior development on the parcel or 25 feet from jurisdictional wetlands, whichever is greater.

(C) The CBPA buffer shall be re-established with vegetation equal to one planting unit or one planting unit (see subsection J(2), above) per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

(ii) All Other Development

(A) Development shall be permitted into the 50-foot landward buffer.

(B) All encroachment into the 50-foot seaward buffer shall be limited to the same distance and size as the impervious area encroachment that previously existed with the prior development on the parcel or 30 feet from jurisdictional wetlands, whichever is greater.

(C) The CBPA buffer shall be re-established with plantings equal to one planting unit (see subsection J(2), above) or one planting unit per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

(c) Additions to Existing Buildings Not Deemed to be Substantial Improvements

On zoning lots located in the IDA that are currently developed and the proposed renovations or additions are not deemed a substantial improvement, improvements shall meet the following criteria:

(i) Single-Family Detached Development

(A) All additions shall not extend into the 50-foot seaward CBPA buffer or 25 feet from jurisdictional wetlands, whichever is greater, unless approved under the provisions of Section 3.9.6.L.

(B) All additions shall be located in a manner to not impact any existing buffer area vegetation.

(C) The CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) or one planting unit per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

(ii) All Other Development

(A) All additions shall not extend any closer to the CBPA features than the existing impervious surface or 30 feet from the jurisdictional wetlands, whichever is greater.

(B) All additions shall be located in a manner to not impact any existing buffer area vegetation.

(C) The CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) or one

planting unit per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

(d) Accessory Structures to Single-Family Residences

(i) Accessory structures shall be located outside of the 50-foot seaward CBPA buffer area unless the proposed accessory structure is replacing existing impervious in the CBPA buffer area. No structures shall be located within 25 feet of jurisdictional wetlands.

(ii) The CBPA buffer shall be re-established with vegetation equal to one planting unit (see subsection J(2), above) or one planting unit per every 400 square feet of impervious surfaces in the CBPA buffer, whichever is greater.

L. EXISTING STRUCTURES LOCATED WITHIN THE CBPA

(1) Nonconforming Structures and Development Waivers for Buildings or Structures Within the CBPA Buffer

The lawful use of a building or structure which existed on March 3, 1992, or which exists at the time of any amendment to the Chesapeake Bay Preservation Area Overlay District and which is in conformity with other provisions of the zoning ordinance but which is not in conformity with the provisions of the Overlay District may be continued; however, any alteration, replacement of a nonconforming building or structure in the CBPA buffer shall require a development waiver.

(a) The ZA, with the recommendation of the Bureau of Environmental Services may grant a development waiver for principal buildings or structures on legal nonconforming lots or parcels to provide for remodeling, alterations or additions, provided that:

(i) There will be no net increase in nonpoint source pollution load;

(ii) Any land disturbance or land disturbing activity exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of Chapter 15 of the City Code;

(iii) Relief from the requirements are the minimum necessary to afford relief;

(iv) Granting the waiver does not confer upon the applicant any special privileges that are denied by this Article to similarly situated property owners in the CBPA;

(v) The approval is consistent with the purpose and intent of the CBPA and is not of substantial detriment to water quality;

(vi) The request is not based upon conditions or circumstances that are self-created or self-imposed;

(vii) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing degradation of water;

(viii) CBPA buffer restoration is provided in accordance with this section; and

(ix) Other findings, as appropriate and required by the ZA, are met.

(b) An application for a development waiver shall be made to the ZA and shall include the following information:

(i) Name and address of applicant and property owner;

(ii) Legal description of the property and type of proposed use and development;

(iii) A survey of the dimensions of the lot or parcel, location of buildings or structures, and proposed additions relative to the lot lines, and boundary of the resource protection area; and

(iv) Location and description of any existing private water supply or sewage system.

(c) A development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

M. VARIANCES

(1) Request for Variance

A request for a variance from the requirements of this Overlay District shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a minor water quality impact assessment. For purposes of this section only, a minor water quality impact assessment shall include a site survey to scale which shows:

(a) The location of the components of the CBPA buffer, including the 50-foot and 100-foot buffer area;

(b) The location and nature of the proposed encroachment into the buffer area including type of paving material, areas of land disturbance or land disturbing activity, location of any structures, drives, or impervious cover, and sewage disposal systems or reserve drain field sites; and

(c) The type and location of proposed best management practices to mitigate the proposed encroachment.

(2) Consideration by the Board of Zoning Appeals

In considering a request for variance, the Board of Zoning Appeals shall consider the requirements as set forth in Section 2.3.5.B(6)(b), CBPA-O and FPCH-O District Variances.

3.9.7. FPCH-O: FLOOD PLAIN / COASTAL HAZARD OVERLAY

A. PURPOSE

(1) Intent

It is the intent of these regulations to permit the creation of Floodplain, Coastal Floodplain and Coastal High Hazard Districts in areas designated by the Federal Emergency Management Agency (FEMA) as "special flood hazard areas" and other areas identified as likely to benefit from floodplain management. Regulations within such districts are intended to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are attributed to the cumulative effect of obstructions located in areas of special flood hazard, and the occupancy of areas of special flood hazard by uses and structures vulnerable to flood damage or structures inadequately elevated, anchored or flood-proofed.

(2) Scope of Regulations

To accomplish these purposes, it is necessary to:

(a) Regulate uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

(b) Restrict or prohibit certain uses, activities and development from locating within certain areas of special flood hazards.

(c) Require all those uses, activities and development that do occur in areas of special flood hazards to be protected and/or flood-proofed against flooding, flood damage and wind damage.

(d) Protect individuals from buying lands and structures which are unsuited for certain purposes because of flood hazards.

(e) To ensure that adequate drainage is provided to reduce exposure to flood hazards.

(3) Findings

The degree of flood protection sought by the provisions of this overlay district is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes. This overlay district does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.

B. APPLICABILITY

The boundaries of the "special flood hazard areas" and "other flood areas" shall be designated by the "Flood Insurance Study" (FIS) issued by FEMA and shown on the city's Flood Insurance Rate Map (FIRM) dated February 17, 2017, as amended. This map, as amended, is declared to be part of this Ordinance and shall be kept on file in the offices of the building official and of the ZA. The components of the "special flood hazard areas" and "other flood areas" shall be:

(1) Coastal High Hazard District (VE).

(2) Coastal Floodplain District (Coastal A).

(3) Floodplain District (AE, AH and AO).

(4) Other Flood Areas (X 0.2% annual chance of flood).

C. COMPLIANCE AND LIABILITY

(1) General

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or structurally improved nor any manufacture home placed on a lot or approved for utility service except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations.

Any development which alters or relocates a watercourse shall not diminish the flood-carrying capacity within the altered or relocated portion of the watercourse. Prior notification of any proposed development which would alter or relocate a watercourse in the City of Norfolk shall be provided to all affected, adjacent municipalities, the Federal Insurance Administration, and the Virginia Department of Conservation and Recreation or other state coordinating agency designated to assist with the National Flood Insurance Program.

No new construction or development shall cause an increase in the elevation of the water level of a one-hundred-year flood. It shall be the responsibility of the design professional and developer to demonstrate that a proposed development will not increase flood levels.

(2) Administration

For purposes of this overlay district, any powers, duties, and responsibilities of the ZA that are described herein may also be exercised or discharged by any employee of the department of planning who is designated as the floodplain manager and is certified under the standards established by the Association of State Floodplain Managers.

(3) Record Keeping

Records of actions associated with administering this overlay district shall be kept on file and maintained by the ZA or his designee. This shall specifically include maintaining copies of elevation certificates.

(4) No Liability Created

This section shall not create liability on the part of the City of Norfolk or any officer or employee thereof for any flood damages that result from reliance on this overlay district or any administrative decision lawfully made there under.

(5) Notification

No later than six months after the receipt of information that may alter flood elevations, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data to allow FEMA to properly assess risk premium rates and floodplain management requirements.

D. ABROGATION AND GREATER RESTRICTIONS

The special flood hazard areas and other flood areas as described above shall be overlays to the existing underlying districts as shown on the official zoning map, and as such, the provisions set forth in these floodplain regulations shall operate in conjunction with the underlying district provisions, as set forth in Section 3.1.3, Organization of Zoning Districts. If there is any conflict between the provisions or requirements of this overlay district and those of any underlying district, the more restrictive provisions shall apply.

E. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this overlay district shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this overlay district. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this overlay district are hereby declared to be severable.

F. PENALTY FOR VIOLATIONS

Any person who fails to comply with any of the requirements or provisions of this article or directions of the ZA or his designee shall be guilty of a misdemeanor and subject to the penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Flood insurance may be withheld from structures constructed in violation of this article.

G. DEFINITIONS

For the purpose of these floodplain regulations, the following definitions shall apply:

(1) Accessory Structure

A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. This shall not include dwelling units commonly referred to as carriage houses, accessory dwelling units above garages or other similar residential uses.

(2) Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

(3) Base Flood Elevation (BFE)

The elevation in feet of the one percent annual chance flood level, as shown in the FIS and FIRM.

(4) Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

(5) Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(6) Coastal Floodplain District

Those areas identified as Coastal A Zones that have been delineated as being subject to wave heights between 1.5 and 3 feet and identified on the FIRM as areas of Limits of Moderate Wave Action (LiMWA).

(7) Coastal High Hazard District

Those areas identified as VE Zones on the FIRM extending from offshore to the inland limit of the Coastal Primary Sand Dune, as defined by state law (Code of Virginia Title 28.2), and subject to wave heights of three feet or more.

(8) Damage, Repetitive Loss

(a) Flood-related damages to a structure sustained on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the most recent damage occurred; or

(b) Flood-related damages to a structure sustained over a 10-year period for which the total cost of damages equals or exceeds 50 percent of the market value of the structure before the most recent damage occurred.

(9) Damage, Substantial

Damage, of any origin, sustained by a structure for which the cost of restoring the structure to its condition before the damage occurred would equal or exceed 50% of the market value of the structure before the damage occurred. This term includes structures which have incurred "repetitive loss damage" regardless of the actual repair work performed.

(10) Design Flood Elevation (DFE)

The BFE plus the freeboard required by this Ordinance in the VE, Coastal A, AE and AH zones.

(11) Design Flood Elevation AO (DFE-AO)

The flood depth plus the freeboard required by this Ordinance in the AO zone.

(12) Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(13) Elevation Certificate

A document, prepared by a professional land surveyor, engineer, or architect, on a form approved by FEMA that verifies elevation and floodplain data of a structure relative to the ground level.

(14) Encroachment

The advance or infringements of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

(15) Flood or Flooding

(c) A general or temporary condition of partial or complete inundation of normally dry land areas from either of the following:

(i) The overflow of inland or tidal waters; or

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature

such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (a)(i) of this definition.

(e) Mudflows which are proximately caused by flooding as defined in subsection (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and disposed along the path of the current.

(16) Flood Depth

The depth in feet of the one percent annual chance flood level, as shown in the FIS and FIRM. Applicable only to the AO zone.

(17) Flood Insurance Study

A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards. Norfolk's FIS is dated February 17, 2017.

(18) Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source.

(19) Floodplain District

Those areas designated as AE, AH, and AO Zones on the FIRM for which a one percent annual chance of flood elevations have been identified.

(20) Flood Insurance Rate Map (FIRM)

The official map on which FEMA has delineated both the Special Flood Hazard Areas and Other Flood Areas within the city. The FIRM shall be kept on file in the Department of City Planning and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form.

(21) Freeboard

The vertical distance between the BFE or depth number and the local minimum required lowest elevation in the AE, AH, AO, VE, and Coastal A Zones that provides additional protection for the unknown or unquantified factors that could contribute to greater flood heights.

(22) Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(23) Historic Structure

Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined

by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Virginia Landmarks Register; or

(d) Designated individually as a landmark or as a contributing structure within a locally designated historic district, to the extent such designation is permitted under and done in accordance with provisions of this Ordinance.

(24) Lowest Adjacent Grade

The lowest elevation of the ground surface next to the walls of a structure.

(25) Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

(26) Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed one a site for greater than 180 consecutive days.

(27) Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(28) New Construction

Structures for which the "start of construction" commenced on or after August 1, 1979.

(29) Other Flood Areas

Those areas identified as X on the FIRM for which there is a one-fifth percent (0.2%) annual chance of flooding.

(30) Recreational Vehicle

A vehicle which is:

(a) Built on a single chassis;

(b) Measures 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towed by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

(31) Repetitive Loss Damage

See "Damage, Repetitive Loss."

(32) Shallow Flooding Area

A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist. Such flooding is characterized by ponding or sheet flow.

(33) Special Flood Hazard Areas

The land in the floodplain subject to a one percent or greater annual chance of being flooded. These are designated as AE, AH, AO, VE, and Coastal A on the FIRM.

(34) Start of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(35) Substantial Damage

See "Damage, Substantial."

(36) Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which either:

Equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures

which have incurred “repetitive loss damage" regardless of the actual repair work performed; or

Over a ten-year period, equals or exceeds 50 percent of the market value of the structure at the time of the most recent proposed improvement.

Notwithstanding the above, the term does not include any of the following:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(c) Any improvements associated solely with elevating a structure above the DFE or DFE-AO.

(37) Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

H. DISTRICT BOUNDARY CHANGES

The delineation of any of the special flood hazard areas and other flood hazard areas may be revised by the City of Norfolk where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA.

I. PERMIT AND APPLICATION REQUIREMENTS

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a permit (see Section 2.4.15, Floodplain / Coastal Hazard Overlay District Permit). Such development shall be undertaken only in strict compliance with the provisions of this Ordinance, the Virginia Uniform Statewide Building Code, and all other applicable codes and ordinances. Prior to the issuance of any such permit, the ZA or his designee shall review permits to assure sites are reasonably safe from flooding and require all applicants to demonstrate compliance with all applicable state and federal laws. It shall be the responsibility of a property owner to demonstrate that work proposed on existing structures does or does not constitute substantial improvement or repair of substantial damage. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

All applications for development within any special flood hazard area and all building permits issued for the floodplain shall incorporate the following information:

(1) For any rehabilitation, installation of new electrical or mechanical systems, or any structural repair with an estimated cost that is less than 50% of the market value of the structure, a current elevation certificate sealed by a licensed design professional is required.

(2) For any addition, any conversion of any non-habitable space to habitable space, or the construction or installation of a new accessory structure that requires a building permit:

- **(a)** A current elevation certificate sealed by a licensed design professional; and
- **(b)** A physical survey, performed after the effective date of the FIRM that:
  - **(i)** Accurately depicts current improvements on the property;
  - **(ii)** Provides a flood zone determination and the BFE or flood depth at the site; and
  - **(iii)** Delineates the location of the flood zones on the property.

(3) For new construction and any substantial improvement of a principal structure:

- **(a)** A proposed site plan sealed by a design professional that provides:
  - **(i)** Topographic data;
  - **(ii)** Proposed grades, grading and stormwater management;
  - **(iii)** All proposed structures and improvements;
  - **(iv)** Proposed finished floor elevations of structures in AE, AH, and AO zones;
  - **(v)** The elevation of the bottom of the lowest horizontal structural member of the lowest floor in VE and Coastal A zones;
  - **(vi)** Flood zone determination and BFE or flood depth with the FIRM reference; and
  - **(vii)** All other information as required by any applicable provision of Section 2.4.18, Site Plan Review, Section 2.4.19, Single-Family Plan Review, or Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay.
- **(b)** An elevation certificate based on the proposed development showing compliance with these floodplain regulations.
- **(c)** For non-residential structures proposed to be flood-proofed, a flood-proofing certificate based on the proposed development showing compliance with these floodplain regulations.

(4) Any additional information deemed by the ZA to be necessary to perform the required review.

J. GENERAL STANDARDS

In the Floodplain, Coastal Floodplain, and Coastal High Hazard districts the following provisions shall apply:

(1) The Freeboard shall be three feet.

(2) Any new construction or substantial improvement to principal residential structures shall be set back a minimum of 20 feet from mean high water.

(3) For residential construction, the lowest floor shall not be below grade on all sides.

(4) New construction and substantial improvements shall be built in accordance with the Virginia Uniform Statewide Building Code, and anchored to prevent flotation, collapse or lateral movement of the structure and all portions at or below the DFE or DFE-AO shall be constructed of materials resistant to flood damage.

(5) Manufactured homes and accessory structures shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with the Virginia Uniform Statewide Building Code.

(6) New construction or substantial improvements shall be constructed using methods and practices that minimize flood damage.

(7) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service equipment, including ductwork, shall be located at or above the DFE or DFE-AO.

(8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(10) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(11) For any structure that is non-conforming, any alteration, repair, or improvement shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

(12) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the City of Norfolk a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission.

Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management, and the Federal Insurance and Mitigation Administration.

(13) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(14) Drainage shall be designed to guide water away from structures in a manner consistent with the applicable requirements of the City code.

(15) An elevation certificate and, if applicable, a flood-proofing certificate shall be provided prior to any foundation inspection, final inspections, and the issuance of any certificates of occupancy, in order to assure compliance with these floodplain regulations.

K. SPECIFIC STANDARDS FOR THE COASTAL HIGH HAZARD AND COASTAL FLOODPLAIN DISTRICTS

In VE and Coastal A Zones, the following provisions shall apply:

(1) All new construction and substantial improvements shall be elevated on pilings or columns such that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at or above the DFE; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components, where the wind and water loading values are those that each have a 1% chance of being equaled or exceeded in any given year (one-percent annual chance).

(2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the proposed design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of subsection (1), above using the Coastal Zone Design Certificate as provided by the City of Norfolk.

(3) The ZA or his designee shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) and shall maintain a record of such information.

(4) All new construction shall be located landward of the reach of mean high tide.

(5) For new construction and substantial improvements, the space below the lowest floor shall be maintained free of obstruction and the usage of breakaway walls at or below the DFE is prohibited.

(6) The space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(7) The use of fill for structural support of a building or structure is prohibited. When fill is proposed, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of any development permit.

(8) The intentional alteration of a Coastal Primary Sand Dune, as defined by state law (Code of Virginia Title 28.2), which causes an increase in the likelihood of flood damage is prohibited.

(9) All manufactured homes and recreational vehicles to be placed or substantially improved within VE and Coastal A Zones on the FIRM must meet the standards of subsections (1) though (8), above, and Section 3.9.7.J, General Standards.

L. SPECIFIC STANDARDS IN THE FLOODPLAIN DISTRICT

(1) AE and AH Zones

In AE and AH Zones, the following provisions shall apply:

(a) Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor (including basement) elevated at or above the DFE or the elevation required by the Virginia Uniform Statewide Building Code, whichever is higher.

(b) Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building, other than an accessory building, shall have the lowest floor (including basement) elevated at or above the DFE or the elevation required by the Virginia Uniform Statewide Building Code, whichever is greater. Such non-residential buildings located in AE and AH Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the DFE are watertight, with walls substantially impermeable to the passage of water, and use structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that all applicable engineering standards are satisfied.

(c) Buildings with Enclosed Spaces Below DFE

For all new construction or substantial improvements to an existing building, other than an accessory building, any enclosed space below the DFE shall:

(i) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage (standard exterior door or access panel) or entry to the building access (stairway or elevator).

(ii) Be constructed entirely of flood resistant materials below the DFE.

(iii) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings either must be certified by a professional engineer or architect as meeting these hydrostatic standards or must meet the following minimum design criteria:

(A) Provide a minimum of 2 openings on different sides of each enclosed area subject to flooding.

(B) All openings must either:

(01) Have a net area not less than one square inch for each one square foot of enclosed area subject to flooding; or

(02) Be certified by a professional engineer or architect as providing adequate water flow capacity given the extent of the enclosed area subject to flooding.

(C) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

(D) The bottom of all required openings shall be no higher than one foot above the adjacent grade.

(E) Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(F) A foundation enclosure made of flexible skirting is not considered an enclosure for purposes of these floodplain regulations, and, therefore, does not require openings. A foundation made of masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires the openings described above.

(d) Accessory Structures to Residential Uses

For any new construction or substantial improvement of any accessory structure, the structure shall be constructed entirely of flood resistant materials below the DFE and shall be subject to the following standards:

(i) Accessory structures 600 square feet and smaller: when no space below the BFE is enclosed, the lowest floor shall be elevated at or above the BFE; when any space below the BFE is enclosed, the

floors below the BFE shall only be used for parking of vehicles or limited storage, and shall comply with the requirements set forth in subsection (c)(iii), above.

(ii) Accessory structures larger than 600 square feet: when no space below the BFE is enclosed, the lowest floor shall be elevated at or above the BFE; when any space below the BFE is enclosed, the structure shall be flood-proofed, provided that all areas of the building components below the BFE are watertight, with walls substantially impermeable to the passage of water, and use structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that all applicable engineering standards are satisfied.

(e) Manufactured Homes and Recreational Vehicles

The following requirements shall apply to all manufactured homes and recreational vehicles located in any AE or AH Zone:

(i) Any newly placed or substantially improved manufactured home shall be elevated so that the lowest floor is at or above the DFE and shall meet all other general standards set forth in Section 3.9.7.J, General Standards, that apply to new construction.

(ii) All recreational vehicles must either:

(A) Be removed after being located on a site for 180 consecutive days and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions); or

(B) Meet all the requirements for manufactured homes set forth above.

(2) AO Zone

(a) Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor (including basement) elevated at or above the highest adjacent finished grade an amount not less than the DFE-AO or the elevation required by the Virginia Uniform Statewide Building Code, whichever is higher.

(b) Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building, other than an accessory building, shall have the lowest floor (including basement) elevated at or above the highest adjacent finished grade an amount not less than the DFE-AO

or the elevation required by the Virginia Uniform Statewide Building Code, whichever is greater. Such non-residential buildings located in AO Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the DFE-AO are watertight, with walls substantially impermeable to the passage of water, and use structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that all applicable engineering standards are satisfied.

(c) Buildings with Enclosed Spaces Below DFE-AO

For all new construction or substantial improvements to an existing building, other than an accessory building, any enclosed space below the DFE-AO shall:

(i) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage (standard exterior door or access panel) or entry to the building access (stairway or elevator).

(ii) Be constructed entirely of flood resistant materials below the DFE-AO.

(iii) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings either must be certified by a professional engineer or architect as meeting these hydrostatic standards or must meet the following minimum design criteria:

(A) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

(B) All openings must either:

(01) Have a net area not less than one square inch for each one square foot of enclosed area subject to flooding; or

(02) Be certified by a professional engineer or architect as providing adequate water flow capacity given the extent of the enclosed area subject to flooding.

(C) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

(D) The bottom of all required openings shall be no higher than one foot above the adjacent grade.

(E) Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(F) A foundation enclosure made of flexible skirting is not considered an enclosure for purposes of these floodplain regulations, and, therefore, does not require openings. A foundation made of masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires the openings described above.

(d) Accessory Structures to Residential Uses

For any new construction or substantial improvement of any accessory structure, the structure shall be constructed entirely of flood resistant materials below the DFE-AO and shall be subject to the following standards:

(i) Accessory Structures 600 Square Feet and Smaller:

(A) When no space below the flood depth is enclosed, the lowest floor shall be elevated at or above the flood depth.

(B) When any space below the flood depth is enclosed, the floors below the flood depth shall only be used for parking of vehicles or limited storage, and shall comply with the requirements set forth in subsection (c)(iii), above.

(ii) Accessory Structures Larger than 600 Square Feet

(A) When no space below the flood depth is enclosed, the lowest floor shall be elevated at or above the flood depth.

(B) When any space below the flood depth is enclosed, the structure shall be flood-proofed, provided that all areas of the building components below the flood depth are watertight, with walls substantially impermeable to the passage of water, and use structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that all applicable engineering standards are satisfied.

(e) Manufactured Homes and Recreational Vehicles

The following requirements shall apply to all manufactured homes and recreational vehicles located in any AO Zone:

(i) Any newly placed or substantially improved manufactured home shall be elevated so that the lowest floor is at or above the DFE-AO and shall meet all other general standards set forth in Section 3.9.7.J, General Standards, that apply to new construction.

(ii) All recreational vehicles must either:

(A) Be removed after being located on a site for 180 consecutive days and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions); or

(B) Meet all the requirements for manufactured homes set forth above.

M. SPECIFIC STANDARDS FOR OTHER FLOOD AREAS

In X (0.2% annual chance of flood) Zones, the following requirements shall apply:

(1) All new construction shall have the lowest floor, including basement, elevated or flood-proofed to 1.5 feet above the highest finished grade immediately adjacent to the structure or 1.5 feet above the 0.2% annual chance flood elevation as determined in the FIS.

(2) For purposes of applying the limitations set forth in Article 6, Nonconformities, any structure lawfully constructed prior to January 1, 2014, which does not meet this requirement shall not be considered nonconforming with respect to these floodplain regulations.

N. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(4) Flood zone, BFE and flood depth data delineating the location of the flood zones on the property shall be provided for all subdivision proposals and other development proposals (including manufactured home parks and subdivisions).

O. EXISTING STRUCTURES IN THE SPECIAL FLOOD HAZARD AREAS

A structure lawfully constructed prior to January 1, 2014, but which is not in conformity with these floodplain regulations must comply with all of the following limitations that apply:

(1) Severe Repetitive Loss Damage

An existing structure that has suffered severe repetitive loss damage may be reconstructed as follows:

(a) If the reconstruction is limited to repairs only and does not involve the replacement or alteration of any structural element, then the reconstruction may be allowed provided that all requirements of the Virginia Uniform Statewide Building Code are met.

(b) If the reconstruction involves the replacement or alteration of any structural element, then the reconstruction shall only be permitted if, after the work is completed, the entire structure complies with these floodplain regulations.

(2) Substantial Damage or Substantial Improvement

The reconstruction of an existing structure that has suffered substantial damage or for which a substantial improvement is proposed shall only be permitted if, after the work is completed, the entire structure complies with all requirements of the Virginia Uniform Statewide Building Code and this zoning ordinance, including these floodplain regulations and the applicable limitations of Article 6, Nonconformities.

(3) Improvement Other Than Substantial Improvement

Any improvement, other than a substantial improvement, proposed to an existing structure may be permitted when the following requirements are met:

(a) The improvement proposed for the existing portion of the structure complies with all requirements of the Virginia Uniform Statewide Building Code; and

(b) Any proposed addition, conversion of a non-habitable area to a habitable area, or structural alteration shall only be permitted if the proposed work complies with all requirements of the Virginia Uniform Statewide Building Code and this zoning ordinance, including these floodplain regulations.

P. VARIANCES

The BZA has the power to authorize, upon application, variances from the regulations of this overlay district.

(1) Factors to be Considered

The Board of Zoning Appeals shall consider the following factors, in addition to the requirements of Section 2.4.12, Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District), prior to granting any variance from the regulations of this overlay district:

(a) The showing of good and sufficient cause.

(b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity that will cause any increase in the BFE or flood depth.

(c) The danger that materials may be swept on to other lands or downstream to the injury of others.

(d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(f) The importance of the services provided by the proposed facility to the community.

(g) The requirements of the facility for a waterfront location.

(h) The availability of alternative locations not subject to flooding for the proposed use.

(i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(k) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(l) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(n) Such other factors which are relevant to the purposes of this overlay district.

The BZA may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights or velocities and the adequacy of the plans for flood protection and other related matters.

(2) Required Findings

Variances shall be issued only after the BZA has determined that the variance will be the minimum required to provide relief and that the granting of such will not result in any of the following:

(a) Unacceptable or prohibited increases in flood heights;

(b) Additional threats to public safety;

(c) Extraordinary public expense;

(d) Any nuisance;

(e) Fraud or victimization of the public; or

(f) Conflict with local laws or ordinances.

(3) Notification

The BZA shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the BFE or flood depth:

(a) Will increase the risks to life and property; and

(b) Will result in increased premium rates for flood insurance or the inability to obtain flood insurance through the NFIP.

A record shall be maintained of the above notification as well as all approved variances from the provisions of this overlay district, including justification for the issuance of each variance. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

3.9.8. HO: HISTORIC OVERLAY

A. PURPOSE

The purpose of the Historic Overlay (HO) district is to protect and conserve individual historic buildings, structures, and areas located outside of an Historic and Cultural Conservation (HC) district in order to achieve the historic preservation objectives and policies in the comprehensive plan.

B. APPLICABILITY

(1) General Applicability

The standards and requirements in this section apply to individually-designated HO districts, in addition to the base zoning district requirements.

(2) Specific Areas of Applicability

Specific HO districts will be listed below as they are established by the city. Those established to date include:

(a) The Downtown Historic Overlay (HO – Downtown) district (see Section 3.9.8.E(1));

(b) The Norfolk & Western Historic Overlay (HO – N&W) district (see Section 3.9.8.E(2))

(3) District Boundaries

Individual HO districts shall be represented on the Official Zoning Map.

C. DESIGN GUIDELINES

Prior to development in an HO district, a developer shall receive approval of a Certificate of Appropriateness, in accordance with Section 2.4.10., Certificate of

Appropriateness, and any additional design guidelines as established by the Architectural Review Board.

D. REQUIRED MAINTENANCE

All buildings and structures within a HO district shall be maintained as provided in Section 3.6.4. Standards Applicable to All Historic and Cultural Conservation Base Zoning Districts.

E. SPECIFIC HISTORIC OVERLAY DISTRICTS

The following HO districts have been established:

(1) HO – Downtown: Downtown Historic Overlay

(a) Purpose Statement

The purpose of the Downtown Historic Overlay (HO-Downtown) district is to protect buildings and sites in downtown Norfolk that reflect culturally-significant commercial architectural styles of the late-19th through mid-20th centuries. The district is intended to:

(i) Preserve and enhance compatible and harmonious architectural styles that give the district its distinct character;

(ii) Protect significant structures and sites, which include sites listed on the National Register of Historic Places, from destruction;

(iii) Encourage uses and activities which will foster their conservation and improvement;

(iv) Prevent the creation or encroachment of adverse influences from adjacent lands; and

(v) Ensure new structures and uses within the district are compatible with the district's character.

(2) HO – N&W: Norfolk & Western Historic Overlay

(a) Purpose Statement

The purpose of the Norfolk & Western Historic Overlay (HO – N&W) district is to protect buildings and sites located along the historic Norfolk & Western railway and within the boundaries of either the Norfolk & Western Railroad (DHR No.: 122-5799) or the Williamston-Woodland (DHR No.: 122-5795) historic districts, as listed on the State and National Register of Historic Places by the Virginia Department of Historic Resources and the National Park Service. The intent of the HO – N&W district is to preserve the historic development pattern of the light industrial building stock, allow for flexibility in reuse due to the changing requirements for operators of industrial businesses, and to ensure that new construction and renovations are harmonious with the industrial character. District standards are intended to promote a vibrant mixed-

use environment which will accommodate the current and changing use patterns.

(b) Eligibility for Rezoning

At the time of the creation of this overlay district, no properties are zoned or rezoned to lie within the district. To be included in the overlay district, a map amendment must be approved (see Section 2.4.3, Zoning Map Amendment). No property is eligible to be rezoned to this overlay district except those which are already included in either the Norfolk & Western Railroad or the Williamston-Woodland historic districts (identified in subsection (a), above) at the time the rezoning application is filed.

(c) Review Procedures

A Development Certificate (see Sections 2.3.3, Development Certificate Review Procedure, and 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures, and substantial improvements to existing structures in the HO – N&W district, in accordance with the definition of "substantial improvement" which exempts historic structures (see Section 8.3.2).

(d) Adaptive Re-use

In addition to any use allowed as either a permitted or conditional use within the base zoning district, any use listed in either Table 3.2.12 or Table 3.3.9 of this ordinance may be permitted in a building designated within a HO – N&W district if approved by a Conditional Use Permit.

(e) Yard Requirements

The following minimum yard setbacks may be reduced from the minimum setback requirements of the base zoning district as follows:

(i) Front Yard, Side Yard and Corner Side Yard

May be reduced to match an adjacent building setback or a reduced setback for a building located either across the street or diagonally across an intersection.

(f) Off-Street Parking Requirements

(i) Residential development of 24 dwelling units or fewer on a single zoning lot shall not be required to provide off-street parking.

(ii) Residential development of more than 24 dwelling units shall provide the minimum number of off-street parking spaces set forth in Table 5.1.7(D), Minimum Number of Parking Spaces. For purposes of determining the number of required off-street parking spaces, all units included in the development shall be counted.

(iii) Non-residential development shall not be required to provide off-street parking.

3.9.9. BCRO: BROAD CREEK REFRESH OVERLAY

A. PURPOSE STATEMENT

The purpose of the Broad Creek Refresh Overlay (BCRO) district is to promote neighborhood-supportive uses and a mixture of residential uses that reflect the existing housing stock variety and promote new housing opportunities in a manner that is consistent with the Broad Creek Refresh Plan: Building a Community of Choice. The district also intends to protect and preserve unique design features and community character within the Broad Creek area by promoting development that is compatible with existing neighborhood character and the Traditional Character District.

B. APPLICABILITY

The standards and requirements in this section apply to all new development in the BCRO district in addition to the Form Standards applicable to the Traditional Character District. Where these standards conflict with any general form standard listed in Table 5.9.3, Single-Family Detached Dwellings Form Standards, these more specific standards shall be applied instead of the general form standard, except as specified separately below.

C. DEVELOPMENT AND PERFORMANCE STANDARDS

(1) Alterations to Standards From Base Zoning Districts

The following development and performance standards that would otherwise apply under the applicable regulations of the base zoning district are altered in the BCRO district as follows:

(a) Notwithstanding anything in Section 2.3.6, Administrative Review Procedure, to the contrary, no fence or wall shall be installed prior to receipt of a Zoning Certificate approving the installation.

(b) No Conditional Use Permit shall be required for any Live-Work Dwelling within the Bruce's Park Neighborhood Core or Greater Bruce's Park areas, as described in Section 3.9.9.F(1) below, except where the non-residential use proposed to be a part of the live-work dwelling would otherwise require a Conditional Use Permit.

(c) A Conditional Use Permit is required for any development of more than 12 multi-family dwelling units.

(d) A Conditional Use Permit is required for any development of any Townhouse Dwelling.

(2) Development Standards for All Residential Development

The following development standards apply to any property within the BRCO district that has a base zoning district of SF-T, MF-NS, C-N, or C-C:

(a) Building Orientation

On any corner lot, the primary entrance of the principal building shall face the same street that is faced by most buildings located along the two block faces along which the corner lot is situated.

(b) Building Height

No structure shall be more than 3 stories in height. The following structures are exempt from this restriction and have no height limit different than is applicable for the base zoning district in which each it located:

(i) Any single-family home

(ii) Principal buildings fronting East Princess Anne Road

(iii) Principal buildings fronting East Virginia Beach Boulevard

(iv) Principal buildings fronting Ballentine Boulevard

(v) Principal buildings fronting Park Avenue

(vi) Principal buildings fronting Corprew Avenue

(c) Attached Garage

(i) Every attached garage must be constructed of materials that are compatible with the principal structure.

(ii) Every side-loaded attached garage shall have an entrance that does not face the same street as the primary entrance of the principal building. The front façade of the attached garage shall have architectural treatments compatible with those on the front façade.

(d) Accessory Structures

(i) Except on corner lots and through lots, every accessory structure shall be located entirely behind the rearmost portion of the principal building.

(ii) Every detached garage must be constructed of materials that are compatible with the principal structure on the same lot.

(e) Driveways

Except on corner lots, no portion of a driveway shall be located in that portion of the lot between the front façade of the principal building and the front property line.

(f) Roofs

No flat roofs shall be permitted on any single-family dwelling except when such roof is over an attached porch or other addition to the principal structure.

(g) Fences and Walls

(i) Opaque fences shall not extend anywhere on the lot that is nearer to the front yard than the nearest rear corner of the principal structure.

(ii) Any fence located in any interior side yard shall not exceed six (6) feet in height and no more than the lowest four (4) feet of any such fence may be opaque.

(iii) Chain link fencing is prohibited within the front yard and corner side yard.

(h) Variability

If multiple new residences are developed on adjacent lots or on the same block face, the ZA shall require that any contiguous set of three or more parcels shall include at least two variants from The Traditional Neighborhoods Plan Book or the Missing Middle Pattern Book, as applicable.

(3) Alternative Approval for Certain Development Standards

The front porch dimensions for a single-family dwelling otherwise required under Section 5.9.3, Single-Family Detached Dwellings Form Standards, may be altered to conform to an alternative building design that has been approved by the ARB pursuant to the process set forth in Section 2.3.4, Architectural Review Board Procedure, provided that the ARB determines that the proposed design is consistent with the designs identified for "Traditional Broad Creek" described in The Broad Creek Refresh: A Pattern Book (Appendix to the General Plan of Norfolk).

D. FORM AND DESIGN STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT

The following regulations apply to any any property within the BRCO district that has a commercial or industrial base zoning district.

(1) No off-street loading berth shall be situated facing any of the following streets:

(a) East Princess Anne Road

(b) East Virginia Beach Boulevard

(c) Ballentine Boulevard

(d) Park Avenue

(e) Corprew Avenue

E. PROHIBITED USES

The uses listed in Table 3.9.9 are prohibited within the BCRO district:

TABLE 3.9.9: PROHIBITED USES WITHIN THE BCRO DISTRICT
PRINCIPAL USES
Check cashing, auto title, or payday loan businesses
Convenience store
Novelty store or theater, adult
Pawnshop
Smoke or vape shop
Automobile repair and maintenance, major
Automobile repair and maintenance, minor
Automobile rental
Automobile sales
Boat sales, rental, service, or repair
Car wash
Gas station
Recreational vehicle sale, rental, and maintenance
Taxi or limousine service facilities
Tire sales and repair
BASE DISTRICTS
Automatic car wash
Drive-through facility, large-scale
Gasoline sales (as an accessory use)
Sale of smoking or vaping products

F. DEVELOPMENT STANDARDS FOR BRUCE'S PARK

The following standards are intended to prevent residential development that is inconsistent with the unique form and development pattern of the Traditional Character District and any benefits of housing choice and walkability provided by Missing Middle Housing.

(1) Specific Areas of Applicability

Respecting the existing, varying lot patterns in the Bruce's Park neighborhood, two distinct areas that may be regulated using different development standards, are identified and delineated as follows:

(a) Bruce's Park Neighborhood Core – generally bounded as follows:

(i) On the north by Cary Avenue and that portion of Goff Street west of Hanson Avenue;

(ii) On the south by East Princess Anne Road;

(iii) On the east by Majestic Avenue; and

(iv) On the west by Courtney Avenue

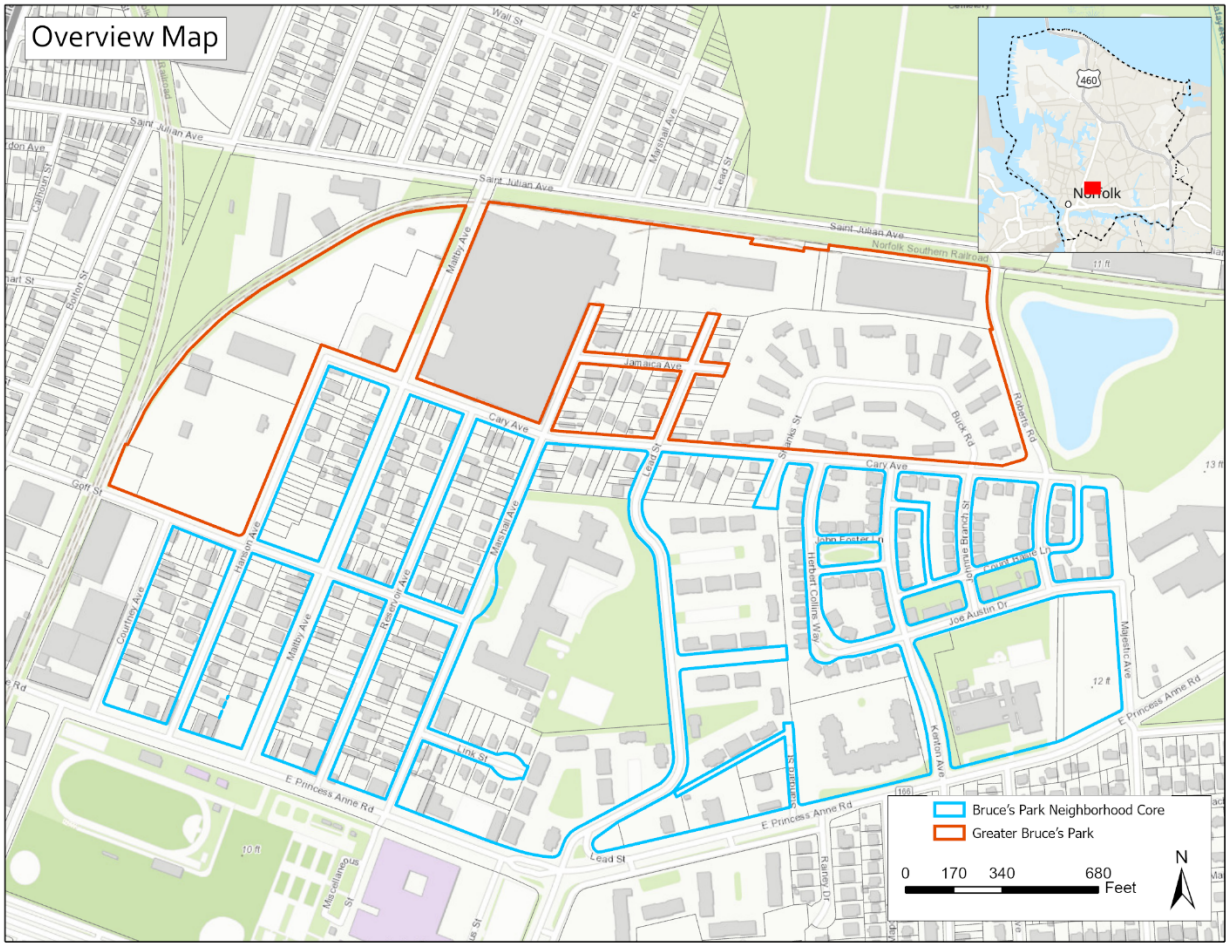
(b) Greater Bruce's Park – generally bounded as follows:

(i) On the north by the Virginia Department of Rail and Public Transportation railroad right-of-way lying parallel to and south of Saint Julian Avenue;

(ii) On the south by Cary Avenue and that portion of Goff Street west of Hanson Avenue;

(iii) On the east by Roberts Road; and

(iv) On the west by the Norfolk Southern railroad right-of-way lying



parallel with and east of Tidewater Drive.

(2) Approval Process

(a) Zoning Certificate Required

Any proposed development that meets all standards set forth in this subsection (2) shall be permitted upon receipt of a Zoning Certificate issued in accordance with Section 2.4.14, Zoning Certificate.

(b) Conditional Use Permit Required

Any development that does not meet all the standards set forth in this subsection (2) may per permitted upon grant of a Conditional Use Permit reviewed in accordance with Section 2.4.8, Conditional Use Permit, provided that such Permit authorizes a reduction in any of the intensity or dimensional standards expressly allowed in this section.

(c) General Design Criteria

The development of all structures on the lot must satisfy either of the following criteria:

(i) Pattern and Plan Books

The design, massing, location, and arrangement of the structures conform to the guidelines set forth in the Missing Middle Pattern Book (Appendix B to the General Plan of Norfolk) or any of the house plans shown in the "Traditional Neighborhoods Plan Book."

(ii) Architectural Review Board

The design, massing, location, and arrangement of the structures has been reviewed and approved by the ARB pursuant to the process set forth in Section 2.2.4, Architectural Review Board, provided that the ARB determines that the proposed development is consistent with the guidelines set forth in the Missing Middle Pattern Book (Appendix B to the General Plan of Norfolk).

(d) Uses

The lot shall only be used for one or more of the following uses:

(i) Single-family detached dwelling

(ii) Single-family semi-detached dwelling

(iii) Two-family dwelling

(iv) Multi-family dwelling with no more than six (6) dwelling units.

(v) Accessory dwelling unit, with the following additional permissions and performance standards:

(A) Such units shall be accessory only to a single-family detached dwelling, a single-family semi-detached dwelling, or a townhouse dwelling.

(B) Such units are not required to meet the standards in Section 4.3.3.E(1)(a)(ii) regarding minimum area, dimensional, and lot coverage standards of the zoning district in which it is located.

(C) Such units shall not exceed 600 square feet in area.

(vi) On any lot located in the Greater Bruce's Park specific areas of applicability, defined and delineated in subsection (1), above, Multi-family dwellings with no more than 12 dwelling units

(e) Parking

(i) The maximum number of parking spaces permitted shall be 1 space per dwelling unit.

(ii) No minimum number of parking spaces are required for any single-family dwelling (detached or attached), two-family dwelling, or multi-family dwelling with no more than three (3) dwelling units.

(iii) The minimum number of required parking spaces for any multi-family dwelling with four (4) to six (6) units shall be two (2) parking spaces.

(iv) The minimum number of required parking spaces for any multi-family dwelling with seven (7) or eight (8) units shall be four (4) parking spaces.

(v) The minimum number of required parking spaces for any multi-family dwelling with nine (9) to twelve (12) units shall be five (5) parking spaces.

(vi) Alternative Parking Plan

The ZA is authorized to approve an alternative parking plan, in accordance with the standards of Section 5.1.7.C, Alternative Parking, that proposes a fewer number of parking spaces than what is required above. The alternative parking plan shall propose a strategy that will effectively reduce parking demand on the site in a way that will do at least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design, stormwater management, and biophilic design as would strict compliance with the otherwise applicable off-street parking standards.

(f) Yard Requirements

For all uses listed in subsection (d), above, the minimum side yard setback shall be three (3) feet.

3.9.10. PCO: PEDESTRIAN COMMERCIAL OVERLAY

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay (PCO) district is to encourage the compatible mixing of commercial land uses in a pedestrian-oriented development pattern. The district is also intended to maintain and enhance existing and planned pedestrian amenities and infrastructure that supports the district's pedestrian-oriented character.

B. APPLICABILITY

(1) The standards in this section apply to individually-designated PCO districts.

(2) There are five PCO districts, each of which their own development standards and requirements:

(a) PCO-Colley: Pedestrian Commercial Overlay-Colley Avenue (see Section 3.9.11).

(b) PCO-21st Street: Pedestrian Commercial Overlay-21st Street (see Section 3.9.12)

(c) PCO-Riverview: Pedestrian Commercial Overlay-Riverview (see Section 3.9.13).

(d) PCO-35th Street: Pedestrian Commercial Overlay-35th Street (see Section 3.9.14).

(e) PCO-Lafayette: Pedestrian Commercial Overlay-Lafayette Boulevard (see Section 3.9.15).

(3) Individual PCO districts shall be identified on the Official Zoning Map so that principal pedestrian commercial street frontage and supporting parking areas are included.

C. REVIEW PROCEDURES APPLICABLE TO ALL PCO DISTRICTS

A Development Certificate (see Section 2.4.9, Development Certificate) shall be obtained prior to the issuance of any Zoning Certificate for new principal structures and substantial improvements or additions to existing principal structures in a PCO district.

D. DEVELOPMENT STANDARDS APPLICABLE TO ALL PCO DISTRICTS

The ZA may determine applicable build-to or setback lines on corner lots in all PCO districts, taking into consideration the average build-to or setback lines of existing development on the same block face.

3.9.11. PCO-COLLEY: PEDESTRIAN COMMERCIAL OVERLAY-COLLEY AVENUE

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay-Colley Avenue (PCO-Colley) district to maintain and enhance the commercial vitality and pedestrian character of the Colley Avenue business area and reinforce the existing concentration of pedestrian-oriented commercial establishments. District standards accommodate development that is harmonious with the district's character.

B. APPLICABILITY

The standards in this section apply to all development in the PCO-Colley district.

C. STANDARDS APPLICABLE TO DEVELOPMENT IN PCO-COLLEY

(1) Building Location and Orientation

The front façade of a building developed on a lot abutting Colley Avenue or 21st Street shall be located within five feet of the front property line. The primary entrance to the building shall be on Colley Avenue or 21st Street.

(2) Facade Treatment

A minimum of 50 percent of the total area of ground floor facades along Colley Avenue and 21st Street shall be transparent from the street.

(3) Parking Location and Access

(a) Where the depth of the lot permits, off-street parking shall be located behind the building(s) and shall have access/egress only from the side street(s). Rear entrances to the building(s) shall be provided.

(b) In situations where the depth of the lot does not permit parking in the rear, off-street parking may be located along Colley Avenue provided only one curb cut not exceeding 20 feet is installed on Colley Avenue. Another curb cut may be installed on a side street.

(c) A wall or hedge three feet in height shall be located along the Colley Avenue property line of the parking lot in order to define the edge of the pedestrian corridor.

(4) Off-street Loading

No off-street loading berth shall be located on Colley Avenue or 21st Street.

(5) Landscaping and Buffering

Except where precluded by the provisions of this district, the landscaping and buffering standards applicable to commercial uses in Section 5.2, Landscaping Standards, shall apply.

(6) Signs

Sign standards for commercial uses in Section 5.7, Signs, shall apply, subject to the following:

(a) Freestanding signs are prohibited.

(b) Only one A-frame sign may be placed on a public sidewalk in front of a business, which shall be removed from the public right-of-way during non-business hours. It shall be subject to any other conditions specified by the ZA to ensure it is designed and located to maintain district character.

(c) Temporary balloons are prohibited.

(d) Box wall signs, which are geometric in form, plastic coated, internally lighted, and have a changeable face for each subsequent tenant, are prohibited.

(e) Wall signs shall comply with the following standards:

(i) They shall complement the building's architecture, materials, and colors;

(ii) One square foot of sign surface area is allowed for each foot of building frontage facing the public street on which principal access is located;

(iii) One-half square foot of sign surface area is allowed for each foot of building frontage facing other streets;

(iv) Wall signs may include, but are not limited to, the following features:

(A) Individual articulated letters.

(B) Painted signs (on the building or on other suitable surface).

(C) Neon tubing.

(D) Lettering on an awning.

(f) Digital window signage shall be permitted subject to the following limitations:

(i) Notwithstanding any other provisions of this subsection, the transparency required in Section 3.9.11.C(2), Façade Treatment, must be maintained;

(ii) One digital window sign may be permitted per storefront facing a street. One additional digital window sign may be permitted for any storefront fronting more than 100 linear feet on a public street;

(iii) Signage shall be no larger than nine square feet;

(iv) Signage shall be installed a minimum of three feet off the ground and no higher than nine feet from the ground;

(v) Display must stay on screen a minimum of 10 seconds and can change only by fading to the new display;

(vi) Display cannot flash, or give the appearance of flashing;

(vii) Display may be interactive, but cannot scroll or move unless being manipulated by a user standing in front of the display;

(viii) If digital window signage is used, no temporary window signage shall be permitted;

(ix) No exterior sound shall be emitted from the sign;

(x) Digital window signage shall not cause glare or be lit in a way that causes a distraction to vehicular traffic; and

(xi) No content on the digital widow sign shall be legible from the vehicular travel lanes of adjacent streets.

(7) Parking Standards

(a) Off-street parking shall comply with Table 3.9.11, Off-street Parking Standards.

TABLE 3.9.11: OFF-STREET PARKING STANDARDS

LAND USE	MINIMUM PARKING SPACES REQUIRED
Residential Uses	
All residential uses	1per du
Public, Civic, and Institutional Uses	
Cultural facility	4 per 1,000 gsf [1]
All other uses	As determined by the ZA
Commercial Uses	
Artist studio/school/gallery	4 per 1,000 gsf [1]
Music, dance, or martial arts studio/school	4 per 1,000 gsf [1]
All eating and drinking uses	1 per 4 seats
All other uses	4 per 1,000 gsf [1]

Notes: **sf = square feet; gsf = gross square feet; du = dwelling unit**
[1] If the building is smaller than 2,000 gsf located on a separate zoning lot, no parking shall be required.

(b) Off-site parking for properties adjacent to the IN district may be approved in accordance with Section 2.4.8, Conditional Use Permit.

3.9.12. PCO-21ST STREET: PEDESTRIAN COMMERCIAL OVERLAY-21ST STREET

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay-21st Street (PCO-21st Street) district is to maintain and enhance the commercial vitality and walkable character of the 21st Street business area and establish a concentration of pedestrian-oriented commercial establishments. District standards accommodate development that is harmonious with the district's walkable character and planned public improvements.

B. APPLICABILITY

The standards in this section apply to all development in the PCO-21st Street district.

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE PCO-21ST STREET DISTRICT

(1) Building Location and Orientation

(a) Lots Abutting Colley Avenue, Colonial Avenue, or Llewellyn Avenue

The front façade of a building developed on a lot abutting Colley Avenue, Colonial Avenue, or Llewellyn Avenue shall be located within five feet of the front property line. The primary entrance to the buildings shall be on Colley Avenue, Colonial Avenue, or Llewellyn Avenue.

(b) Lots Abutting 21st Street or 22nd Street

A building developed on a lot abutting 21st Street or 22nd Street shall be located in one of the following configurations:

(i) The entire front building facade shall be located 10 feet from the front property line. The primary entrances to such buildings shall be on 21st Street or 22nd Street; or

(ii) The building orientation shall be perpendicular to 21st Street or 22nd Street with its principal facade and entrances facing a pedestrian plaza or parking court. In addition, the ends of the building shall be located between the front property line and 10 feet from the front property line, and shall have active uses and entrances on the 21st Street or 22nd Street.

(iii) In no case shall the building be located in the middle or rear of the lot with parking or on-site circulation between the building and the property line on 21st Street or 22nd Street.

(2) Façade Treatment

A minimum of 50 percent of the total area of ground floor facades along 21st Street, 22nd Street, and Colley Avenue shall be transparent from the street.

(3) Parking Location and Access

(a) Where the front building facade is built within 10 feet of the front property line of 21st Street or 22nd Street, off-street parking shall be located behind the building(s). In addition:

(i) One curb cut is permitted, which shall not exceed 20 feet in width.

(ii) Rear entrances to the building(s) shall be provided.

(b) Where the building is located perpendicular to the street and faces a parking lot, the new parking lot shall have no more than two curb cuts not exceeding 20 feet in width. In addition:

(i) A hedge three feet in height shall be located along the 21st Street property line and the parking lot.

(ii) No parking or on-site circulation shall be permitted between the building and the 21st Street property line.

(4) Off-street Loading

No off-street loading berth shall be located on 21st Street or Colley Avenue.

(5) Drive-through Facilities

(a) Access to drive-through facilities shall be incorporated into allowed curb cuts for parking, wherever feasible.

(b) One additional curb cut for access to 21st Street or Colley Avenue may be installed at a width no greater than 10 feet, provided it does not impact traffic flow on the adjoining street.

(6) Landscaping and Buffering

Except where precluded by the provisions of this district, the landscaping and buffering standards applicable to commercial uses in Section 5.2, Landscaping Standards, shall apply.

(7) Signs

Sign standards for commercial establishments in Section 5.7, Signs, shall apply, subject to the following limitations:

(a) Establishments having 100 feet or more of lot frontage may have only one monument type sign not to exceed 32 square feet of sign surface area per sign face. The maximum height of the sign shall be six feet.

(b) Establishments having 100 feet or more of lot frontage, which includes a parking lot or parking court abutting the principal street, may have one freestanding center identification sign or directory sign with a height

that does not exceed 6 feet, with up to two faces, and a sign surface that does not exceed 20 square feet per face.

(c) Only one A-frame sign may be placed on a public sidewalk in front of a business, which shall be removed from the public right-of-way during non-business hours. It shall be subject to any other conditions specified by the ZA, to ensure it is designed and located to maintain the character of the district.

(d) Temporary balloons are prohibited.

(e) Wall signs shall comply with the following standards:

(i) They shall complement the building's architecture, materials, and colors.

(ii) One square foot of sign surface area is allowed for each foot of building frontage facing the public street on which principal access is located.

(iii) One-half square foot of sign surface area is allowed for each foot of building frontage facing other streets.

(iv) Wall signs may include, but are not limited to, the following features:

(A) Individual articulated letters;

(B) Painted signs (on the building or on other suitable surface);

(C) Neon tubing; and

(D) Lettering on an awning.

(v) Box wall signs, which are geometric in form, plastic coated, internally lighted, and have a changeable face for each subsequent tenant, are prohibited.

(f) Digital window signage shall be permitted subject to the following limitations:

(i) Notwithstanding any other provisions of this subsection, the transparency required in Section 3.9.12.C(2), Façade Treatment, must be maintained;

(ii) One digital window sign may be permitted per storefront facing a street. One additional digital window sign may be permitted for any storefront fronting more than 100 linear feet on a public street;

(iii) Signage shall be no larger than nine square feet;

(iv) Signage shall be installed a minimum of three feet off the ground and no higher than nine feet from the ground;

(v) Display must stay on screen a minimum of 10 seconds and can change only by fading to the new display;

(vi) Display cannot flash, or give the appearance of flashing;

(vii) Display may be interactive, but cannot scroll or move unless being manipulated by a user standing in front of the display;

(viii) If digital window signage is used, no temporary window signage shall be permitted;

(ix) No exterior sound shall be emitted from the sign;

(x) Digital window signage shall not cause glare or be lit in a way that causes a distraction to vehicular traffic; and

(xi) No content on the digital widow sign shall be legible from the vehicular travel lanes of adjacent streets.

(8) Parking Standards

Off-street parking shall comply with Table 3.9.12, Off-street Parking Standards.

TABLE 3.9.12: OFF-STREET PARKING STANDARDS

LAND USE	MINIMUM PARKING SPACES REQUIRED
Residential Uses	
All residential uses	1 per du
Public, Civic, and Institutional Uses	
Cultural facility	4 per 1,000 gsf [1]
All other uses	As determined by the ZA
Commercial Uses	
Artist studio/school/gallery	4 per 1,000 gsf [1] [2]
Health and fitness facility	4 per 1,000 gsf
Music, dance, or martial arts studio/school	4 per 1,000 gsf [2]
Personal service business	4 per 1,000 gsf [1] [2]
Retail goods establishment	4 per 1,000 gsf [1] [2]
Veterinary hospital or clinic	1 per employee plus 1 per 100 sf of client waiting room floor area
All eating and drinking uses	1 per 6 seats [3]
All other uses	4 per 1,000 gsf [2]

Notes: **sf = square feet; gsf = gross square feet; du = dwelling unit**
[1] If the use occupies less than 3,500 square feet, 1.5 spaces per 1,000 gsf shall be required.
[2] If the building is smaller than 2,000 gsf located on a separate zoning lot, no parking shall be required.
[3] If the establishment has 75 or more seats, 1 space per 4 seats shall be required.

3.9.13. PCO-RIVERVIEW: PEDESTRIAN COMMERCIAL OVERLAY-RIVERVIEW

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay-Riverview (PCO-Riverview) district is to maintain and enhance the commercial vitality and walkable character of the Granby Street business area. District standards accommodate development that supports the district's character and planned public improvements.

B. APPLICABILITY

The standards and requirements in this section apply to development in the PCO-Riverview district.

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE PCO-RIVERVIEW DISTRICT

(1) Building Location and Orientation

A building developed on a lot abutting Granby Street shall be oriented in one of the following configurations:

(a) The entire front building façade shall be located 10 feet from the front property line. Primary entrances shall be on Granby Street; or

(b) The building orientation shall be perpendicular to Granby Street with its principal facade and entrances facing a pedestrian plaza or parking court. In addition, the ends of the building shall be located within 10 feet from the front property line and shall have active uses and entrances along Granby Street.

(c) In no case shall the building be located in the middle or rear of the lot with parking or on-site vehicular circulation located between the building and the property line along Granby Street.

(2) Fenestration

A minimum of 50 percent of the ground floor facade along Granby Street shall be transparent from the street.

(3) Parking Location and Access

(a) Where the front building facade is built to or within 10 feet of the front property line of Granby Street, off-street parking shall be provided behind the building(s). In addition:

(i) One curb cut on Granby Street is permitted, that does not exceed 20 feet in width.

(ii) Rear entrances to the building(s) shall be provided.

(b) In instances where the building is located perpendicular to Granby Street and faces a parking court, the parking lot shall have no more than two curb cuts not exceeding 20 feet in width. In addition,

(i) A wall or hedge three in height shall be located between the Granby Street property and the parking lot.

(ii) No parking or on-site vehicular circulation shall be permitted between the building and the Granby Street property line.

(4) Off-street Loading

No off-street loading berth shall be located on Granby Street.

(5) Drive-through Facilities

(a) Access to drive-through facilities shall be incorporated into allowed curb cuts for parking, wherever feasible.

(b) One additional curb cut may be installed up to 10 feet in width, provided it does not impact traffic flow on the adjoining street.

(6) Landscaping and Buffering

Except where precluded by the provisions of this district, the landscaping and buffering standards applicable to commercial uses in Section 5.2, Landscaping Standards, shall apply.

(7) Signs

Sign standards for commercial establishments in Section 5.7, Signs, shall apply, subject to the limitations below.

(a) Monument Signs

(i) Establishments with 125 feet or more of lot frontage and a parking area located to the front or side of the principal building may have one monument sign facing the principal street. In addition:

(A) The sign's face may not exceed 32 square feet of surface area.

(B) The maximum height shall be six feet from the ground to the top of the sign.

(C) The sign shall be set back a minimum of five feet from the public right-of-way.

(b) A-frame Signs

One A-frame sign on a public sidewalk in front of a business is allowed, but shall be removed from the public right-of-way during non-business hours.

(c) Balloon Signs

Temporary balloons signs are prohibited.

(d) Wall Signs

(i) One square foot of sign surface area is allowed for each foot of building frontage facing the public street on which principal access is located.

(ii) One-half square foot of sign surface area is allowed for each foot of building frontage facing other streets.

(8) Parking Standards

Off-street parking shall comply with Table 3.9.13, Off-street Parking Standards.

TABLE 3.9.13: OFF-STREET PARKING STANDARDS

LAND USE	PARKING SPACES REQUIRED
Residential Uses	
All residential uses	1.5 per du
Public, Civic, and Institutional Uses	
Day care center, adult	1 per 15 attendees [1]
Day care center, child	1 per 250 sf [1]
All other uses	As determined by the ZA
Commercial Uses	
Artist studio/school/gallery	1 per 675 sf [1] [2]
Cinema or theater	1 per 5 seats [2]
Health and fitness facility	1 per 200 sf [2]
Music, dance, or martial arts studio/school	1 per 675 sf [1] [2]
Office	1 per 325 sf [1] [2]
Office, medical or dental	1 per 250 sf [1] [2]
All eating and drinking uses	1 per 200 sf within dining areas [2]
All other uses	1 per 325 sf [2]

Notes: **sf. = square feet; du. = dwelling unit**
[1] If the building is smaller than 2,000 gsf, no parking shall be required.
[2] Maximum parking shall be limited to 115% of the minimum requirement.

3.9.14. PCO-35TH STREET: PEDESTRIAN COMMERCIAL OVERLAY-35TH STREET

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay-35th Street (PCO-35th Street) district is to maintain and enhance the commercial vitality and walkable character of the 35th Street business area. District standards accommodate development that supports the district's character and planned public improvements.

B. APPLICABILITY

The standards and requirements in this section apply to all development in the PCO-35th Street district.

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE PCO-35TH STREET DISTRICT

(1) Building Location and Orientation

A building developed on a lot abutting 35th Street shall be oriented in one of the following configurations:

(a) The entire front building facade shall be located between the property line along 35th Street, and five feet from the property line. The primary entrances to such buildings shall be on 35th Street; or

(b) The building orientation shall be perpendicular to 35th Street with its principal facade and entrances facing a pedestrian plaza or parking court. In addition, ends of the buildings shall be located between the property line along 35th Street and five feet from the property line, and shall have active uses and entrances on the 35th Street facade.

(c) In no case shall the building be located in the middle or rear of the lot with parking or on-site vehicular circulation between the building and the 35th Street property line.

(2) Facade treatment

A minimum of 50 percent of the ground floor facade along 35th Street shall be transparent from the street.

(3) Parking Location and Access

(a) Where the front building facade is built to or within five feet of the front property line of 35th Street, off-street parking shall be provided behind the building(s). In addition:

(i) One curb cut is permitted on 35th Street, that does not exceed 20 feet in width.

(ii) Rear entrances to the building(s) shall be provided.

(b) Where a building is located perpendicular to 35th Street and faces a parking lot, the new parking lot shall have no more than two curb cuts not exceeding 20 feet in width. In addition:

(i) A wall or hedge three feet in height shall be located between the 35th Street property line and the parking lot.

(ii) No parking or on-site vehicular circulation shall be permitted between the building and the 35th Street property line.

(4) Off-street loading

No off-street loading berth shall be located on 35th Street.

(5) Landscaping and buffering

Except where precluded by the provisions of this district, the landscaping and buffering standards applicable to commercial uses in Section 5.2, Landscaping Standards, shall apply.

(6) Signs

Sign standards for commercial uses in Section 5.7, Signs, shall apply, subject to the limitations below.

(a) Freestanding signs are prohibited.

(b) Only one A-frame sign may be placed on a public sidewalk in front of a business, which shall be removed from the public right-of-way during non-business hours. It shall be subject to any other conditions specified by the ZA, to ensure it is designed and located to maintain the character of the district.

(c) Temporary balloons are prohibited.

(d) Wall signs are subject to the following:

(i) One square foot of sign surface area is allowed for each foot of building frontage facing the public street on which principal access is located; and

(ii) One-half square foot of sign surface area is allowed for each foot of building frontage facing other streets.

(7) Parking Standards

Off-street parking shall comply with Table 3.9.14, Off-street Parking Standards.

TABLE 3.9.14: OFF-STREET PARKING STANDARDS

LAND USE	MINIMUM PARKING SPACES REQUIRED
Residential Uses	
All residential uses	1 per du
Public, Civic, and Institutional Uses	
Day care center, adult	1 per 15 attendees [1] [2]
Day care center, child	1 per 250 sf [1] [2]
All other uses	As determined by the ZA
Commercial Uses	
Artist studio/school/gallery	1 per 675 sf [2]
Cinema or theater	1 per 5 seats
Health and fitness facility	1 per 200 sf
Music, dance, or martial arts studio/school	1 per 675 sf [2]
All eating and drinking uses	1 per 350 sf within dining areas [3]

TABLE 3.9.14: OFF-STREET PARKING STANDARDS	
LAND USE	**MINIMUM PARKING SPACES REQUIRED**
All other uses	1 per 300 sf [1] [4]

Notes: **sf = square feet; gsf = gross square feet; du = dwelling unit**
[1] If the building was constructed prior to 2002, no parking shall be required.
[2] If the building is smaller than 4,500 gsf, no parking shall be required.
[3] If the establishment is smaller than 2,000 gsf and located in a building smaller than 4,500 gsf, no parking shall be required.
[4] Maximum parking shall be limited to 115% of the minimum requirement.

3.9.15. PCO-LAFAYETTE: PEDESTRIAN COMMERCIAL OVERLAY-LAFAYETTE BOULEVARD

A. PURPOSE

The purpose of the Pedestrian Commercial Overlay-Lafayette Boulevard (PCO-Lafayette) district is to support the Fairmount Park neighborhood by allowing neighborhood-serving commercial establishments. District standards accommodate pedestrian-oriented development in the commercial nodes along Lafayette Boulevard between Tidewater Drive and Chesapeake Boulevard.

B. APPLICABILITY

The standards and requirements in this section apply to all development in the PCO-Lafayette district.

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE PCO-LAFAYETTE DISTRICT

(1) Standards Applicable to Development in the PCO-Lafayette District

Development in the PCO-Lafayette district shall comply with the following standards:

(a) Building Location and Orientation

(i) The front building facade shall be located between five feet and 10 feet from the principal street; and

(ii) It shall occupy, in combination with plazas, courtyards, and pedestrian corridors, at least 75 percent of the lot frontage.

(b) Parking Location and Access

Parking lots shall not be located between the primary building and Lafayette Boulevard or Tidewater Drive.

(c) Fenestration

For commercial buildings along Lafayette Boulevard or Tidewater Drive, a minimum of 50 percent of the total area of ground floor facade shall be transparent from the street.

(d) Off-street Loading

An off-street loading berth shall not be located on Lafayette Boulevard or Tidewater Drive.

(e) Signs

The sign standards in Section 5.7, Signs, shall apply, subject to the following limitations.

(i) A-frame Signs

Only one A-frame sign shall be placed on a public sidewalk in front of a business. The sign shall be removed from the public right-of-way during non-business hours.

(ii) Pole and Pylon Signs

Poles and pylon signs are prohibited.

(iii) Monument Signs

Establishments with 100 feet or more of lot frontage may have one monument sign facing the principal street, subject to the following:

(A) The sign face shall not exceed 32 square feet of surface area.

(B) The maximum height shall not exceed six feet from the ground to the top of the sign.

(C) The sign shall be set back a minimum of five feet from the public right-of-way.

(iv) Wall Signs

Wall signs shall comply with the following:

(A) The maximum sign surface area shall not exceed one square foot of sign surface area for each linear foot of building frontage that faces the public street and provides primary site access.

(B) The maximum allowed wall sign surface area shall not exceed 40 square feet.

(C) For all other building frontage, the maximum sign surface area shall not exceed one-half square foot of sign surface area for each linear foot of building frontage facing the public street.

(v) Projecting Signs

Projecting signs are permitted, and must comply with the following:

(A) The maximum sign surface area shall not exceed the standard provided in Section 5.7, Signs;

(B) The sign shall not extend more than six feet from the wall of the building; and

(C) The sign may not exceed one and one-half feet in height or four feet in width.

(vi) Box Signs

Box signs, regardless of whether they are attached to a wall, are prohibited.

(vii) Window Signs

(D) Signs on storefront glass shall be painted upon the glass, and shall not exceed eight inches in height.

(E) Paper signs attached to the glass are prohibited.

(viii) Awning Signs

Signs displayed on awnings shall be restricted to the vertical drop and may not exceed eight inches in height.

(ix) Sign Band

A single, external sign band may be applied to the façade of a building between the first and the second floors.

(x) Balloon Signs

Balloon signs, including temporary balloons, are not permitted.

(2) Parking Standards

Off-street parking shall comply with Table 3.9.15, Off-street Parking Standards.

TABLE 3.9.15: OFF-STREET PARKING STANDARDS

LAND USES	MINIMUM PARKING SPACES REQUIRED
Residential Uses	
All residential uses	1.6 per du
Public, Civic, and Institutional Uses	
Day care center, adult	1 per 15 attendees [1] [2]
Day care center, child	1 per 250 sf [1] [2]
All other uses	As determined by the ZA
Commercial Uses	
Artist studio/school/gallery	1 per 675 sf [1] [2] [3]
Cinema or theater	1 per 5 seats [1] [3]
Health and fitness facility	1 per 200 sf [1] [3]
Music, dance, or martial arts studio/school	1 per 675 sf [1] [2] [3]

TABLE 3.9.15: OFF-STREET PARKING STANDARDS	
LAND USES	**MINIMUM PARKING SPACES REQUIRED**
Office	1 per 325 sf [1] [3]
Office, medical or dental	1 per 250 sf [1] [3]
All eating and drinking uses	1 per 200 sf within dining areas [4]
All other commercial uses	1 per 325 sf [1] [3]

Notes: **sf = square feet; gsf = gross square feet; du = dwelling unit**

[1] If the building was constructed prior to 2006, no parking shall be required.

[2] If the building is smaller than 4,500 gsf located on a separate zoning lot, no parking shall be required.

[3] Maximum parking shall be limited to 115% of the minimum requirement.

[4] If the use occupies less than 1,000 gsf and is in a building smaller than 3,500 gsf located on a separate zoning lot, no parking shall be required.

3.9.16. NRO: NEIGHBORHOOD RESILIENCE OVERLAY

A. PURPOSE

The purpose of the Neighborhood Resilience Overlay (NRO) district is to protect and preserve unique development features and community character in neighborhoods throughout Norfolk. The district is intended to promote development that is compatible with existing neighborhood character, with specific development standards tailored to individual neighborhoods based on unique architectural, natural, cultural, and historic attributes.

B. APPLICABILITY

(1) General Applicability

The standards and requirements in this section apply to individually-designated NRO districts, in addition to base zoning district requirements. Individual NRO districts may also contain additional, neighborhood-specific standards and requirements.

(2) Specific Areas of Applicability

Specific NRO districts will be listed below as they are established by the city. Those established to date include:

(a) The 5 Points Neighborhood Resilience Overlay district (see Section 3.9.16.E(1));

(b) The 43rd Street Townhouse Neighborhood Resilience Overlay district (see Section 3.9.16.E(2));

(c) The Huntersville Neighborhood Resilience Overlay district (see Section 3.9.16.E(3));

(d) The Bay Oaks Place Neighborhood Resilience Overlay district (see Section 3.9.16.E(4));

(e) The Park Place Neighborhood Resilience Overlay district (see Section 3.9.16.E(5)); and

(f) The Colonial Place/Cruser Place/Riverview Neighborhood Resilience Overlay district (see Section 3.9.16.E(6)).

(3) District Boundaries

Individual NRO districts shall be represented on the Official Zoning Map.

C. PROCEDURE AND CRITERIA FOR DESIGNATION

Individual NRO districts shall be established as a Zoning Map Amendment consistent with Section 2.4.3, Zoning Map Amendment. In addition to Zoning Map Amendment procedures and review standards, areas must meet one or more of the following standards, in order to be eligible for NRO district designation.

(1) A neighborhood plan is approved for the area, specifying the development context in the district.

(2) At least 65 percent of the land area within the proposed NRO district, not including street and other rights-of-way, is developed.

(3) Development patterns in the proposed NRO district demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing buildings.

(4) There is existing or potential pressure for new development or redevelopment and new infill development within the district.

(5) Development standards proposed for the individual NRO district will encourage the retention of the general character and appearance of existing development.

(6) One or more of the following attributes creates a distinctive, cohesive, and identifiable character for the proposed NRO district:

(a) Scale, size, type of construction, or distinctive building materials;

(b) Lot layouts, setbacks, street layouts, alleys or sidewalks;

(c) Special natural or streetscape characteristics, such as river beds, parks, gardens, or street landscaping;

(d) Land use patterns, including mixed or unique uses or activities; or

(e) Proximity to historic districts or sites.

D. MODIFICATIONS OF OTHERWISE APPLICABLE DEVELOPMENT REGULATIONS

Individual NRO districts shall identify specific standards for new construction and substantial improvements to existing structures.

(1) Standards for individual NRO districts may include, but are not be limited to:

(a) Lot size;

(b) Location of proposed buildings or additions;

(c) Setbacks or required yards;

(d) Building height;

(e) Building size (for principal and accessory structures);

(f) Building orientation;

(g) Exterior building materials and colors;

(h) Building roof line and pitch;

(i) Building foundation treatment;

(j) Landscaping and screening;

(k) Impervious surface coverage;

(l) Paving requirements or limitations;

(m) Exterior lighting;

(n) Required features on a front facade;

(o) Neighborhood character and compatibility;

(p) Views to or from specific locations;

(q) Riparian areas, wetland areas, or drainage patterns; and

(r) Demolition of structures.

E. SPECIFIC NEIGHBORHOOD RESILIENCE OVERLAYS

The following NRO districts have been established:

(1) 5 Points Neighborhood Resilience Overlay

(a) Purpose Statement

The 5 Points NRO is intended to maintain and enhance the commercial viability of the Sewells Point Road business area, to expand on the existing nucleus and establish a concentration of pedestrian-oriented commercial activities, to ensure that new construction and property renovations are harmonious with that special pedestrian character and the planned public improvements in the district, and to ensure that required off-street parking reflects the pedestrian nature and unique development patterns of the district.

(b) Development Standards

(i) Building Location and Orientation on Lots Abutting Sewells Point Road.

The right-of-way line of Sewells Point Road within the NRO is irregular due to historical circumstances. It is the intent of this section to maintain the established pedestrian-oriented pattern with buildings and entrances located directly along the sidewalk of

Sewells Point Road. Any building constructed or reconstructed on a lot abutting Sewells Point Road shall be located in one of the following configurations unless the design is approved by City Council through a Conditional Use Permit:

(A) The entire front building facade is built with a setback from the adjacent curb of Sewells Point Road (as existing on the date of initial enactment of this Ordinance) of no less than 12 feet and no more than 20 feet. The primary entrances to such buildings shall be on Sewells Point Road.

(B) The building orientation is perpendicular to Sewells Point Road with its principal facade and entrances facing a pedestrian plaza or parking court. In such cases the ends of the buildings shall be built with a setback from the adjacent curb of Sewells Point Road (as existing on the date of initial enactment of this Ordinance) of no less than 12 feet and no more than 20 feet, and shall have active uses, windows, and entrances on the Sewells Point Road facade.

(C) In no case shall the building be constructed or reconstructed in the middle or rear of the lot with parking or on-site vehicular circulation between the building and the Sewells Point Road property line.

(ii) Façade Treatment

In order to promote pedestrian interest and activity and to enhance security and safety by permitting visibility into and out of buildings, a minimum of 50 percent of the total area of ground floor facades along Sewells Point Road shall be transparent from the street.

(c) Parking Location and Access

(i) Off-Street Parking

Off-street parking shall be provided behind or to the side of building(s) as viewed from Sewells Point Road. The parking lot shall have no more than two curb cuts onto Sewells Point Road, not to exceed a total of 20 feet in width. If parking is located to the rear of the building as viewed from Sewells Point Road, a rear entrance shall be provided. In addition to the landscape requirements in Section 5.2, Landscaping Standards, a wall or hedge 3 feet in height

shall be located along the Sewells Point Road property line of the parking lot in order to define the edge of the pedestrian corridor.

No parking or on-site vehicular circulation shall be permitted between the building and the Sewells Point Road property line.

(ii) Off-Street Loading

No off-street loading berth shall be located on Sewells Point Road.

(iii) Drive-Through Facilities

For drive-through facilities permitted by Conditional Use Permit, access/egress shall be incorporated into permitted curb cuts for parking wherever feasible. If a separate curb cut for the drive-through facility is needed, only one such curb cut, not to exceed 10 feet in width, may be permitted for access/egress on Sewells Point Road. Impact of the drive-through on traffic flow on the principal street shall be evaluated in determining whether the drive-through will be permitted.

(2) 43rd Street Neighborhood Resilience Overlay

(a) Purpose Statement

The 43rd Street NRO is intended to provide for the establishment of a residential community containing townhouse dwellings as buffer between the neighborhood and Old Dominion University. The district consists of several blocks along 43rd Street bounded by the intersections with Bowdens Ferry Road and Powhatan Avenue.

(b) Yard Requirements

The following minimum setbacks are required:

(i) Front Yard:

5 feet.

(ii) Side Yard and Corner Side Yard

5 feet.

(iii) Rear Yard

15 feet.

(c) Minimum Lot Width and Lot Area

The minimum lot width shall be 30 feet and the minimum lot area shall be 1,800 square feet.

(3) Huntersville Neighborhood Resilience Overlay

(a) Purpose Statement

The Huntersville NRO is intended to allow for development of single-family detached dwellings that are consistent with the unique form and development pattern of the Huntersville neighborhood.

(b) Special Design Regulations for Narrow Lots

Because the Huntersville NRO allows for a traditional development pattern of single-family detached dwellings on narrow lots, the following additional requirements are designed to ensure the compatibility of lots as narrow as 25 feet in width.

(i) Lot Size

The minimum lot areas and lot widths permitted in this district are found in Table 3.9.16(A), Huntersville NRO Minimum Lot Dimensions, below:

TABLE 3.9.16(A): HUNTERSVILLE NRO MINIMUM LOT DIMENSIONS

PERMITTED USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
Principal Permitted Uses		
Residential – single-family dwelling constructed to conform to any of the house plans shown in City of Norfolk "Traditional Neighborhood Plan Book" [1]	2,500 sq. ft.	25 ft.
Residential – single-family dwelling constructed to conform to all conditions of a Conditional Use Permit authorizing the dwelling, in accordance with the procedures set forth in Section 2.4.8, Conditional Use Permit [2]	2,500 sq. ft.	25 ft.
Residential – all other single family dwellings	5,000 sq. ft.	50 ft.
Commercial Uses		
Government Office	None	None
Utility Facility	None	None
All other permitted uses	5,000 sq. ft.	50 ft.

Notes: **ft. = feet; sq. ft. = square feet**

[1] If multiple new residences are developed on adjacent lots or the same block face, the ZA shall require that the plans selected from the Plan Book shall demonstrate appropriate differences.

[2] As part of the Conditional Use Permit process, the proposed design of the single-family dwelling shall be required to undergo review by the ARB which shall issue a recommendation to the Planning Commission prior to the commission's public hearing required under Section 2.4.8, Conditional Use Permit.

(c) Development Standards

(i) Building Form Standards for Single-Family Detached Dwellings and Townhouses

The following building form standards shall apply to all single-family dwellings and townhouses:

(A) Building Orientation

Primary entrances of every principal building shall face the street. On corner lots, primary entrances of principal buildings shall face the street which most buildings in the vicinity face.

(B) Building Height

Principal buildings must be not less than 20 feet and not more than 35 feet in height.

(C) Ground Floor Height

The ground floor of every principal building shall be elevated not less than two feet, or 1.5 feet, if built in compliance with the Huntersville provisions of the *Traditional Neighborhoods Plan Book*, above the highest grade adjacent to any point of the building.

(D) Front Porch

Ground story front porches extending toward the street from the front façade are required. Front porches for single family residences shall be a minimum of 6 feet in depth and a minimum of eight 8 feet in width. Townhouses shall have a covered entry way a minimum of four feet by four feet. Second floor porches are permitted.

(E) Attached Garage

(01) Front-loaded garage: A front-loaded, attached garage is discouraged but, if provided, shall be set back not less than 15 feet from the ground floor, front façade of the building and shall include a garage door no wider than 30% of the width of that façade. For single-family residences west of Church Street and all townhouses, no front-loaded garages are permitted.

(02) Side-loaded garage: The entrance to any side-loaded, attached garage shall not be oriented to the same street as the primary entrance of the principal building. The façade of that portion of the building where the garage door is located shall not be blank and must be developed with the same architectural fenestration as the front façade.

(F) Accessory Structures

In addition to the requirements of Section 5.11, Accessory Structures, any detached garage or other accessory structure shall be located entirely behind the rearmost portion of the principal building.

(G) Driveways

No driveways shall be located in the area between the ground floor, front façade of the principal building and the front property line.

(ii) Building Form Standards for All Uses Other Than Single-Family Dwellings

(A) Building Orientation

Primary entrances of every principal building shall face the street. On corner lots, primary entrances of principal buildings shall face the street which most buildings in the vicinity face.

(B) Building Height

Principal buildings must be not less than 20 feet and not more than 35 feet in height.

(C) Roof

Every new building and addition to any existing building shall have pitched roofs.

(4) Bay Oaks Place Neighborhood Resilience Overlay

(a) Purpose Statement

It is the intent of the Bay Oaks Place NRO to preserve the unique bayfront character and view corridors associated with Bay Oaks Place's waterfront building sites, to enhance the quality of residential development, to encourage good architectural design, and to allow for diversity and variety of façade treatments visible from public streets.

(b) Yard Definitions and Requirements

(i) Front Yard Requirements

All lots abutting Bayside Avenue, a paper street, are deemed to be bayfront lots and to front on Bayside Avenue; provided, however, that all such lots shall be given a Bay Oaks Place address. For

bayfront lots, the minimum front setback is 15 feet; for Ocean View Avenue lots, the minimum front setback is 25 feet.

(ii) Rear Yard Requirements

Rear setbacks shall be a minimum of 5 feet.

(c) Fencing

Solid privacy fencing (not to exceed 6 feet in height) is permitted but cannot be erected closer than 5 feet to the rear property line. Privacy fencing (not to exceed 6 feet in height), when used along the side lot line shall not extend beyond the front of the building footprint.

(d) Height Restrictions

The maximum building height for any unit shall be 50 feet.

(e) Porch Requirements

Porches may encroach into the required front and rear setback provided that at least 15 feet between the porch and the property line remains unobstructed. Such porches shall not exceed 12 feet in width.

(f) Driveways

Only one curb cut will be allowed per site. It may not exceed 20 feet in width.

(5) Park Place Neighborhood Resilience Overlay

(a) Purpose Statement

The intent of the Park Place NRO is to conserve the existing residential architectural character and development standards in the Park Place neighborhood. The NRO establishes yard requirements and lot sizes that reflect the existing conditions in Park Place which is one of the older neighborhoods in Norfolk with residences built close to the sidewalk on smaller lots. It is essential that new infill development maintain the existing character.

(b) Development Standards

(i) Building Form Standards for Residential Dwellings

The following building form standards shall apply to all single-family dwellings:

(A) Build-To Zone

(01) General rule: At least 75% of the width of the ground floor front, façade of all principal buildings shall be located not less than 12 feet and not more than 15 feet from the front property line.

(02) Special rule for irregular blocks: If not less than 25% of the block face frontage includes buildings with front yard

depths greater or less than the range set forth in subsection (01), above, the ZA may determine that the applicable build-to line is the average of the location of the front façades of buildings along the block face, in which case 75% of the width of the front façade of any principal building shall be located within 1.5 feet of the applicable build-to line. In making such a determination, the ZA may elect to ignore non-conforming uses and structures, in whole or in part, to ensure compatibility with conforming structures and uses along the block face.

(03) For purposes of determining compliance with this provision, the wall behind the front porch shall be considered the front façade of the building.

(B) Building Orientation

Primary entrances of every principal building shall face the street. On corner lots, primary entrances of principal buildings shall face the street which most buildings in the vicinity face.

(C) Front Porch

Ground story front porches extending toward the street from the front façade are required. Front porches shall be a minimum of 6 feet in depth and a minimum of 8 feet in width. Second floor porches are permitted.

(D) Attached Garage

(01) Front-loaded garage: A front-loaded, attached garage is not permitted.

(02) Side-loaded garage: The entrance to any side-loaded, attached garage shall not be oriented to the same street as the primary entrance of the principal building. The façade of that portion of the building where the garage door is located shall not be blank and must be developed with the same architectural fenestration as the front façade.

(E) Accessory Structures

(01) Detached garage: A detached garage is permitted.

(02) Location: In addition to the requirements of Section 5.11, Accessory Structures, any accessory structure, including a detached garage, shall be located entirely behind the rearmost portion of the principal building.

(F) Driveways

No driveways shall be located in the area between the front façade of the principal building and the front property line.

(ii) Building Form Standards for All Uses Other Than Residential Dwellings

(A) Building Orientation

Primary entrances of every principal building shall face the street. On corner lots, primary entrances of principal buildings shall face the street which most buildings in the vicinity face.

(B) Roof

Every new building and addition to any existing building shall have pitched roofs.

(6) Colonial Place/Cruser Place/Riverview Neighborhood Resilience Overlay (CPRV NRO)

(a) Purpose Statement

The intent of the Colonial Place/Cruser Place/Riverview NRO is to conserve the existing residential architectural character and development standards in the Colonial Place, Cruser Place and Riverview neighborhoods. The NRO establishes additional building form standards that reflect the existing conditions in the community which represents some of the older neighborhoods in Norfolk with residences built with large front porches without the presence of front-loaded attached garages. It is essential that new infill development maintain the existing character.

(b) Development Standards

(i) Building Form Standards for Residential Dwellings

The following form standards shall apply to all single-family dwellings. Where these standards conflict with any general form standard listed in Table 5.9.3, Single-Family Detached Dwellings Form Standards, these more specific standards shall be applied instead of the general form standard, except as specified separately below:

(A) Front-Loaded or Corner Side-Loaded Attached Garage

No attached garage shall be oriented with the garage door or garage entrance located along a street-facing façade of the building, unless the attached garage is oriented towards Plymouth Crescent on a through lot, and setback from the Plymouth Crescent right-of-way at least 50 feet.

(B) Accessory Structures

(01) Detached garage: A detached garage is permitted, with no restriction on the orientation of the garage door or entrance towards the street.

(02) Location: In addition to the requirements of Section 5.11, Accessory Structures, any accessory structure, including a detached garage, shall be located entirely behind the rearmost portion of the principal building, unless located between the principal building and Plymouth Crescent and sited on a through lot, or unless located along Nichal Court.

(C) Driveways

No driveway shall be located in the area between the front façade of the principal building and the front property line, except to access an attached garage along Plymouth Crescent developed in compliance with subsection (A), above. Nothing in this section shall be interpreted to preclude the repair of any existing, legally-established driveway in its current location.

(D) Ground Floor Height

The finished floor for new construction shall be a minimum of three feet above highest adjacent finished grade along the front façade, unless a higher elevation is required by the FPCH-O (see Section 3.9.7, FPCH-O: Flood Plain/Coastal Hazard Overlay).

(E) Front Porch

Ground story front porches extending toward the street from the front façade are required. Front porches shall be a minimum of eight feet in depth and a minimum of 50% of the width of the building. Second floor porches are permitted. Nothing in this section shall be interpreted to preclude the repair of any existing, legally-established front porch in its current location and with the same or enlarged dimensions.

(ii) Alternative Approval for Certain Development Standards

In order to approve an alternative to the otherwise-required front porch dimensions or minimum ground floor height requirement, an alternative building design may be approved by the ARB, pursuant to the process set forth in Section 2.3.4, upon the ARB determining that the proposed design is consistent with the house designs identified for “Early Twentieth-Century Neighborhoods” as

described in the *Pattern Book for Norfolk Neighborhoods* (Appendix B of *plaNorfolk2030*).

3.9.17. IRIO: INSTITUTIONAL RESIDENTIAL IMPACT OVERLAY DISTRICT

A. PURPOSE

It is the intent of the Institutional Residential Impact Overlay District (IRIO) to provide adequate off-street parking for residential uses in areas of the city where the amount of parking available is impacted by certain conditions that increase the need for off-street parking. These conditions result from a generation of vehicles at levels greater than can be accommodated by existing development standards for off-street parking. This generation of vehicles is related to the inhabitation of dwelling units by unrelated individuals in areas adjacent to major educational institutions. In addition, these conditions are exacerbated by the widespread use of available on-street parking spaces in those same areas by nonresident transient motorists.

B. DISTRICT DESIGNATION

The City Council, upon findings of fact, a recommendation of the Planning Commission, and in accordance with the procedures set forth in this Ordinance may designate any residentially zoned area as an Institutional Residential Impact Overlay District.

C. PROCEDURE FOR DISTRICT DELINEATION

In the development of the overlay district boundaries, only those residentially-zoned areas that exhibit the following characteristics shall be considered for inclusion in an IRIO:

(1) Only those portions of any Residence District that are within 2,500 feet of an institution's officially established campus boundary;

(2) Exhibit evidence of dwellings being utilized at an enhanced or augmented level as primary housing by unrelated individuals who are enrolled at the nearby institution or exhibit the potential for that use; and

(3) Exhibit the present widespread use or potential use of on-street parking spaces by nonresident transient motorists which is reasonably attributable to the adjacent institution.

D. REQUIREMENTS

The following regulations shall be applicable within any designated IRIO district:

(1) Uses

(a) New Single-Family Homes

(i) Except as permitted in subsection (ii) below, newly-constructed single-family dwellings shall not have more than four bedrooms.

(ii) Single-family dwellings on lots larger than 10,000 square feet may have one additional bedroom for each 10,000 square feet.

(2) Required Off-Street Parking

Parking and maneuvering for parking spaces shall be in compliance with Section 5.1, Parking, Loading, and Bicycle Standards, and shall be subject to the following additional requirements:

(b) Single-family detached residences with three bedrooms or less shall provide two off-street parking spaces.

(c) Single-family detached residences with four bedrooms shall provide three off-street parking spaces where the required spaces shall have sufficient unobstructed maneuvering room onsite

3.9.18. CRO: COASTAL RESILIENCE OVERLAY

A. PURPOSE

The purpose of the Coastal Resilience Overlay (CRO) district is to encourage new development that occurs in those areas of the city subject to higher-flood risk as identified in *plaNorfolk2030* to actively increase resilience to sea level rise, storm-related flooding events, and other shocks and stresses specific to the coastal environment. This district is intended to provide tools for reducing the flood risk both to individual properties and to the surrounding community; enhance the projected lifespan of new structures; and generally, improve the coastal resilience of the city.

B. APPLICABILITY

The standards and requirements in this overlay district apply to development located in the CRO district in addition to whatever standards and requirements otherwise apply in the underlying district. Wherever the standards or requirements of this overlay district conflict with those set forth in the underlying zoning, the provisions of this overlay district shall govern. The CRO shall apply to all land in the city that is in the FPCH-O (see Section 3.9.7, Flood Plain/Coastal Hazard Overlay).

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE COASTAL RESILIENCE OVERLAY DISTRICT

(1) Ground Floor Height

(a) All significant elements of electrical and mechanical systems shall be elevated one foot above the minimum required finished floor elevation. Conduits containing electrical wiring and ductwork conveying conditioned air will not be considered “mechanical or electrical equipment” for the purposes of this provision.

(b) An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area shall not be considered a building's ground floor.

(c) Basements are prohibited.

(2) Landscaping

The required landscaping determined under Table 5.2.6, Landscaping Installation and Tree Canopy Standards, shall consist exclusively of salt tolerant and native species.

(3) Open Space Set-Asides

The area required to be set aside as open space in Table 5.5.4(A), Required Open Space Set-Asides, shall not be decreased and shall consist of pervious surfaces capable of infiltrating stormwater.

(4) Parking

(a) The total number of motor vehicle parking spaces serving a commercial use shall not exceed 110 percent of the minimum parking standards in Table 5.1.7(D), Minimum Number of Parking Spaces.

(b) As much as 30 percent of the number of minimum required parking spaces serving a commercial use may be satisfied by providing compact spaces, provided those spaces are located within 100 feet of the main entrance(s) of the principal use(s) on the property.

(c) The surface area of new parking spaces shall consist of pervious materials and all parking lot drainage shall be directed into on-site systems designed to hold and infiltrate no less than the first 1.5 inches of rainfall from a single storm event. The ZA may modify this requirement for single-family and two-family units not being developed under a common plan of development.

(5) Resilience Quotient

The minimum resilient building points required for a development utilizing the provisions of Section 5.12, Resilience Quotient, shall be increased for development in this overlay as follows:

(a) Residential Development

(i) Residential development subject to the provisions of Section 5.12.6, Resilient Quotient Compliance for Multiple Dwelling Unit Residential Development, and electing to utilize the alternative procedure identified in that section shall be required to obtain an additional 0.5 point in both Component 1, Risk Reduction, and Component 2, Stormwater Management, within Table 5.12.6, Resilient Point System for Residential Development.

(ii) Residential development subject to the provisions of Section 5.12.6, Resilient Quotient Compliance for Multiple Dwelling Unit

Residential Developments, and electing to utilize the site plan review procedure to determine full compliance with the conditions contained in Section 5.12.4.A shall be required to provide approximately 25 percent greater flooding risk reduction and stormwater management efforts.

(b) Non-residential and Mixed-Use Development

(i) Non-residential development subject to the provisions of Section 5.12.7, Resilient Quotient Compliance for Non-Residential Developments, and electing to utilize the alternative procedure identified in that section shall be required to obtain an additional 0.5 point in both Component 1, Risk Reduction, and Component 2, Stormwater Management, within Table 5.12.7, Resilient Point System for Non-Residential Development.

(ii) Non-residential development subject to the provisions of Section 5.12.7, Resilient Quotient Compliance for Non-Residential Developments, and electing to utilize the site plan review procedure to determine full compliance with the conditions contained in Section 5.12.4.A shall be required to provide 25 percent greater flooding risk reduction and stormwater management efforts.

3.9.19. URO: UPLAND RESILIENCE OVERLAY

A. PURPOSE

The purpose of the Upland Resilience Overlay (URO) is to encourage the new development in certain areas of the city that have both a reduced risk of flooding and the potential to support transformational redevelopment. This district is intended to provide incentives for those developing in these areas to transform them into walkable, bikeable, transit-rich neighborhoods.

B. APPLICABILITY

The standards and requirements in this section apply to development located in the URO district in addition to whatever standards and requirements otherwise apply in the underlying district. Wherever the standards or requirements of this overlay district conflict with those set forth in the underlying zoning, the provisions of this overlay district shall govern. The URO shall apply to all land in the city located in the MF-NS, MF-AC, MF-HR, C-C, C-R, I-L, or I-G base zoning districts and outside the FPCH-O district (see Section 3.9.7, Flood Plain/Coastal Hazard Overlay).

C. STANDARDS APPLICABLE TO DEVELOPMENT IN THE UPLAND RESILIENCE OVERLAY DISTRICT

The following standards shall apply to any development located in the URO district within one of the applicable base zoning districts. The otherwise

applicable performance, intensity, compatibility, development and form standards shall apply.

(1) Alternative Provision of Resilience Quotient Requirements in URO

Four points may be counted towards the resilience points outlined in Tables 5.12.6, Resilient Point System for Residential Development, and 5.12.7, Resilient Point System for Non-Residential Development, for each development right extinguished in the CRO district by direct purchase or easement. The four points may be applied to any component or multiple components within the Resilient Point System. To qualify, the easement applied to the CRO-located property must include the following limitations.

(a) The easement shall either:

(i) Restrict the use of the property to passive open space or conservation use in perpetuity, or;

(ii) Reduce the maximum achievable density, under the standards of the base zoning district and any applicable overlay zoning districts, by one dwelling unit in perpetuity.

(b) The servient property shall be a conforming zoning lot that is either already developed or that could be developed as a matter of right in the future.

(c) The easement shall grant rights to the city to make improvements to the lot for water retention or flood protection.

(d) In the case of a property already developed:

(i) Any structures in place as of the recordation of the easement shall be removed within 120 days, except where subsection (ii), below, applies.

(ii) Life rights may be granted to an owner permitting the owner to delay removal of the structures for as long as the owner is willing or able to remain on the premises. In this case, the structures shall be removed within 90 days of the owner vacating the premises. The easement shall provide that life rights terminate if, at any time, the structure suffers a casualty loss equal to or exceeding 50 percent of the structure value.

(e) Limitations:

(i) An easement shall only be applicable to a single property located in the URO district and each URO-designated property may only apply the points reduction once.

(ii) In order to prevent a single easement from being used by multiple property owners, the city shall maintain a database listing the location and status of each easement and the URO-designated property that it applies to.

(iii) The easement shall be held by a conservation organization, land trust or land conservancy qualified to hold easements and protect land by the Commonwealth of Virginia pursuant to the Virginia Conservation Easement Act, §§ 10.1-1009 through 10.1-1016 of the Code of Virginia.

3.9.20. HL: HISTORIC LANDMARK DESIGNATION

The purpose of the Historic Landmark (HL) designation is protect and conserve individual structures and sites that contain historic or cultural significance. Guidelines within the district are intended to encourage development that is consistent with, and supportive of, established historic character.

A. APPLICABILITY

This district applies to development of a Historic Landmark (HL) structure or site as identified on the Official Zoning Map.

B. DEVELOPMENT GUIDELINES

Prior to development of a Historic Landmark, a landowner shall receive approval of a Certificate of Appropriateness, in accordance with Section 2.4.10, Certificate of Appropriateness.

C. REQUIRED MAINTENANCE

All buildings and structures within an historic district or historic overlay district or a designated Norfolk Historic Landmark shall be maintained in good repair, kept in a structurally sound fashion, and be reasonably protected against decay and deterioration in compliance with the applicable maintenance provisions of the Uniform Statewide Building Code.

D. ADAPTIVE RE-USE

Any one use listed in either Table 3.2.12 or Table 3.3.9 of this ordinance may be permitted in a building designated as a Norfolk Historic Landmark if approved by a Conditional Use Permit.

3.9.21. USES FOR THE OVERLAY DISTRICTS

A. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed on a parcel in an Overlay zoning district. This section identifies the Overlay zoning districts in which such uses are allowed, identifies what type of permit or review is required to establish them, and provides reference to any special performance standards applicable to particular uses.

B. USE TABLE FOR USES IN OVERLAY DISTRICTS

Table 3.9.21, Principal, Accessory, and Temporary Use Table for Overlay Districts, lists allowable uses and shows whether each use is permitted or prohibited within

the various Overlay zoning districts, as well as the type of permit or development approval by which the use may be allowed. It further references any performance standards applicable to specific uses regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary.

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
CONSERVATION AND OPEN SPACE USES								
Conservation and Open Space Uses	Park	P	P	P	P	P	4.2.3.C(1)	4.2.3.C(2)(f)
	All other uses, not permitted							
RESIDENTIAL USES								
Household Living Uses	Dwelling, live-work	P/C	P/C	P/C	P/C	P/C	4.2.3.D(1)	4.2.3.D(2)(a)
	Dwelling, multi-family	P/C	P/C	P/C	P/C	P/C		4.2.3.D(2)(c)
	All other uses, not permitted							
Group Living Uses	Not permitted							
PUBLIC, CIVIC, AND INSTITUTIONAL USES								
Community Service Uses	Broadcasting studio						4.2.3.E(1)	4.2.3.E(2)(a)
	College or university			P				4.2.3.E(2)(b)
	Communication tower, commercial							4.2.3.E(2)(c)
	Community recreation center							4.2.3.E(2)(d)
	Correctional facility							4.2.3.E(2)(e)
	Cultural facility, museum, or library	P	P	P	P	P		4.2.3.E(2)(f)
	Day care center, adult		P	P	P	P		4.2.3.E(2)(g)
	Day care center, child		P	P	P	P/C		4.2.3.E(2)(h)
	Government maintenance, storage, and distribution facility							4.2.3.E(2)(i)
	Government office	P	P	P	P	P		4.2.3.E(2)(j)
	Hiring hall							4.2.3.E(2)(k)
	Hospital							4.2.3.E(2)(l)

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
	Hospice							4.2.3.E(2)(m)
	Membership organization							4.2.3.E(2)(n)
	Military installation							4.2.3.E(2)(o)
	Religious institution							4.2.3.E(2)(p)
	School, boarding			P				4.2.3.E(2)(q)
	School, elementary			P				4.2.3.E(2)(r)
	School, secondary			P				4.2.3.E(2)(s)
	School, vocational or trade			P	P			4.2.3.E(2)(t)
Transportation and Utility Uses	Parking facility	P/C	P/C	P/C	P/C		4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P	P	P	P	P		4.2.3.E(4)(i)
	All other uses, not permitted							
COMMERCIAL USES								
Eating and Drinking Uses	After-hours membership establishment						4.2.3.F(1)	4.2.3.F(2)(a)
	Banquet hall	C	C	C	C	C		4.2.3.F(2)(b)
	Catering establishment/commercial kitchen							4.2.3.F(2)(c)
	Nightclub	C	C	C	C	C		4.2.3.F(2)(d)
	Production of craft beverages			C	C			4.2.3.F(2)(e)
	Restaurant	P/C	P/C	P/C	P/C	P/C		4.2.3.F(2)(f)
Recreation Uses	Amusement park						4.2.3.F(3)	4.2.3.F(4)(a)
	Arena, stadium, or amphitheater							4.2.3.F(4)(b)
	Casino							4.2.3.F(4)(c)
	Cinema or theater	P	P	P	P	P		4.2.3.F(4)(d)
	Commercial recreation center				C	C		4.2.3.F(4)(e)
	Conference or training center							4.2.3.F(4)(f)

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
	Country club							4.2.3.F(4)(g)
	Health and fitness facility		P	P	P	P		4.2.3.F(4)(h)
	Marina							4.2.3.F(4)(i)
	Recreation facility, indoor							4.2.3.F(4)(j)
	Recreation facility, outdoor							4.2.3.F(4)(k)
Retail Sales and Service Uses	Animal shelter						4.2.3.F(5)	4.2.3.F(6)(a)
	Artisanal production	P	P					4.2.3.F(6)(b)
	Artist studio/school/gallery	P	P	P	P	P		4.2.3.F(6)(c)
	Auction house							4.2.3.F(6)(d)
	Auto supply sales and rental	P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(e)
	Bank or other financial institution	P	P	P	P	P		4.2.3.F(6)(f)
	Cannabis dispensing facility							4.2.3.F(6)(g)
	Check cashing, auto title, or payday loan businesses							4.2.3.F(6)(h)
	Consignment shop	P	P			P		4.2.3.F(6)(i)
	Convenience store	C	C	C	C			4.2.3.F(6)(j)
	Establishment for the sale of distilled spirits for off-premises consumption							4.2.3.F(6)(k)
	Farmer's market			P	P	P		4.2.3.F(6)(l)
	Flea market, indoor							4.2.3.F(6)(m)
	Flea market, outdoor							4.2.3.F(6)(n)
	Funeral home or mortuary							4.2.3.F(6)(o)
	Grocery store		P/C					4.2.3.F(6)(p)
	Kennel							4.2.3.F(6)(q)
	Music, dance, or martial arts studio/school	P	P	P	P	P		4.2.3.F(6)(r)
	Novelty store or theater, adult							4.2.3.F(6)(s)
	Office	P	P	P	P	P		4.2.3.F(6)(t)
	Office, contractor					P		4.2.3.F(6)(u)

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
	Office, medical or dental	P	P	P	P	P		4.2.3.F(6)(v)
	Pawnshop							4.2.3.F(6)(w)
	Personal service business	P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(x)
	Retail goods establishment	P/C	P/C	P/C	P/C	P/C		4.2.3.F(6)(y)
	Self-service storage units							4.2.3.F(6)(z)
	Smoke or vape shop	C	C	C	C	C		4.2.3.F(6)(aa)
	Tattoo parlor	C	C					4.2.3.F(6)(bb)
	Therapeutic massage facility			C				4.2.3.F(6)(cc)
	Used books/media	C	C	P	P	P		4.2.3.F(6)(dd)
	Used merchandise sales			C				4.2.3.F(6)(ee)
	Vendor park, food							4.2.3.F(6)(ff)
	Veterinary hospital or clinic		P	P	C	C		4.2.3.F(6)(gg)
Vehicle Sales and Service Uses	Automobile repair and maintenance, minor			C			4.2.3.F(7)	4.2.3.F(8)(b)
	Car wash			C				4.2.3.F(8)(l)
	Gas station			C				4.2.3.F(8)(q)
	Tire sales and repair			C				4.2.3.F(8)(t)
	All other uses, not permitted							
Visitor Accommodation Uses	Not permitted							
INDUSTRIAL USES								
Industrial Uses	Not permitted							
ACCESSORY USES								
Accessory Uses	Accessory dwelling unit						4.3.3	4.3.3.E(1)(a)
	Amusement device	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(b)
	Automated teller machine	P	P	P	P	P		4.3.3.E(1)(c)
	Automatic car wash			C				4.3.3.E(1)(d)

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
	Day care center, adult (as an accessory use)							4.3.3.E(1)(e)
	Day care center, child (as an accessory use)		P	P	P			4.3.3.E(1)(f)
	Drive-through facility, large-scale		C	C		C		4.3.3.E(1)(g)
	Drive-through facility, small-scale		C	C		C		4.3.3.E(1)(h)
	Electric vehicle charging station (as an accessory use)							4.3.3.E(1)(i)
	Family day home							4.3.3.E(1)(j)
	Gasoline sales (as an accessory use)							4.3.3.E(1)(k)
	Home occupation	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(l)
	Kennel (as an accessory use)	C	C					4.3.3.E(1)(m)
	Live entertainment	C	C	C	C	C		4.3.3.E(1)(n)
	Outdoor display of merchandise	P	P	P	P	P		4.3.3.E(1)(o)
	Outdoor seating (as accessory to an eating and drinking use)	P/C	P/C	P/C	P/C	P/C		4.3.3.E(1)(p)
	Outdoor storage							4.3.3.E(1)(q)
	Retail sales (as accessory to an industrial use)							4.3.3.E(1)(r)
	Sale of alcoholic beverages, off-premises	C	C	C	C	C		4.3.3.E(1)(s)
	Sale of alcoholic beverages, on-premises	C	C	C	C	C		4.3.3.E(1)(t)
	Sale of smoking or vaping products	C	C	C	C	C		4.3.3.E(1)(u)
	Short-term rental unit (homestay)							4.3.3.E(1)(v)
TEMPORARY USES AND STRUCTURES								
Temporary Uses and Structures	Carnival and circus	P	P	P	P	P	4.4.3.B(2)	4.4.3.B(2)(a)
	Festival, bazaar, and outdoor sale event	P	P	P	P	P		4.4.3.B(2)(b)
	Construction-related office/yard	P	P	P	P	P		4.4.3.B(2)(c)
	Farmer's market (as a temporary use)	P	P	P	P	P		4.4.3.B(2)(d)
	Flea market (as a temporary use)	P	P	P	P	P		4.4.3.B(2)(e)
	Garage or yard sale	P	P	P	P	P		4.4.3.B(2)(f)
	Manufactured home as temporary housing							4.4.3.B(2)(g)
	Outdoor display and storage	P	P	P	P	P		4.4.3.B(2)(h)

TABLE 3.9.21: PRINCIPAL, ACCESSORY, AND TEMPORARY USE TABLE FOR OVERLAY DISTRICTS P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT BLANK CELL = PROHIBITED								
USE CATEGORY	**USE TYPE**	**PCO-Colley**	**PCO-21st Street**	**PCO-Riverview**	**PCO-35th Street**	**PCO-Lafayette**	**PERFORMANCE STANDARDS**	
	Public event on private property	P	P	P	P	P		4.4.3.B(2)(i)
	Seasonal decorations display and sales	P	P	P	P	P		4.4.3.B(2)(j)
	Temporary health care structure	P	P	P	P	P		4.4.3.B(2)(k)
	Temporary use of an accessory structure as a principal dwelling after a disaster							4.4.3.B(2)(l)
	Tent	P	P	P	P	P		4.4.3.B(2)(m)
	Vendor or produce stand							4.4.3.B(2)(n)

Article 4: Performance Standards

ARTICLE 4: PERFORMANCE STANDARDS

4.1 General Provisions

4.2 Performance Standards for Principal Uses

4.2.1. Purpose

4.2.2. Organization and Applicability

4.2.3. Performance Standards for all Principal Uses

4.3 Performance Standards for Accessory Uses

4.3.1. Purpose

4.3.2. Organization and applicability

4.3.3. Performance Standards for all Accessory Uses

4.4 Performance Standards for Temporary Uses

4.4.1. Purpose

4.4.2. Organization and Applicability

4.4.3. Performance Standards for all Temporary Uses

ARTICLE 4: PERFORMANCE STANDARDS

4.1 GENERAL PROVISIONS

Article 4: Performance Standards, consolidates all of the special standards applicable to a number of allowable uses into a single article. These standards are applicable any time a specific use is initiated in the city, regardless of the zoning district in which it is allowed, or the review procedure by which it is approved, unless expressly stated to the contrary. Section 4.2, Performance Standards for Principal Uses, sets out the special standards that apply to a number of the allowable principal uses. Section 4.3, Performance Standards for Accessory Uses, and Section 4.4, Performance Standards for Temporary Uses, set out the special standards that apply to a number of the allowable accessory and temporary uses.

4.2 PERFORMANCE STANDARDS FOR PRINCIPAL USES

4.2.1. PURPOSE

The purpose of this section is to set out any special standards applicable to land uses that are allowed as the primary use(s) of a parcel—i.e., principal uses.

4.2.2. ORGANIZATION AND APPLICABILITY

Section 4.2.3, Performance Standards for All Principal Uses, sets forth standards applicable to specific principal uses regardless of the zoning district in which they are allowed, or the review procedure by which they are approved, unless stated otherwise in this section. The definition for the use is also included. These standards are organized in the same fashion as they are presented in the Use Tables for Principal, Accessory, and Temporary Uses in Article 3, Zoning Districts, first by use classification, then by use category, and finally, alphabetically by use type. These standards may be modified by other applicable requirements in this Ordinance.

4.2.3. PERFORMANCE STANDARDS FOR ALL PRINCIPAL USES

A. GENERAL

Performance standards for a specific principal use shall apply to the particular individual principal use regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This subsection sets forth the standards for all principal uses for which a reference to this section is provided in the “Performance Standards” column of the Principal, Accessory, and Temporary Use tables in Article 3, Zoning Districts in the same order as they are listed in the tables. These standards may be modified by other applicable standards or requirements in this Ordinance.

B. ZONING CERTIFICATE

A Zoning Certificate shall be obtained prior to establishing a principal use.



C. STANDARDS SPECIFIC TO CONSERVATION AND OPEN SPACE USES

The principal use types in the Conservation and Open Space Uses classification are intended to provide opportunities to enjoy natural features or natural beauty. They are typically operated by the city or another government agency for use by all residents or visitors to the city; or by an individual neighborhood or other civic organization for use by residents and guests of the neighborhood or members of the civic organization. A membership or admission fee may be charged to use or access these facilities.

Conservation and Open Space Uses

(1) Standards Applicable to All Conservation and Open Space Uses

The Conservation and Open Space Uses category is the sole category found under the Conservation and Open Space Uses classification. The principal use types in this category are intended to provide opportunities to enjoy natural features or natural beauty.

(2) Definitions and Standards Applicable to Individual Conservation and Open Space Uses

(a) Arboretum or botanical garden

A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, educational, or passive recreational purposes, including related ancillary uses such as a restaurant or gift shop. Art exhibitions or live performances open to the public may also be conducted at arboretums or botanical gardens.

(b) Boat ramp

A facility to launch and retrieve recreational boats from a trailer. The facility may be limited to the hand launching of canoes, kayaks, or other such watercraft. Facilities may also include breakwater protection from large waves, parking lots, toilets, refuse containers, lighting, telephones, or a courtesy dock to assist in launching.

(i) Where motor vehicle parking is provided, an improved parking area shall be located within 500 feet of the boat ramp.

(c) Cemetery

A place used for the permanent interment of dead human bodies or pet animal bodies (or their cremated remains). A memorial garden located on the premises of a "church," where only the ashes of deceased persons may be scattered or placed, is not a "Cemetery."

(i) Cemeteries shall comply with all applicable Commonwealth and federal regulations regarding the licensing and operation of cemeteries.

(ii) Direct vehicular access to an arterial or collector street shall be provided.

(iii) Adequate space for the parking and maneuvering of funeral processions shall be provided.

(iv) Buildings shall be set back at least 25 feet from exterior property lines.

(v) If used in combination with a funeral home or mortuary, cemeteries shall comply with the standards (including districts where permitted) applicable to each use.

(d) Community dock

A facility that provides mooring, launching, and in-water storage of boats that is accessible only by residents of the adjacent community and may also include a pier as an accessory use.

(e) Community garden

A place for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(i) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 150 square feet.

(ii) Areas used for composting shall be limited to ten percent of the area of the lot.

(iii) Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Section 5.11.6, Fences and Walls.

(iv) Before issuance of a Zoning Certificate for a community garden, it shall have an established set of operating rules addressing the governance structure of the garden, hours of operation,

assignment of garden plots, and maintenance and security requirements and responsibilities.

(f) Park

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A zoo, aquarium, or similar facility providing public opportunities to interact with animals in an outdoor setting is considered a park for the purposes of this Ordinance.

(g) Resource Conservation Use

A place for the protection, preservation, management, or restoration of natural resources such as soil, vegetation, or water, and of the wildlife that may inhabit it.



D. STANDARDS SPECIFIC TO RESIDENTIAL USES

The principal use types in the Residential Uses classification are intended to provide a range of housing choices to meet the needs of all of Norfolk's citizens, offering a balance of housing types and densities. For the purposes of this Ordinance, residential uses are subdivided into two use categories: household living uses, which are intended to provide individual living units for families, and group living uses, which are intended to provide communal living units for specified groups of individuals.

Household Living Uses

(1) Standards Applicable to All Household Living Uses

The Household Living Uses category is one of two use categories found under the Residential Uses classification. The principal use types in this category are intended to provide individual living units for families.

(2) Definitions and Standards Applicable to Individual Household Living Uses

(a) Dwelling, live-work

A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents and constructed in compliance with the Uniform Statewide Building Code requirements for a live-work dwelling.

(i) A Conditional Use Permit is required in the following circumstances:

(A) In the SF-T, R-C, and MF-NS districts, for any use other than an office or artist studio/school.

(B) Where the non-residential use proposed to be a part of the live-work dwelling would otherwise require a Conditional Use Permit.

(C) Where the number of employees will exceed those specified in subsection (iv), below.

(ii) In the residential districts, non-residential uses shall be limited to restaurant; artist studio/school; consignment shop; convenience store; music, dance or martial arts studio/school; office; personal service business; retail goods establishment; therapeutic massage facility; used books/media; and veterinary hospital or clinic.

(iii) In the C, D, HC, MW, EBH, TOD, or G-1 districts, non-residential uses shall be limited to those permitted in the district.

(iv) Employees shall be limited to occupants of the residential portion of the building, plus one person not residing in the residential portion.

(v) The residential portion of the building shall occupy at least 51 percent of the gross floor area.

(vi) The non-residential portion of the building shall not be located on any floor above the ground level.

(vii) The non-residential portion of the building shall comply with all applicable non-residential Building Code requirements.

(viii) Except for storage, no accessory structure shall be used as part of the business portion of the use.

(ix) Drive-through facilities are prohibited.

(b) Dwelling, manufactured home

A factory-built single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent foundation, and is used as a place of human habitation. For the purposes of this Ordinance, "manufactured home" also includes mobile homes, transportable, and factory-built homes constructed prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act (which became effective June 15, 1976).

(c) Dwelling, multi-family

A structure or group of structures other than a townhouse dwelling containing three or more dwelling units located on a single zoning lot, or one or more dwelling units in a mixed-use setting. Units may be located

side by side in a horizontal configuration, stacked one above the other in a vertical configuration – sharing common vertical walls or horizontal floors and ceilings – or both. Multi-family dwellings include what are commonly called apartments, or condominium units, but not townhouse dwellings. A multi-family dwelling in which dwelling units are available for rent or lease for periods of thirty days or less is considered a hotel or motel, or a short-term rental unit.

(i) A Conditional Use Permit is required in the following circumstances:

(A) In the MF-HR district, for any development of less than six stories.

(B) In the C-N, C-C, and PCO districts, where more than 50 percent of the first floor is utilized for residential purposes.

(C) In the R-C district, as per Section 3.2.8.D(1)(b).

(D) In the MF-NS, MF-AC, MF-HR, C-N, C-C, C-R, D-SP, and G-1 districts, for any development of more than 24 multi-family dwelling units.

(ii) In the PCO-Colley and PCO-21ST Street districts, the minimum lot area per dwelling unit shall be 500 square feet.

(iii) Provisions for on-site collection of residents' recyclable solid waste are required.

(iv) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from adjacent Residential districts.

(d) Dwelling, single-family detached

A detached building containing only one dwelling on one lot. Manufactured homes, mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing do not constitute a single-family detached dwelling.

(i) A Conditional Use Permit may be required in the R-C district as per Section 3.2.8.D(1)(b).

(ii) Off-street parking facilities serving the dwelling shall be located on the same zoning lot as the dwelling.

(iii) In a single-family detached dwelling occupied by a family related by blood, marriage, adoption or legal guardianship, no more than two rooms not containing independent kitchen facilities and that are not physically separated from the dwelling may be occupied by a total of two or less roomers/boarders.

(e) Dwelling, single-family semi-detached

A building containing one dwelling unit separated by a party wall from one other building containing one dwelling unit. Such buildings shall be located on their own individual zoning lots.

(i) A Conditional Use Permit may be required in the R-C district as per Section 3.2.8.D(1)(b).

(ii) Off-street parking facilities serving the dwelling shall be located on the same zoning lot as the dwelling.

(iii) Off-street parking facilities may not be located in the front yard between the building and the street.

(f) Dwelling, townhouse

A dwelling containing three or more dwelling units that are attached through common walls, with each dwelling unit occupying space from the ground to the roof of the building, and located on an individual zoning lot.

(i) A Conditional Use Permit is required in the following circumstances:

(A) In the R-C district, as per Section 3.2.8.D(1)(b).

(B) In all other districts, where the front yard dimensions will exceed the maximum dimensions as specified for the use in the applicable zoning district.

(C) In the Suburban and Coastal Character Districts, where a driveway or parking is provided anywhere in the front yard.

(ii) In the MF-NS and MF-AC districts, in the Traditional Character District, a Conditional Use Permit may:

(A) Reduce the minimum lot size per unit below 2,000 square feet, down to a minimum of 1,600 square feet; or

(B) Reduce the minimum lot width per unit below 20 feet, down to a minimum of 16 feet.

(iii) No driveway, access, or parking area shall be provided between the street and the building.

(g) Dwelling, two-family

A structure or two structures containing two dwelling units on a single zoning lot. Units may be located side by side in a horizontal configuration, or be stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings, or be separated from each other and located on the same lot.

(i) A Conditional Use Permit may be required in the R-C district as per Section 3.2.8.D(1)(b).

(ii) Off-street parking facilities serving the dwelling shall be located on the same zoning lot as the dwelling.

(iii) Off-street parking facilities shall not be located in the front yard between the building and the street. Where the units are located in separate buildings set back at different distances from the street, this provision applies to the building closest to the street.

Group Living Uses

(3) Standards Applicable to All Group Living Uses

The Group Living Uses category is one of two use categories found under the Residential Uses classification. The principal use types in this category are intended to provide communal living units for specified groups of individuals.

(a) Provisions for on-site collection of residents' recyclable solid waste are required.

(b) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from adjacent Residential districts.

(4) Definitions and Standards Applicable to Individual Group Living Uses

(a) Assisted housing

Housing which provides nine or more living units which provide shelter and services for persons who are elderly, frail, chronically ill or socially isolated, but who do not need 24-hour supervision. Primary services may include limited medical care, meals, transportation, housekeeping assistance, and case management. Also commonly known as "assisted living" or "supportive housing." Single room occupancy (SRO) facilities serving defined special needs populations may also be defined as assisted housing.

(i) The minimum lot size shall be 20,000 square feet.

(ii) The minimum lot width shall be 100 feet.

(iii) Rehabilitative programming shall be provided on-site.

(iv) On-site management shall be provided 24 hours per day, seven days per week.

(v) Generators or other resilient power supply systems shall be provided such that the facility may continue to operate HVAC and necessary medical equipment during time of extended power outages.

(b) Continuing care retirement community

An integrated development that offers senior citizens (those over 55 years of age) a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with

personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility. The residential opportunities may include dwelling units, living units, and lodging units, as well as nursing home beds. Services provided may range from food services, health and beauty services, recreational and social opportunities, to skilled nursing care and medical services.

(i) Age restrictions on community residents (head of household) shall comply with the federal Fair Housing Act.

(ii) The number of nursing care beds shall not exceed 50 percent of the total number of permitted dwelling units.

(iii) The community may include retail commercial uses as ancillary to the principal residential and healthcare uses.

(iv) Any nursing home component of such a facility shall be licensed by the Commonwealth of Virginia.

(c) Dormitory

A building used for lodging by students and other individuals affiliated with an educational institution providing secondary or post-secondary education. It may include facilities for dining for the residents, employees, and guests of the residents.

(i) The facility shall be owned and operated by an educational institution providing secondary or post-secondary education.

(d) Fraternity or sorority house

A building used for lodging by individuals who are members or affiliates of a fraternity or sorority officially recognized by a college or university. It may include facilities for dining for the residents, employees, and guests of the residents. A fraternity or sorority house is not a rooming house or single-family detached dwelling.

(i) Occupancy shall be limited to a total of two occupants for each bedroom.

(ii) The fraternity or sorority shall remain affiliated with a recognized national fraternal organization and shall retain recognition by the affiliated college or university at all times.

(e) Nursing home

An establishment licensed by the Commonwealth of Virginia providing comprehensive medical and nursing services for chronically ill, disabled, or convalescent patients who require supervised care on a 24-hour-a-day basis, regardless of age. The use includes facilities providing subacute level nursing care and restorative care. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use does not include congregate housing, group

home, or group home for the handicapped, or hospitals, where more acute and specialized medical care is provided.

(i) Nursing homes shall remain compliant with all applicable Commonwealth regulations regarding the licensing and operation of a nursing home facility.

(ii) The facility site shall have direct primary vehicular access to an arterial or collector street.

(iii) Accessory uses are limited to those that primarily serve the residents and employees of the facility or their guests and shall not exceed 10 percent of the building's gross floor area.

(iv) Generators or other resilient power supply systems shall be provided such that the facility may continue to operate HVAC and necessary medical equipment during time of extended power outages.

(f) Residential re-entry facility

A short-term residential facility that prepares inmates for re-entry into the community through educational and vocational training, substance abuse treatment, health and wellness programs, or family counseling.

(i) The maximum number of residents shall not exceed 30.

(ii) Facilities shall provide at least one full-time staff person for every eight residents at all times.

(iii) Facilities shall be located within 1,000 feet of a marked transit stop.

(g) Rooming house

A building or group of attached or detached buildings containing in combination, three to nine lodging units for occupancy for weekly or longer periods, with or without board. This does not include congregate housing. Indications that a property is being operated as a rooming house include, but are not limited to, individually secured rooms by key or deadbolt, no access to other lodging units and numbers or letters on lodging unit doors.

(i) The minimum lot size shall be 10,000 square feet.

(ii) No rooming house shall be operated in the city without the issuance and continued maintenance of a permit in accordance with the requirements of Chapter 22 of the City Code.



E. STANDARDS SPECIFIC TO PUBLIC, CIVIC, AND INSTITUTIONAL USES

The principal use types in the Public, Civic, and Institutional Uses classification are intended to address the wide range of uses that provide services to Norfolk's citizens. The services supported by these use types include educational, health care, religious, recreation, and utility services, among others. Those services could be provided by the City of Norfolk or another government agency or by a private, non-profit, or for-profit service provider. For the purposes of this Ordinance, Public, Civic, and Institutional uses are subdivided into two use categories: Community Service Uses, which include those use types intended to service people directly, and Transportation and Utility Uses, which provide the infrastructure necessary to keep the city operating.

Community Service Uses

(1) Standards Applicable to All Community Service Uses

The Community Service Uses category is one of two use categories found under the Public, Civic, and Institutional Uses classification. The principal use types in this category are intended to provide a variety of direct services to individual residents.

(a) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from ground level locations within adjacent Residential districts.

(2) Definitions and Standards Applicable to Individual Community Service Uses

(a) Broadcasting studio

Commercial and public communications uses including radio and television broadcasting and receiving stations and studios.

(i) The minimum setback from the base of the antenna structure to an adjacent residential development shall be 50 feet.

(ii) The minimum setback from the base of the antenna structure to a public right-of-way shall be 25 feet.

(iii) A five-foot deep planting strip consisting of evergreen trees no less than five feet tall shall be planted between the antenna structure and the right-of-way.

(iv) If standards in this section conflict with federal standards, the federal standards shall control.

(b) College or university

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is accredited by a national association of colleges and universities.

(c) Communication tower, commercial

Any structure erected on a zoning lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs, satellite dishes, or similar devices used for the transmission or reception of electromagnetic waves, for governmental or private/nonprofit use. Such uses may include, but are not limited to, ham and amateur radio. Antenna structures composed of a satellite dish measuring one meter (39.37 inches) or less in diameter are excluded from this definition.

(i) Review standards

In determining whether an application for a Conditional Use Permit shall be approved, the Planning Commission and City Council shall consider the following factors:

(A) Whether the development application represents a request for multiple use of a tower or site or use on a site contiguous to an existing site;

(B) Whether the development application verifies that other potential users have been contacted regarding potential joint site usage;

(C) Whether the development application shows how the tower or site will be designed or laid out to accommodate future joint users;

(D) Whether the proposed location would be unobstructive and not substantially detract from aesthetics or neighborhood character.

(ii) Setbacks

(A) The minimum setback from the base of the tower to an adjacent residential development shall be 50 feet.

(B) The minimum setback from the base of the structure to a public right-of-way shall be 25 feet.

(iii) Painting, illumination, and signage

(A) The facility shall only be painted and illuminated in order to comply with federal regulations.

(B) Commercial advertisements or signage are prohibited.

(iv) Between the base of the tower and the right-of-way, a Type A perimeter buffer shall be installed and maintained.

(v) If standards in this section conflict with federal standards, the federal standards shall control.

(d) Community recreation center

A place, structure, area, or other facility used for and providing social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

(i) A Type A perimeter buffer shall be installed and maintained around the perimeter of any outdoor recreational facilities on the site.

(ii) Where outdoor recreational facilities are directly adjacent to a residential zoning district, a Type B perimeter buffer shall be installed and maintained.

(e) Correctional facility

A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of criminal law. These facilities house prisoners who are in the custody of the city or Commonwealth, and are government-owned and operated.

(f) Cultural facility, museum, or library

A facility providing public access to cultural resources. It may include museums, libraries, art galleries, and other similar facilities that are open to the public. Facilities designed to regularly host performing arts events, such as arenas or theaters, shall not be considered cultural facilities.

(g) Day care center, adult

A nonmedical facility for the care of six or more adult persons who due to advanced age, handicap, or impairment require assistance and/or supervision by staff during part of the day.

(i) An adult day care center shall comply with all applicable Commonwealth regulations regarding the licensing and operations of adult day care centers.

(ii) As a principal use in the I-L (Limited Industrial) district, the lot on which the facility is located shall not exceed 20,000 square feet in area.

(h) Day care center, child

An establishment providing care and maintenance to six or more children separated from their parents or guardians during part of the day. A public school or a private elementary school having a similar curriculum and at least four grades, including kindergarten, shall not be considered a day care center.

(i) The facility shall remain in compliance with all Commonwealth requirements for a child day care center.

(ii) The facility shall include outdoor play areas that are:

(A) Located to the side or rear of buildings, and not within ten feet of an occupied dwelling.

(B) Completely enclosed by a fence that is at least four feet in height, and if adjacent to a Residential district, screened by a six-foot solid fence or wall along with a landscape buffer capable of reaching six feet in height at maturity.

(C) Safely segregated from parking, loading, or service areas.

(D) Used only between the hours of 8:00 a.m. and 6:00 p.m. if located within 100 feet of a residential dwelling.

(iii) The facility shall provide a designated pickup and delivery area that is located adjacent to the day care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

(iv) The designated pickup and delivery areas shall be illuminated during any non-daylight hours that the facility is in operation.

(v) As a principal use in the I-L (Limited Industrial) district, the lot on which the facility is located shall not exceed 20,000 square feet in area.

(i) Government maintenance, storage, and distribution facility

A facility housing government shops, maintenance and repair centers, equipment and outdoor storage yards.

(i) For the purposes of Section 5.3, Perimeter Buffers, the facility shall be considered as being within an industrial district, regardless of the zoning district in which it is actually located.

(j) Government office

A general government office or facility that provides administrative, and/or direct services to the public.

(k) Hiring hall

An establishment responsible for the organization or assembly of individuals seeking or awaiting immediate employment or training opportunities within a fully enclosed building.

(l) Hospital

An institution receiving inpatients and rendering medical care on a 24-hours-per-day basis that is licensed for that purpose by the Commonwealth, including general hospitals, sanitariums, sanatoriums, and institutions in which service is limited to special fields. The facilities

may also include pharmacies, outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses.

(i) The facility shall be located on a zoning lot that is a minimum three acres in area.

(ii) Parking areas serving the facility shall have direct access onto a major arterial.

(iii) The facility shall have minimum street frontage of 300 feet.

(m) Hospice

Facilities which provide in-patient care for persons suffering from a terminal illness in a residential-type setting, often replicating the look and feel of a home. The facilities may also include offices for medical practitioners and pharmacies where medicine is dispensed.

(i) The maximum number of overnight patients shall not exceed 12, unless approved by the ZA.

(n) Membership organization

An establishment providing facilities for entertainment or recreation for only bona fide members and guests, operating on a membership basis with pre-established membership requirements and a formal organizational structure and bylaws, not available to the general public, and not operated for profit. Additionally, members shall pay dues on a monthly, quarterly, or annual basis to defray the cost of operating the organization. May refer to clubs, lodges, or other similar organizations.

(i) Membership organizations shall impose a seven-day waiting period on membership approval, and shall have nondiscriminatory membership policies.

(ii) Membership organizations wishing to serve alcoholic beverages for on-premises consumption or wishing to provide live entertainment shall obtain the appropriate Conditional Use Permit(s).

(o) Military Installation

A base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the United States Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

(p) Religious institution

A building, or portion thereof, used for religious services involving at least 15 persons, where they regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and

its accessory buildings and uses shall be maintained and controlled by a religious organization. Religious institutions include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. May include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, other activities customary to the operation of a religious institution, operated by the institution for its members. May also include a dwelling for persons who regularly participate in the operation of the institution. Religious institutions may also include housing for the religious community such as a convent or monastery, typically used by nuns, priests, monks, or other similar religious persons.

(i) In the C-N, C-C, and C-R districts, the lot area on which the institution sits shall be no larger than one acre.

(ii) The City Council may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 *et seq*.). In doing so, the Council may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent development.

(q) School, boarding

A school that provides lodging or dwelling for students or faculty on the same property. A boarding school provides instruction meeting Commonwealth requirements for a school, but also provides lodging or dwellings for the students while the school is in session.

(i) A Type A perimeter buffer shall be installed and maintained around the perimeter of any outdoor recreational facilities on the site.

(ii) Where outdoor recreational facilities are directly adjacent to a residential zoning district, a Type B perimeter buffer shall be installed and maintained.

(r) School, elementary

An educational institution that offers a program of instruction (typically kindergarten through fifth or sixth grade level, but may include pre-kindergarten through eighth grade) meeting Commonwealth requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

(i) A Type A perimeter buffer shall be installed and maintained around the perimeter of any outdoor recreational facilities on the site.

(ii) Where outdoor recreational facilities are directly adjacent to a Residential district, a Type B perimeter buffer shall be installed and maintained.

(s) School, secondary

An educational institution that offers a program of instruction (typically ninth through 12th grade level, but may include six through eighth grades) meeting Commonwealth requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

(i) A Type A perimeter buffer shall be installed and maintained around the perimeter of any outdoor recreational facilities on the site.

(ii) Where outdoor recreational facilities are directly adjacent to a residential zoning district, a Type B perimeter buffer shall be installed and maintained.

(t) School, vocational or trade

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students, and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes, and meets any Commonwealth requirements for a vocational training facility.

Transportation and Utility Uses

(3) Standards Applicable to All Transportation and Utility Uses

The Transportation and Utility Uses category is one of two use categories found under the Public, Civic, and Institutional Uses classification. The principal use types in this category provide the infrastructure necessary to keep the city operating.

(4) Standards Applicable to Individual Transportation and Utility Uses

(a) Airport

A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. The place shall include landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas.

(i) The facility shall comply with all Federal Aviation Administration (FAA) requirements for the class of facility.

(ii) All runways shall be located at least 100 feet from any boundary line of the site.

(b) Heliport

A facility or terminal that is designed and intended and used for the landing, loading and unloading, take-off, and storage of rotary-wing aircraft (like helicopters), but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

(i) A heliport shall comply with all Federal Aviation Administration (FAA) requirements for the class of facility proposed.

(c) Park and Ride facility

An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community through a nearby transit station or terminal located within convenient walking distance of the facility. Accessory structures may include passenger shelters.

(i) The facility shall be located within 1,000 feet of a fixed route transit station or terminal.

(d) Parking facility (as a principal use)

An off-street parking area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of motor vehicles.

(i) A Conditional Use Permit is required in the following circumstances:

(A) For any facility located adjacent to the SF-2, SF-4, SF-6, SF-10, SF-T, and R-C zoning districts.

(B) In the D districts, for any facility located on a surface lot.

(ii) The parking of motor vehicles shall be the primary use of the facility. Except as otherwise expressly provided in this Ordinance, no other business shall be conducted in the parking facility—including, but not limited to, repair, servicing, washing, or display of vehicles, or storage of goods.

(iii) In the PCO-Colley, PCO-21st Street, PCO-35th Street, and NRO-Five Points districts, parking garages shall have commercial or office ground floor uses.

(e) Passenger terminal, surface transportation

A facility that receives and discharges passengers using surface transportation (bus, transit, and railroad), and at which facilities and equipment required for their operation are provided.

(i) The facility shall include on-site customer service facilities such as ticket sales kiosks, management offices, and restrooms, and shall be open no less than one hour before and one hour after any scheduled service.

(ii) Hours of operation shall be displayed at the main pedestrian entrance.

(f) Solar energy collection facility (large-scale)

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a large-scale solar energy collection facility is distinguished from a small-scale facility in that it is designed primarily to meet off-site energy demands and is typically mounted on the ground.

(i) Maximum lot coverage of the system and any associated equipment shall not exceed 65 percent.

(ii) Adequate access for maintenance of the system shall be provided.

(iii) The system shall not exceed a height of 20 feet.

(iv) The property owner shall be responsible for establishing any solar easements from property owners in the vicinity.

(g) Terminal, cruise ship

A facility comprising one or more berths, slips, piers, wharves, loading and unloading areas, warehouses, and storage yards used for transfer and the docking of cruise ships, and the loading and unloading of passengers, cargo, and crew.

(i) The facility shall include on-site customer service facilities such as ticket sales kiosks, management offices, and restrooms, and shall be open no less than one hour before and one hour after any scheduled service.

(h) Utility facility, major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

(i) Any electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

(i) Utility facility, minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

(i) Minor utility facilities shall not be used for outdoor storage or maintenance purposes.

(j) Wind energy conversion facility, large-scale

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A large-scale wind energy conversion system has a rated capacity of 100 kilowatts (kW) or more and is intended to provide electricity to a large area.

(i) Minimum net lot area shall be five acres.

(ii) The facility shall utilize monopole or self-supporting towers.

(iii) All towers shall be set back from all property lines a distance equal to or exceeding the overall height of the tower and associated wind turbine blades (as measured from the base of the tower).

(iv) The maximum height of any tower (including extended blades) shall be 450 feet.

(v) Blade tips or vanes shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades.

(vi) No blades shall extend over public rights-of-way.

(vii) All towers and turbines shall maintain uniform design in terms of the following features:

(A) Tower type;

(B) Tower, turbine, and blade colors;

(C) The number of blades per turbine; and

(D) The direction of blade rotation.

(viii) The tower and wind turbine shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral —but generally non-reflective—color (e.g., gray, white, or galvanized steel).

(ix) All ground-based equipment buildings shall be located under the blade sweep area to the maximum extent practicable.

(x) The facility shall be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices, and shall provide warning signs at each vehicular access point to the site.

(xi) Except for transmission lines and collector utility structures, all utilities associated with the facility shall be located underground.

(xii) No illumination of the tower or wind turbine shall be allowed, unless required by the FAA—in which case, it shall be of the lowest intensity allowed. Strobes or blinking lights shall be avoided to the maximum extent practicable.

(xiii) Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(xiv) The noise produced by the facility during operation shall not exceed 55 dBA at any lot line. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

(xv) The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from the facility.

(xvi) If use of the facility is discontinued for a continuous period of one year, the city shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the city. The owner shall remove the facility (including all towers, turbines, above-ground structures and equipment, outdoor storage, and hazardous materials) within 180 days after a notice of termination is filed. On removing an abandoned facility, the owner shall restore the site of the facility to as good a condition as existed before construction or installation of the facility, unless otherwise instructed by the city.



F. STANDARDS SPECIFIC TO COMMERCIAL USES

The principal use types in the Commercial Uses classification are intended to provide a broad range of retail, service, office, and business commerce uses to benefit Norfolk's citizens, visitors, and its workforce. For the purposes of this Ordinance, Commercial uses are subdivided into five use categories: Eating and Drinking Uses, which are intended to address the range of uses that involve the consumption of food and beverages; Recreation Uses, which are intended to address the range of commercial recreation uses; Retail Sales and Service Uses, which are intended to address the range of uses that involve the direct or indirect sale of goods or provision of services to clients or customers; Vehicle Sales and Service Uses, which are intended to address the range of uses that involve the sale, repair, rental, or storage of automobiles, boats, and other similar vehicles; and Visitor Accommodation Uses, which are intended to address the range of uses that are intended to provide temporary accommodations to visitors to the city.

Eating and Drinking Uses

(1) Standards Applicable to All Eating and Drinking Uses

The Eating and Drinking Uses category is one of five use categories found under the Commercial Uses classification. The principal use types in this category address the range of uses that involve the consumption of food and beverages, including alcohol.

(a) Where a Conditional Use Permit is not already required for an individual Eating and Drinking use, a Conditional Use Permit for live entertainment shall be obtained whenever a performance area or any form of entertainment, as defined in Section 8.3 of this Ordinance, is provided.

(b) No alcoholic beverages shall be sold for on-premises or off-premises consumption without the proper approvals from the Alcoholic Beverage Control Board. The sale of alcoholic beverages shall be limited to the most restrictive of both the times approved by the ABC Board and the times approved in any conditional use permit that may be issued authorizing the sale of alcoholic beverages at or from the premises.

(c) Waste shall be stored in appropriate containers not visible from the public right-of-way or from any area accessible to the public.

(d) All exterior areas shall be maintained in a clean and orderly fashion.

(e) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from ground level locations within adjacent Residential districts.

(2) Definitions and Standards Applicable to Individual Eating and Drinking Uses

(a) After-hours membership establishment

An establishment operating between the hours of 2:00 a.m. and 6:00 a.m. which serves alcoholic beverages, may provide unpackaged food in a ready-to-consume state, and is only open to members and guests.

(i) The establishment shall not operate before 2:00 a.m. or after 6:00 a.m.

(ii) The establishment shall not operate in the same space as any other use in the Eating and Drinking uses category or a live entertainment accessory use.

(iii) The establishment shall impose a seven-day waiting period on membership approval.

(iv) The establishment shall maintain nondiscriminatory membership policies.

(v) The establishment shall ensure that the total number of guests present at any time shall not exceed the lesser of:

(A) The total number of members present, or

(B) The total number of guests who may be present pursuant to the rules and regulations of the Alcoholic Beverage Control Authority.

(b) Banquet hall

A room or building for the purpose of hosting private pre-arranged social occasions that are not open to impromptu attendance by the general public, such as weddings, banquets, parties, or other gatherings. Such establishments may serve unpackaged food in a ready-to-consume state to customers who will consume these foods while seated at tables or counters primarily located within the room or building.

(i) In the A district, a banquet hall shall only be allowed within the terminal complex of Norfolk International Airport.

(ii) A Conditional Use Permit is required when alcoholic beverages are served or sold.

(c) Catering establishment/commercial kitchen

An establishment that specializes in the preparation of food or beverages for social occasions, such as weddings, banquets, parties, or other gatherings. Such establishments may prepare food and beverages either at their established business location or at the location of the gathering that is being served.

(i) Food and beverages prepared by the establishment shall not be consumed by customers on the site.

(d) Nightclub

An establishment that serves alcoholic beverages, that provides live entertainment with a disc jockey and a dance floor, and that operates late in the evening, beyond the standard restaurant operating hours.

(i) A nightclub shall not be open to the public between the hours of 2:00 a.m. and 6:00 a.m.

(ii) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(iii) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(iv) The establishment shall maintain a current, active business license at all times while in operation.

(v) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(vi) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in-writing, and its availability shall be made known to patrons through either a printed card placed on each table and on the bar, or through a description printed on the menu.

(e) Production of craft beverages

A facility that produces and serves alcoholic beverages, including but not limited to beer, ale, wine, mead, or cider for on-premises or off-premises consumption, and for wholesaling.

(i) The facility shall not operate between the hours of 12:00 a.m. and 2:00 a.m. unless expressly authorized by grant of a conditional use permit allowing late night food and beverage sales.

(ii) Smoking shall be prohibited in outdoor gathering areas and signs shall be placed in conspicuous locations to indicate smoking limitations.

(iii) Wholesale distribution of products manufactured on the premises is allowed, as long as it is done from a designated loading area that does not interfere with the public use of any public right-of-way.

(iv) Fermentation and disposal of ingredients used in manufacturing shall be managed so as to prevent any nuisance effects on surrounding properties.

(v) Outdoor storage is prohibited, except when located in an I district.

(f) Restaurant

An establishment whose function is the preparation and selling of unpackaged food and beverages to the customer in a ready-to-consume state, where the customer consumes these foods and beverages while seated at tables or counters primarily located within a building. The principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual menu and served their food and beverages by an employee of the restaurant at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the building.

(i) A Conditional Use Permit is required in the following circumstances:

(A) In the Downtown character district, establishments operating between the hours of 12:00 a.m. and 2:00 a.m.

(B) In the Coastal, Suburban, or Traditional character districts, for establishments operating between the hours of 11:00 p.m. and 2:00 a.m.

(C) Where seats will not be provided for at least 80 percent of patrons.

(D) When entertainment is provided.

(E) When alcoholic beverages are sold, except for establishments that are always closed between 5:00 p.m. and 7:00 a.m. the following morning.

(ii) A food menu shall be provided at all times that alcohol is sold.

Recreation Uses

(3) Standards Applicable to All Recreation Uses

The Recreation Uses category is one of five use categories found under the Commercial Uses classification. The principal use types in this category address the range of uses intended to provide for commercial recreational events of various type and scale.

(a) For any site larger than three acres, a parking and traffic study, including a traffic operations plan, shall be submitted for review as part of the Zoning Certificate or site plan review process.

(4) Definitions and Standards Applicable to Individual Recreation Uses

(a) Amusement park

An outdoor facility designed for entertainment purposes which may include structures or buildings, motorized or nonmotorized rides, games, booths for the conduct of sporting events or games. Office, retail and other commercial uses commonly established in such facilities and related parking facilities shall be allowed as accessory uses.

(b) Arena, stadium, or amphitheater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

(i) At the primary point of access, at least 200 feet of frontage on a collector or arterial street is required.

(ii) Access points shall be located in such a manner as to minimize traffic to and through local streets in Residential districts.

(c) Casino

A facility licensed by the Virginia Lottery Board within which the installation of any gaming equipment, device, or supply, as defined in Section 8.3.2 of this ordinance, is authorized. A casino may also include, as part of the principal use, the operation of one or more of the following: hotel, restaurant, marina, retail goods establishment, personal service business, conference or training center, banquet hall, after-hours membership facility, live entertainment, nightclub, production of craft beverages (include the off-premises sale of such beverages), on-premises sale of alcoholic beverages, therapeutic massage facility, smoke or vape shop, indoor recreation facility, outdoor recreation facility, automobile rental, car wash, and other, similar uses, including associated parking facilities or structures.

(i) A conditional use permit is required whenever the casino is located on land that has not been approved for use as a casino by the City's electorate as part of a referendum process required by state law.

(ii) The facility shall not permit wagering on games except as permitted by Va. Code § 58.1-4122.

(iii) Any gaming equipment, devices, or supplies customarily used in conducting licensed gaming activities shall be purchased or leased only from suppliers holding permits for such purpose under Va. Code § 58.1-4122.

(iv) Wagers shall be conducted only with tokens, chips, or electronic cards purchased from as casino gaming operator licensed by the

Virginia Lottery Board and such tokens, chips, or electronic cards shall only be used as permitted by Va. Code § 58.1-4122.

(v) No person under the age of 21 shall be permitted to operate any gaming equipment, device or supply nor shall be permitted to wager on a game.

(vi) A site-specific parking study, as described in Section 5.1.7.C(8), Site-Specific Parking Study, shall be prepared to determine the appropriate parking for the facility.

(vii) Norfolk Police and Fire-Rescue personnel may enter and inspect the establishment at any time for the purpose of determining compliance with fire prevention and public safety laws.

(viii) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in-writing, and its availability shall be made known to patrons through either a printed card placed on each table and on the bar, or through a description printed on the menu.

(ix) No financial services business other than one at which the deposits are insured by either the Federal Deposit Insurance Corporation or the National Credit Union Administration shall operate as part of or in conjunction with the casino.

(x) The casino must offer and honor an opt-out policy for compulsive and problem gamblers to prevent their use of any gaming equipment, device, or supply at the casino.

(xi) A food menu shall be available to patrons at all times that alcohol is sold.

(xii) The operator shall impose and maintain measures to ensure that each building or each space within a building has an occupancy limit established by either the Fire Marshal or the applicable regulations of the building code shall remain at an occupancy count that never exceeds any of such established limits.

(xiii) No amplified sound shall be permitted in any outdoor area after midnight.

(xiv) No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act, and no smoking shall be permitted anywhere in any outdoor dining area. Signage notifying patrons of this restriction in outdoor dining areas shall be conspicuously posted.

(xv) No smoking products shall be sold or offered for sale to any person under the age of 21, except as may be permitted by state law.

(xvi) The layout of the establishment shall adhere to the specifications of any floor plans that have been reviewed and confirmed by the City to be in compliance with the applicable regulations of the building code. No change shall be made to any floor plan, means of ingress, or means of egress without prior approval of the Fire Marshal and the Building Commissioner.

(xvii) Whenever a disc jockey is performing, a dancefloor must be provided in the same area as the performance.

(xviii) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of the public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises so as to keep such areas free of litter, refuse, and both solid and liquid waste.

(xix) The establishment shall maintain a current, active business license at all times while in operation.

(xx) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.

(xxi) The facility shall have a written security plan in place at all times while in operation and shall provide a copy of it to the City's Department of Police prior to commencing operation as a casino and promptly following each time the plan is amended or revised.

(xxii) If any massage therapy services are provided, the operator shall impose and maintain measures to ensure that the only persons providing such services are those holding current credentials as certified massage therapists licensed by the Board of Nursing of the Commonwealth of Virginia's Department of Health Professionals.

(xxiii) If any conference or training center is provided, the occupancy of the common areas or any of the individual spaces within the conference center shall not exceed the maximum number of people indicated on the applicable certificates of occupancy.

(xxiv) If any after-hours membership facility is provided, the following standards are required:

(A) The facility must operate on a membership basis with pre-established membership requirements, formal organizational structure, and bylaws.

(B) No persons other than members and their bona fide guests shall be permitted to use the facility. The facility shall never be open to the general public.

(C) Members shall pay dues on a monthly, quarterly, or annual basis.

(D) Membership in the facility shall be granted upon written application only, with a waiting period of seven days before approval may be issued.

(E) Members, employees, and agents of the membership organization shall not be permitted to sell either guest or membership privileges.

(xxv) No alcoholic beverages may be sold for off-premises consumption unless a facility for the production of craft beverages is provided.

(xxvi) If any facility for the production of craft beverages is provided, the following standards are required:

(A) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.

(B) All beer sold for off premises consumption shall be in a package containing a minimum of four (4) bottles or cans or shall be in a single fillable or refillable container of at least 32 oz. capacity.

(xxvii) If any automobile rental service is provided, the following standards are required:

(A) There shall be no storage of wrecked or inoperative vehicles in the building or on the property.

(B) An oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of City Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

(C) There shall be no signage, flags or banners visible from any public right-of-way affixed to any automobiles being displayed for rent.

(xxviii) If any car wash is provided, all gray water and wastewater resulting from the operation of the facility shall be captured, treated and reused or disposed of in accordance with all applicable standards of the Virginia Water Control Board and Virginia Department of Environmental Quality

(d) Cinema or theater

One or more adjoining structures housing one or more theaters or live performance spaces for motion pictures or dramatic, dance, or musical productions.

(e) Commercial recreation center

An establishment where five (5) or more amusement devices, as defined in Section 4.3.3 of this ordinance, defining performance standards for all accessory uses, are provided for use by patrons.

(i) In the A district, a commercial recreation center shall only be allowed within the terminal complex of Norfolk International Airport.

(ii) In the 21st Street PCO the following shall apply:

(A) Minors (persons less than 18 years of age) shall not be admitted unless accompanied by a guardian at least 25 years of age. No guardian may accompany more than 5 minors.

(B) All guests less than 21 years of age must leave the premises no later than 9:00 p.m.

(f) Conference or training center

A facility designed to accommodate conferences, seminars, product displays, recreation activities, and entertainment functions.

(i) A Conditional Use Permit is required in the following circumstances:

(A) For the sale of alcoholic beverages on site.

(B) For the provision of live entertainment on site.

(C) For establishments operating between the hours of 12:00 a.m. and 7:00 a.m.

(ii) In the A district, a conference or training center shall only be allowed within the terminal complex of Norfolk International Airport.

(g) Country club

A chartered, nonprofit membership club catering primarily to its members, providing but not limited to one or more of the following recreational and social activities: golf, swimming, sailing, boating, riding, indoor and outdoor recreation, club house, dining facilities, locker rooms, fitness facilities, and pro shop. The use includes water-based yacht clubs with accessory mooring, launching, boat storage, and clubhouse facilities, but does not include other water-related uses.

(h) Health and fitness facility

An indoor establishment with limited outdoor recreation activities that operates as a business or membership organization, which provides exercise and physical fitness facilities, and fitness and health services and classes, such as but not limited to weight lifting, calisthenics and aerobic, dancing, Pilates, swimming, martial arts, yoga, saunas, whirlpools, steam rooms, lockers and showers and dressing areas for patrons.

(i) Marina

A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; boat rental; dry land boat maintenance and storage; pump-out stations; fishing piers; beaches; erosion control devices; boat ramps, lifts, and launching facilities; boat sales, including parts; restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; cabanas; bathhouse; public showers; outdoor playing courts; picnic areas; and rental of houseboats that are used primarily as residences and not used for recreational, commercial, or transportation purposes.

(i) Boat repair is prohibited except in the I-W and EBH districts.

(ii) No outdoor storage of parts or supplies for boat repair shall be permitted.

(iii) Major repair and overhaul work on boats smaller than 20 feet in length shall be performed inside an enclosed building.

(iv) All personal watercraft rented by the facility shall be equipped with underwater muffled exhaust systems.

(v) No houseboat at the Marina is permitted to be rented to a transient guest or other residential occupant except when all of the following standards are met:

(A) The houseboat remains in compliance with all applicable local, state, and federal regulations, including any Virginia Department of Health regulations relating to live-aboard slips.

(B) The houseboat is maintained in good repair with no rust, peeling paint or visible deterioration.

(C) No sewage, treated or untreated, is discharged from any houseboat directly or indirectly into any waterway.

(D) The Marina annually files written documentation with the Department of Planning indicating that it tends to allow houseboat rentals and identifying the maximum number of houseboats to be available for rent and their location within the Marina.

(E) The Marina shall maintain a record of all stays, including names of each guest, dates of stays, and lengths of stays, and makes its records available for review by any law enforcement officer promptly upon request.

(F) Any law enforcement officer, fire inspector, or sworn special police officer is provided immediate access to the houseboat at all reasonable times for the purpose of investigating any complaint or enforcing any law, ordinance, or regulation.

(G) Except when expressly waived upon the grant of a Conditional Use Permit, all of the following additional standards:

(01) The houseboat is owned exclusively by the operator of the Marina.

(02) The Marina provides no fewer than 150 slips.

(03) No more than 5% of the boat slips are occupied by houseboats that are available for such rentals.

(04) A Marina employee capable of assisting persons renting the houseboat remains on-site throughout the rental period.

(j) Recreation facility, indoor

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: archery or baseball batting cages, swimming pools, bowling alleys, health and fitness facility, recreation courts, shooting ranges, skating facilities, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

(k) Recreation facility, outdoor

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: archery or baseball batting cages, athletic fields, miniature golf courses, recreation courts, shooting ranges, swimming pools, and similar uses. Outdoor recreation facilities may include accessory uses such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the outdoor recreation facility.

(i) A Conditional Use Permit is required in the following circumstances:

(A) When entertainment is provided.

(B) When alcoholic beverages are sold.

(ii) If the establishment is located within 500 feet of a Residential district, the use of any public address or other loudspeaker system shall not occur between 9:00 p.m. and 7:00 a.m.

(iii) If the establishment is located in a Downtown district, the facility's hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. The facility shall be secured outside of operating hours.

(iv) If the establishment is located in the I-L zoning district:

(A) No more than 25% of the total lot area may be used for the Recreation Facility, Outdoor use in the I-L zoning district.

(B) Total land disturbance shall be limited to 2,500 square feet of the total lot area

(C) The maximum term of any CUP issued for the Recreation Facility, Outdoor use in the I-L zoning district shall be no more than two years.

Retail Sales and Service Uses

(5) Standards Applicable to Retail Sales and Service Uses

The Retail Sales and Service Uses category is one of five use categories found under the Commercial Uses classification. The principal use types in this category address the range of uses that involve the direct or indirect sale of goods or provision of services to clients or customers.

(a) Within 100 feet of a Residential district, delivery and refuse collection service shall not take place between the hours of 10:00 p.m. and 6:00 a.m.

(b) In the A district, retail sales and service uses shall only be allowed within the terminal complex of Norfolk International Airport

(c) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from ground level locations within adjacent Residential districts.

(6) Definitions and Standards Applicable to Individual Retail Sales and Service Uses

(a) Animal shelter

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

(i) Outdoor animal runs are only permitted in the Industrial districts.

(b) Artisanal production

The on-site production and sale of hand-fabricated objects, hand-manufactured parts, or custom craft consumer goods using hand tools

or small-scale, light mechanical equipment. Examples include apparel manufacturing, cabinetry, small-scale food production, furniture making, glass working, jewelry making, metal working, pottery, wood working, and small-scale hydroponic or other agricultural production.

(i) The use shall not exceed a gross floor area of 15,000 sf.

(ii) The use shall not generate perceptible odor, smoke, electrical enterference, or vibration outside of the hours of 7:00 a.m. to 10:00 p.m.

(iii) The use shall not reduce the fenestration or transparency of the street facing façade of the structure it occupies.

(iv) At least 15% of the gross floor area shall be utilized for on-site sales or services.

(c) Artist studio/school/gallery

An establishment with space used for the production of, instruction in, or display of the visual arts.

(d) Auction house

A place where the property of others, such as objects of art, furniture, and other goods (except livestock and vehicles), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

(i) The outdoor storage of items available for auction shall be limited to the established times of auction events.

(e) Auto supply sales and rental

Establishments related to the sale, lease, or rental of new or used auto parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

(i) A Conditional Use Permit is required to operate between the hours of 12:00 a.m. and 5:00 a.m.

(ii) On-site minor repairs shall be limited to the replacement of batteries, light bulbs, windshield wipers, and other similar repairs.

(f) Bank or other financial institution

An establishment that provides retail banking services (banks, savings and loans institutions, credit unions, mortgage lending), or similar financial services to individuals and businesses. This use type does not include check cashing, auto title, or payday loan businesses or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

(i) Generators or other resilient power supply systems shall be provided such that essential consumer financial services may be conducted during time of extended power outages.

(g) Cannabis dispensing facility

A facility that has obtained a permit or license from the Virginia Board of Pharmacy or other state regulatory entity to dispense and sell cannabis products.

(i) The facility shall not operate outside the hours of 7:00 a.m. until 10:00 p.m. on any day.

(ii) No facility shall be located within 1,000 feet of a boarding school, elementary school, vocational or trade school, adult day care center, or child day care center.

(iii) No facility shall be located within 1,000 feet of any other cannabis dispensing facility.

(h) Check cashing, auto title, or payday loan businesses

An establishment that primarily accepts or cashes, for compensation, a payment instrument regardless of the date of the payment instrument and/or provides cash advances or small loans, typically in exchange for a vehicle title. This use does not include activities undertaken by any bank, trust company, savings bank, savings and loan association, or credit union, as long as that institution has a branch that accepts deposits in the Commonwealth; or any subsidiary or affiliate of an institution described in part. Additionally, this use does not include a business in which a customer presents a payment instrument for the exact amount of a purchase; or involve foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a federal, state, or other state financial institution.

(i) If the business is open between the hours of 9:00 p.m. and 6:00 a.m., security lighting and cameras shall be provided on all open sides of the building to provide surveillance of the area within 100 feet of the building's exterior.

(ii) At least one security employee (with no other duties) shall be on the premises when the business is open.

(i) Consignment shop

An establishment where goods limited to only clothing and clothing accessories are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the sale price or other consideration.

(i) In the PCO-Colley, PCO-Riverview, and PCO-21st Street districts, the maximum floor area shall be 3,500 square feet.

(j) Convenience store

A small retail establishment, typically less than 5,000 square feet that sells a range of everyday goods such as groceries, toiletries, soft drinks, and ready-to-eat food products (not intended for on-premises consumption). This use does not include smoke or vape shops or retail goods establishments.

(i) Generators or other resilient power supply systems shall be provided such that ice, food, gasoline, and other similar products may be acquired by consumers during time of extended power outages.

(ii) A Conditional Use Permit shall only be required in the A district when the establishment is located outside of the airport terminal building.

(k) Establishment for the sale of distilled spirits for off-premises consumption

An establishment licensed by the Commonwealth of Virginia to engage in the retail sale of distilled spirits for consumption off-the premises, along with the sale of alcohol-related supplies such as glassware and mixing products.

(i) No alcoholic beverages shall be sold without the proper approvals from the ABC Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.

(ii) All beer sold shall be in a package containing a minimum of six bottles or cans. All wine shall be sold in containers with a minimum of 375 ml each, except when permitted by an approved Conditional Use Permit.

(l) Farmer's market (as a principal use)

A collection of vendors, operating regularly for all or most of the year, using private or publicly owned property or property owned by a not-for-profit organization, for the sale of agricultural and horticultural products grown by the vendor or for the sale of baked, canned, or preserved foods prepared by the vendor.

(i) Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.

(ii) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(m) Flea market, indoor

A building or place devoted to the indoor sales of new and used merchandise by independent vendors with individual stalls, tables, or other spaces.

(n) Flea market, outdoor

An unenclosed area devoted to the outdoor sales of new and used merchandise by independent vendors with individual stalls, tables, or other spaces.

(i) Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(ii) Sanitary facilities shall be provided for both men and women.

(iii) Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

(iv) All rental spaces and buildings shall maintain a 50-foot setback from all residential development or land in a Residential district.

(o) Funeral home or mortuary

A building used for human funeral services. A funeral home may contain facilities for: embalming and other services used in the preparation of the dead for burial; the display of the deceased; the performance of ceremonies in connection with a funeral; the performance of autopsies and similar surgical procedures; the sale and storage of caskets, funeral urns, and other related funeral supplies; a crematory; and the storage of funeral vehicles.

(p) Grocery store

An establishment typically larger than 15,000 square feet, that offers a diverse variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, household products, and paper goods, and markets a majority of its merchandise at retail prices. The establishment may include accessory uses including prescription pharmacy, or delicatessen.

(i) A Conditional Use Permit is required in the following circumstances:

(A) For any such establishment selling alcohol for off-premises consumption that will not conform to subsection (iv) or (v), below.

(B) For any single-tenant building(s) that have a gross floor area of 50,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities.

(ii) A Conditional Use Permit is required to operate between the hours of 12:00 a.m. and 5:00 a.m.

(iii) No alcoholic beverages shall be sold for on- or off-premises consumption without the proper approvals from the ABC Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.

(iv) All beer sold for off-premises consumption shall be in a package containing a minimum of six bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.

(v) No more than ten percent of the gross floor area of the establishment may be used for the sale of alcoholic beverages.

(vi) Generators or other resilient power supply systems shall be provided such that ice, food, gasoline, and other similar products may be acquired by consumers during time of extended power outages.

(q) Kennel

An establishment with or without outdoor animal runs, at which more than four animals commonly kept as pets, such as cats or dogs, are boarded overnight. Pet daycare establishments that do not board pets overnight and veterinary offices that provide boarding of animals as a regular, but not primary focus of their business, are not included in this definition.

(i) Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

(ii) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

(iii) Open exercise runs or pens shall be located no closer than 35 feet from any Residential district.

(iv) A Type B perimeter buffer shall be provided between any open exercise runs or pens and the property line.

(r) Music, dance, or martial arts studio/school

An establishment with space used for the production of – or instruction in – music, dance, or the martial arts.

(s) Novelty store or theater, adult

An enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein; or an establishment with either 10 percent or more of its retail sales area dedicated to or 10 percent or more of its gross revenues earned from either the sale or rental of media material – including, but not limited to, books, magazines, periodicals or other printed matter; photographs,

films, motion pictures, videos in any format including digital formats; computer programs, or other visual representations which are distinguished or characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas" as defined in this section – or from the sale or rental of adult novelty items – including, but not limited to, instruments, devices, or paraphernalia which are designed or marketed for stimulation of human genital organs.

(i) The use shall not be located less than 500 feet from any Residential district boundary.

(ii) All off-street parking spaces serving the use shall be located at least 300 feet from the nearest Residential zoning district boundary.

(iii) No more than two such uses shall be located within 1,000 feet of each other.

(t) Office

A building primarily consisting of offices used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including administration, record keeping, clerical work, and similar business functions such as business service centers, data processing facilities, day labor services, employment or travel agencies, parcel services, and telephone call centers are also included, in addition to accessory uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, newspapers, or candy stands.

(u) Office, contractor

An office used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building.

(i) Outdoor storage is permitted in the Industrial, BC-I, and BC-O districts and shall be enclosed and screened as per the requirements of Section 4.3.3.E(1)(o), Outdoor storage.

(ii) Any equipment stored on-site shall be stored in an enclosed area.

(v) Office, medical or dental

A facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. Medical or dental clinic/offices may include labs used in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers,

ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals, drug or alcohol treatment facilities, or massage therapy establishments.

(w) Pawnshop

An establishment that lends or advances money or other things to a person, for profit, on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

(i) The establishment shall remain in compliance with Chapter 38 of the City Code, at all times.

(x) Personal service business

A business providing frequent or recurrent needed services of a personal nature, not including those other uses listed in the personal services use category. The use includes many common business types, including beauty salons, barber shops, dry cleaning or laundry drop-off/pick-up establishments, laundromats, nail care establishments, and personal household goods repair establishments.

(i) A Conditional Use Permit is required to operate between the hours of 12:00 a.m. and 5:00 a.m.

(ii) No personal service business shall offer or provide permanent cosmetic tattooing except in a full-service beauty salon that offers a wide range of services and where the tattooing activity is conducted in compliance with Norfolk City Code Section 43.1, "Tattoo Parlors." For purpose of this provision, "permanent cosmetic tattooing" is the placing of marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face that is limited to eyebrows, eyeliner, lip coloring, lip liners, full lips, cheek blush, and eye shadow.

(y) Retail goods establishment

Establishments that sell consumer goods at retail. The use includes antique stores, art galleries, bicycle sales, rental service, or repair establishments, bulk retailing establishments, drug stores or pharmacies, home, building, and garden supply stores, monument or headstone sales establishments, and retail sales establishments. Firearms sales establishments are considered retail goods establishments for the purposes of this Ordinance.

(i) A Conditional Use Permit is required in the following circumstances:

(A) To operate between the hours of 12:00 a.m. and 5:00 a.m.

(B) For the construction or substantial improvement of any establishment with a gross floor area of 50,000 square feet or more that devotes 60 percent or more of the total floor area to retail sales activities.

(C) In the BCRO district, for establishments typically less than 12,000 square feet that provide assorted, inexpensive household, personal, home office, decorative, and packaged, shelf-stable food items that are continuously offered at a discounted price that is usually less than $10 each per item, other than a convenience store or an establishment that includes a pharmacy.

(ii) For retail goods establishments providing pharmacy services, generators or other resilient power supply systems shall be provided such that prescription and non-prescription drugs may be acquired by consumers during time of extended power outages

(iii) Goods more than 100 years old, which have special value because of excessive age, unique collectability, historical significance, handicraft, or aesthetic quality are considered antiques and not used merchandise.

(z) Self-service storage units

A building or group of buildings divided into separate self-contained units or areas of 1,000 square feet or less that are offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use.

(i) All doors directly accessing individual storage units shall not be located so as to be directly visible from any public right-of-way.

(ii) Chain-link or other types of wire fencing shall not be utilized on site.

(aa) Smoke or vape shop

An establishment where the principal retail activity is related to selling or offering for sale supplies and equipment related to smoking or vaping, including tobacco, e-cigarette liquid, pipes, cigarettes, cigars, and vaporizers.

(i) No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act (Virginia Code §15.2-2820 et seq.).

(ii) No sales to person under the age of 21 shall be offered or made, except as may be permitted by state law.

(iii) The pedestrian access to the shop shall remain unlocked and open to both the public and law enforcement personnel during all hours of operation, and any security guard on the premises shall not be stationed at the entry on the exterior of the premises.

(iv) During all hours of operation, all glass portions of windows and doors along the front façade of the shop shall be maintained as transparent and shall not be heavily tinted or obscured.

(v) Any conditional use permit authorizing this use shall fully consider the proximity of the shop to schools, religious institutions, libraries, other institutional uses, and residential uses, and shall limit hours of operation accordingly.

(bb) Tattoo parlor

An establishment in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin. Training facilities, including tattoo schools licensed by the Commonwealth of Virginia's Board for Barbers and Cosmetology, may be included as an accessory use. For the purposes of this Ordinance, a tattoo parlor does not include any place which is located within the offices or quarters of a licensed physician and which performs procedures to apply permanent makeup to the face or to apply permanent coloration to other portions of the body for the purpose of achieving corrective treatment of disfiguration, skin conditions, or other cosmetic abnormalities.

(i) The establishment shall remain in compliance with Chapter 43.1 of the City Code, at all times.

(cc) Therapeutic massage facility

An establishment or institution which is operated for the purpose of providing massage therapy in which the only persons providing such services are those holding current credentials as certified massage therapists licensed by the Board of Nursing of the Commonwealth of Virginia's Department of Health Professionals. This use does not include uses, including hospital, barber shop or beauty salon, educational, cultural, recreational or athletic facilities, and other similar establishments for which the limited administering of massages may be accessory to their normal operation.

(dd) Used books/media sales

An establishment that conducts the retail sale of used or reused print or digital media products, including books, magazines, video games and game consoles, media storage devices, compact discs, and vinyl records, but not including any media that are included in the definition of adult novelty store. Establishments where the majority of items sold meet the definition of antique are classified as retail goods establishments.

(ee) Used merchandise sales

Also referred to as a thrift store, the retail sale of reused products which, when new, are customarily offered for sale to consumers. Activities associated with this use may include providing drop-off or pickup collection services for used products, cleaning, repairing, and otherwise preparing used products for resale. Used books/media sales and pawn shops shall not be included in this definition. Establishments where the majority of items sold meet the definition of antique are classified as retail goods establishments. Establishments where used products are available for auction are classified as auction houses. The sale of used commercial and personal vehicles is excluded from this use.

(i) No merchandise shall be left, dropped off, stored, or displayed outdoors, except in a fully enclosed container designed for the purpose of collecting and temporarily storing used merchandise.

(ii) There shall be no auctions for the sale of merchandise.

(iii) In the PCO-Riverview district, the maximum floor area shall be 3,500 square feet.

(ff) Vendor park, food

An outdoor facility designed to host one or more temporary food vendors selling prepared food, ready for human consumption. The facility may include tables, chairs, umbrellas, or other elements for the use of customers.

(i) A Conditional Use Permit will be required in the following circumstances:

(A) Prior to the installation of a permanent building supporting the facility.

(B) For any facility operating between 10:00 p.m. and 7:00 a.m.

(ii) The portion of the site where any vendor is parked must be surfaced as required by Section 5.1.6.F.

(iii) At least one (1) waste receptacle, with a lid that remains closed when not in use, shall be provided on the site for the convenience of customers.

(iv) A vehicular entrance to the property that conforms to the standards required by the City's Department of Public Works shall be provided.

(v) No food park vendor shall operate on any property with a lot area in excess of 10,000 sq. ft.

(vi) A sign shall be posted on the property, in the vicinity of the vendor vehicles, listing the operator's contact information.

(vii) The hours of operation shall not extend earlier than 7:00 a.m. nor later than 10:00 p.m.

(viii) Only vendors licensed and inspected in accordance with applicable requirements of state law and local ordinance may operate in the food vendor park.

(gg) Veterinary hospital or clinic

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding, and limited retail sales of pet-related merchandise.

(i) Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

(ii) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

(iii) Open exercise runs or pens shall be located no closer than 35 feet from any Residential district.

(iv) A Type B perimeter buffer shall be provided between any open exercise runs or pens and the property line.

(v) Open exercise runs are prohibited in the BC-O and PCO-Lafayette districts.

Vehicle Sales and Service Uses

(7) Standards Applicable to All Vehicle Sales and Service Uses

The Vehicle Sales and Service Uses category is one of five use categories found under the Commercial Uses classification. The principal use types in this category are intended to address the range of uses that involve the sale, repair, rental, or storage of automobiles, boats, and other similar vehicles.

(a) Parking and maneuvering areas for all users of the site, including for customers, employees, vehicles for sale, and vehicles awaiting repair or service shall be clearly delineated on a conceptual site plan to be approved by the Department of City Planning.

(b) All service areas and areas for storing vehicles awaiting service shall be screened from view from the public right-of-way.

(c) Vehicles awaiting service shall be parked in a designated location either on-site or in a designated and approved location off-site. Such vehicles shall not be parked in any public right-of-way.

(d) All vehicles parked or stored on site, including those parked for display purposes, shall be parked on a surface conforming to the requirements of Section 5.1.6.F, and shall not encroach into required buffer yards.

(e) The establishment shall provide standard commercial entrances, approved by the Department of Public Works, for all vehicular access points accessing a public road.

(f) A safety curb shall be installed around the perimeter of all paved areas.

(g) Vehicle queuing shall not block the sidewalk, street, or portion of the public right-of-way, or impede pedestrian or bicycle approaches to the site.

(h) Wrecked or inoperative vehicles shall not be stored on site without valid work or repairs orders.

(i) An oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of City Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

(j) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from ground level locations within adjacent Residential districts.

(k) Trees shall be provided so that required parking lot perimeter landscaping areas contain a minimum of 20 EPUs for each 25 linear feet of parking area.

(l) At least two trees shall be planted in required front yards and corner side yards. A minimum of 25 percent and no more than 50 percent of the trees shall be evergreen.

(8) Definitions and Standards Applicable to Individual Vehicle Sales and Service Uses

(a) Automobile rental

An establishment that provides for the rental of automobiles, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles.

(i) In the C-C and C-R districts, a Conditional Use Permit is required for any establishment where more than 25 for-rent vehicles can be stored at any one time.

(ii) There shall be no more than one vehicle display pad for every 100 feet of street frontage. A vehicle display pad shall not exceed 5,000 square feet in area and may be elevated up to two feet above adjacent displays or ground level.

(iii) No vehicles or other similar items shall be displayed on the top of a building.

(b) Automobile repair and maintenance, major

An establishment that repairs, installs, or maintains the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats, or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

(i) The minimum lot dimensions are:

(A) For an establishment that exclusively services motorcycles, motor-driven cycles, mopeds, autocycles, motorized skateboards or scooters, or bicycles, as each of them are defined in §46.2-100 of the Code of Virginia, 5,000 square feet of lot area and 50 feet of lot width.

(B) For all other establishments, 20,000 square feet of lot area and 100 feet of lot width.

(ii) Installation operations shall be conducted in an enclosed building with no outdoor storage.

(iii) The demolition or junking of motor vehicles is prohibited.

(iv) Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(v) Car wash and auto detailing performed on the site shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

(c) Automobile repair and maintenance, minor

An establishment that performs minor repairs and maintenance for personal vehicles such as routine oil changes, battery replacements, the installation of new or used tires, and minor engine repairs. The use excludes vehicle paint finishing shops, body shops, and establishments that perform major engine repairs.

(i) The minimum lot dimensions are:

(A) For an establishment that exclusively services motorcycles, motor-driven cycles, mopeds, autocycles, motorized

skateboards or scooters, or bicycles, as each of them are defined in § 46.2-100 of the Code of Virginia, 5,000 square feet of lot area and 50 feet of lot width.

(B) For all other establishments, 20,000 square feet of lot area and 100 feet of lot width.

(ii) Installation operations shall be conducted in an enclosed building with no outdoor storage.

(iii) The demolition or junking of motor vehicles is prohibited.

(iv) Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

(v) Car wash and auto detailing performed on the site shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

(d) Automobile sales

Establishments that provide for the sale (including auctions) of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles.

(i) The minimum lot dimensions are:

(A) For an establishment that exclusively services motorcycles, motor-driven cycles, mopeds, autocycles, motorized skateboards or scooters, or bicycles, as each of them are defined in § 46.2-100 of the Code of Virginia, 5,000 square feet of lot area and 50 feet of lot width.

(B) For all other establishments, 20,000 square feet of lot area and 100 feet of lot width.

(ii) There shall be no more than one vehicle display pad for every 100 feet of street frontage. A vehicle display pad shall not exceed 5,000 square feet in area and may be elevated up to two feet above adjacent displays or ground level.

(iii) No vehicles or other similar items shall be displayed on the top of a building.

(iv) No materials for sale other than vehicles shall be displayed between the principal structure and the adjoining street.

(e) Automobile salvage yard, indoor or outdoor

The dismantling of motor vehicles, including the collection and storage of parts for resale, and/or the storage of inoperative automobiles for future salvage, sale, disposal, or recycling.

(i) If located outdoors, all areas for storing vehicles shall be screened from view from the public right-of-way.

(f) Automobile storage

A facility for long-term storage of personal vehicles for more than 90 days.

(i) If located outdoors, all areas for storing vehicles shall be screened from view from the public right-of-way.

(g) Automobile tow lot

A storage facility for vehicles in operating condition for a period of time not exceeding 90 days, which may include short-term storage of towed vehicles awaiting claim, or long-term storage of automobiles, recreational vehicles, boats and trailers, and the like. This definition shall not include facilities for the temporary storage of vehicles for sale.

(i) If located outdoors, all areas for storing vehicles shall be screened from view from the public right-of-way.

(h) Autonomous vehicle storage and charging facility

A facility for the storage and charging of autonomous vehicles.

(i) Boat building and repair

A facility (which could include a boat repair garage and boat storage yard) where boats are repaired and stored until repairs are completed.

(i) All land-side maneuvering of boats shall be on-site.

(ii) Boats shall not be stored as a source of parts.

(iii) Discarded parts resulting from any repair work shall be removed promptly from the premises.

(iv) Major repair and overhaul work on boats smaller than 20 feet in length shall be performed inside an enclosed building.

(v) Outdoor boat and equipment storage is allowed in an outdoor storage area.

(vi) Boats that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. A boat abandoned by its lawful owner before or during the repair process may remain on-site after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the boat from the premises using the appropriate legal means.

(vii) If the boat repair and servicing use is combined with a boat or marine sales or rental use, docking facility, or marina, the combined use shall comply with the standards (including districts where permitted) applicable to each component.

(j) Boat dry storage facility

A facility designated for the on-land storage of boats, other watercraft, and marine equipment in open roof or enclosed structures or on trailers, cradles, or boat stands.

(k) Boat sales, rental, service, or repair

A business for the display, sale, rental, repair, or maintenance of new or used boats, personal watercraft, marine engines, or marine equipment.

(i) In the C districts, a Conditional Use Permit is required for boat rental businesses with direct access to the water.

(ii) Rental of personal watercraft for use in waterways immediately adjacent to the establishment shall comply with the following Commonwealth standards:

(A) All personal watercraft shall be equipped with underwater muffled exhaust systems.

(B) Rental facilities shall not be located within 250 feet of a Residential district.

(iii) No outdoor storage of parts or supplies for boat repair shall be permitted.

(iv) Major repair and overhaul work on boats smaller than 20 feet in length shall be performed inside an enclosed building.

(l) Car wash

An establishment providing the exterior and interior washing and cleaning of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes, or, an establishment providing on-site cleaning equipment for manual exterior and interior washing conducted either by the vehicle operator or on-site attendants. In either configuration, equipment for interior cleaning and/or drying of vehicles may be included for use by the vehicle operator and/or on-site attendants.

(m) Commercial fueling depot

A building or lot having pumps and storage tanks where fuels or fluids for motor vehicles are dispensed, sold, or offered for sale on a wholesale or membership basis, principally for commercial vehicles.

(i) Any vehicular access point connecting to a public road shall be designed as a standard commercial entrance approved by the Department of Public Works.

(ii) Gasoline pumps and other service appliances shall be set back at least 25 feet from the street right-of-way.

(iii) Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade except where Commonwealth or federal

law requires higher clearance and shall not include canopy or fuel pump signage that is legible from the right-of-way.

(n) Commercial vehicle repair and maintenance

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle repair and maintenance use category.

(o) Commercial vehicle sales and rentals

Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

(i) No vehicles or other similar items shall be displayed on the top of a building or within a required buffer yard or landscaping area.

(ii) No materials for sale or rent other than vehicles shall be displayed between the principal structure and the adjoining street.

(p) Electric vehicle charging station

A stand-alone, open-to-the-public, commercial establishment designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy. Establishments with the capacity for charging fewer than four vehicles at one time, and those that are not open for commercial use by the public shall not be considered electric vehicle charging stations.

(i) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping

(ii) EV charging station equipment shall be located a minimum of 10 feet from side and rear property lines and public right-of-way.

(iii) EV charging station equipment shall not be located closer than 30 feet from a fire hydrant.

(q) Gas station

An establishment where gasoline and other retail accessories may be supplied and dispensed at retail.

(i) Fuel pumps and islands shall be located a minimum of 25 feet from side and rear property lines, and the public right-of-way.

(ii) Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade except where Commonwealth or federal law requires higher clearance.

(iii) Generators or other resilient power supply systems shall be installed to ensure that consumers are able to acquire fuel for vehicles and powered equipment during periods of prolonged power outages.

(r) Recreational vehicle sale, rental, and maintenance

An establishment that provides for the sale, rental, repair, or maintenance of the bodies, engines, or other components of recreational vehicles, motor homes, trailers, and other similar vehicles. Such establishments may also paint, wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

(i) A lot shall be a minimum of 20,000 square feet in area, and 100 feet in width.

(ii) Installation operations shall be conducted in an enclosed building with no outdoor storage.

(iii) The demolition or junking of motor vehicles is prohibited.

(iv) Vehicles shall not be parked or stored as a source of parts.

(v) No vehicles or other similar items shall be displayed on the top of a building.

(vi) No materials for sale other than vehicles shall be displayed between the principal structure and the adjoining street.

(s) Taxi or limousine service facilities

A facility where more than five vehicles provide transportation service in passenger automobiles, vans, shuttles, or nonmotorized vehicles to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or limousines.

(i) A lot shall be a minimum of 20,000 square feet in area, and 100 feet in width.

(t) Tire sales and repair

An establishment that sells, installs, and repairs tires and rims but that does not perform any other repair services.

(i) Tires shall be stored either inside the principal structure or within an accessory structure. No tires shall be stored outdoors.

(ii) No more than one accessory structure shall be utilized for tire storage, and said accessory structure shall be no larger than 25 percent of the floor area of the principal structure.

(iii) Transportable portable storage units (shipping containers) shall not be utilized for tire storage.

(iv) No tire repair shall take place outside of the building.

Visitor Accommodation Uses

(9) Standards Applicable to All Visitor Accommodation Uses

The Visitor Accommodation Uses category is one of five use categories found under the Commercial Uses classification. The principal use types in this category are intended to address the range of uses that are intended to provide temporary accommodations to visitors to the city.

(a) Guest accommodations shall be offered by the day or week.

(b) All ground level and rooftop mechanical equipment shall be fully screened from view from public streets and from adjacent Residential districts.

(10) Definitions and Standards Applicable to Individual Visitor Accommodation Uses

(a) Bed and breakfast

A single-family residence, occupied by an owner or resident manager, which offers lodging on a temporary basis to paying guests in a room or rooms without cooking facilities, and which may offer breakfast to these guests.

(i) The structure housing the bed and breakfast shall be been built prior to January 1, 1940, except:

(A) In the HC-G1, HC-G2 and HC-G3 districts, the structure shall have been built prior to June 19, 1990; and

(B) In the HC-WF1 and HC-WF2 districts, the structure shall have been built prior to August 10, 1977.

(ii) The bed and breakfast shall be operated in the principal structure.

(iii) Length of stay shall be limited to 14 days in a 30-day period.

(iv) Other than those necessary for health, safety, or sanitation requirements, exterior additions or alterations are only allowed for the express purpose of creating or maintaining lodging for the bed and breakfast.

(v) The owner of the bed and breakfast or a full-time employee shall reside on the premises. In any HC district, the owner or employee shall reside in the principal building.

(vi) The maximum number of guest rooms shall be limited to seven rooms, except:

(A) In the HC-WF1 and HC-WF2 districts, the maximum number of rooms shall be four.

(vii) The principal building shall contain one full bathroom for the exclusive use of the employee and other members of the resident household. In addition:

(A) In the HC-G1, HC-G2 and HC-G3 districts, a minimum of one additional full private bathroom for each guest bedroom shall be provided; and

(B) In all other zoning districts, a minimum of one additional full bathroom for every two guest bedrooms shall be provided; and

(C) Bathrooms shall include a toilet, sink, bath or shower, and be compliant with the Building Code.

(b) Campground

An outdoor facility designed for overnight accommodation in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Services related to the operation of the campground shall be allowed as accessory appurtenances.

(i) Minimum net lot area shall be five acres.

(ii) The campground shall be reasonably accessible to an improved public street, and access shall not be by means of streets internal to single-family neighborhoods.

(iii) Vehicle access shall be provided by well-maintained driveways.

(iv) Existing vegetation shall be cleared only when necessary for campground facilities.

(c) Hotel or motel

A building or a group of buildings containing 10 or more sleeping and lodging units offered to the public and intended primarily for use by transient persons or tourists on an overnight or short-term lodging basis (by the day or week). A hotel or motel is distinguished from a multi-family dwelling in which rentals or leases are primarily for weekly or longer periods and occupancy is primarily by residents rather than transients. A hotel or motel includes furnished rooms which may include kitchen facilities, a lobby, clerk's desk or counter, facilities for registration and keeping of records related to the guests, and linen and housekeeping services.

(i) Length of stay shall be limited to 30 days, except where permitted by Chapter 22 of the City Code.

(ii) The operator shall provide on-site management at all times while a lodging unit is occupied.

(d) Inn

A building or group of buildings of special historic or architectural significance, unique character, or exceptional quality distinct from other buildings in the surrounding area which offers lodging units intended primarily for use by transient persons or tourists on a temporary basis and services that are more intimate and personal than are commonly offered at a hotel. The use may include amenities, available to both guests and the general public, such as a pool, fitness room, spa, dining room, business center, and restaurant.

(i) A Conditional Use Permit is required in the following circumstances:

(A) When the inn has more than 15 guest bedrooms.

(B) When the inn does not provide one private bathroom for each guest bedroom, where such bathroom includes a toilet, sink, and either a bath or shower.

(C) When the inn does not provide on-site management at all times while a lodging unit is occupied.

(D) When the total occupant capacity of the amenities available to the general public is greater than that of all guest bedrooms.

(ii) The operator shall provided on-site management at all times while a lodging unit is occupied, except when the conditions of a Conditional Use Permit authorizing the use contain a condition expressly requiring on-site management during only limited hours. Whenever such a condition has been imposed, the Conditional Use Permit shall also require that the operator shall provide all of its guests a method of requesting assistance and shall respond with a manager on-site within 30 minutes, which condition cannot be waived.

(iii) The principal structure housing the inn must have been constructed at least 40 years prior to the date of application for zoning approval.

(iv) At least one bathroom, with the minimum facilities identified in subsection (i) above, must be provided for each guest bedroom in the inn, except where a Conditional Use Permit authorizing the use contains a condition expressly requiring fewer bathrooms. Whenever such a condition has been imposed, the Conditional Use Permit shall require no fewer than 1 such bathroom for each 1.5 guest bedrooms, which condition cannot be waived.

(v) At least one meal per day must be offered to guests staying at the facility.

(vi) The length of stay for each guest shall not exceed 30-days, except where otherwise permitted by Chapter 22 of the City Code.

(e) Short-term rental unit (vacation rental)

The provision of a dwelling unit, or any portion thereof, for rent to a single-party guest for a minimum of one night but fewer than 30 consecutive nights when all owners of the dwelling have their primary residence elsewhere.

(i) A Conditional Use Permit is required when the use:

(A) Is not registered in accordance with Section 4.2.3.F(10)(f).

(B) Is located in an R-C, SF-2, SF-4, or SF-6 district and:

(01) Lacks off-street parking as required in Section 5.1.7.D and Table 5.1.7(D), Minimum Number of Parking Spaces; or

(02) Is in a building containing four or more bedrooms, regardless of whether it is a single-family or multifamily dwelling.

(C) Is located in an R-C or D district and is within a multifamily dwelling building containing three or more dwelling units.

(ii) No Conditional Use Permit to authorize a short-term rental (vacation rental) within a multi-family dwelling building shall be approved unless:

(A) The application requests that all dwelling units in the building be available for use as short-term rentals (vacation rental).

(B) The applicant either:

(01) Notifies all extant tenants of the application as part of the pre-application notification requirements of Section 2.3.2, Planning Commission Public Hearing Procedure, or

(02) Provides a copy of a standard lease agreement in place for the duration of the lease term of all extant tenants notifying them that one or more of the dwelling units in the building may be operated as vacation rentals.

(iii) No rental activity may commence unless the operator has obtained a Zoning Certificate (see Section 2.4.14, Zoning Certificate) and a business license.

(iv) The number of vacation rental units used or offered for use on any single zoning lot shall be limited to:

(A) In the R-C zoning district, no more than 24 dwelling units.

(B) In any other zoning district, no more than 9 dwelling units.

(v) On-site management shall be provided at all times at any property containing more than 9 dwelling units, unless another arrangement for providing a timely response to guest needs is required as a condition of a Conditional Use Permit.

(vi) The use shall only be conducted in spaces constructed in compliance with the Virginia Uniform Statewide Building Code requirements for residential occupancy in place at the time of construction.

(vii) Where building code requires a new certificate of occupancy for the operation of a short-term rental unit on a property containing multiple dwelling units, the certificate of occupancy shall be obtained prior to issuance of a zoning certificate for the use.

(viii) The maximum term of any zoning certificate issued for the use shall be two years, unless a longer period is required as a condition of a Conditional Use Permit, limited to no more than ten (10) years.

(ix) The maximum occupancy for each dwelling unit is two (2) for each bedroom and a total of no more than 10 guests staying in no more than five (5) bedrooms at any one time. For the purposes of this section, the number of bedrooms in a dwelling unit shall be the number listed in the city real property records.

(x) The operator of the vacation rental remains liable for all taxes that may be owed.

(xi) Every short-term rental unit (vacation rental) shall be made available to guests exclusively through the use of one or more online booking platforms that provide, at minimum, listing services throughout all of the United States. If the operator elects to list the property on more than one such platform, then the listing on each platform shall be identical with respect to the type of short-term rental being offered, the number of rooms available, the number of guests that may be hosted, and the areas of the property available to guests.

(xii) For all vacation rental units, the operator shall ensure each of the following is in place prior to commencing operation and that each remains in place during all times the unit is rented:

(A) The operator shall conspicuously post on the interior of each rental unit and the exterior of the property a sign informing guests and neighbors of the name and phone number of a person able to be on site within 20 minutes to be contacted at any time to address emergencies or complaints about activity at the property, person as well as the phone number of the City's call center.

(B) Whenever a driveway or parking area shared with an adjacent property is proposed as a location for one or more parking spaces required for a Short-term rental use, written permission from all owners of the adjacent property shall be provided. The operator shall ensure that guests do not park in or otherwise block any shared driveway or accessway.

(C) The operator shall provide remote entry for all guests and shall change the access code between stays.

(D) Remotely accessible surveillance cameras shall be maintained facing the parking area and all exterior common areas. Recordings shall be stored for 30 days after a stay and be made available to city staff upon request.

(E) Interior decibel meters shall be maintained in the home's main congregation rooms to notify the operator upon detecting excessive noise levels.

(F) The operator shall be responsible for ensuring that waste containers are placed in their enclosures within 24 hours after the day the waste is collected for disposal.

(xiii) For any unit in a multifamily dwelling:

(A) Where the property can accommodate a common waste container shared by all dwellings, the container shall be provided and shall be screened as required under Section 5.4, Screening. The operator shall ensure that the container is emptied no less than once a week.

(B) Where the property cannot accommodate a common waste container shared by all dwellings, each vacation rental unit shall be provided with at least one (1) waste container served by a private waste collection service and the storage location for it shall be screened as required under Section 5.4, Screening. The operator shall ensure that all waste containers are emptied within 24 hours after the end of each guest stay.

(xiv) For any unit in a condominium or in a building managed and operated as a residential cooperative under the Virginia Real Estate Cooperative Act, written permission allowing the use of the property as a short-term rental (vacation rental) from the condominium association, cooperative board, or other applicable governance organization must be obtained and provided to the Department of City Planning prior to the commencement of the use.

(f) Optional registration for vacation rentals and homestays

At the election of the owner, any property used for a homestay, under the provisions of Section 4.3.3.E(1)(t), or a vacation rental, under the provisions of Section 4.2.3.F(10)(e), may be registered with the Department of City Planning.

(i) The registration shall be valid for two (2) years from the date of registration when all of the following are provided.

(A) The name and phone number of a person to be contacted at any time to address emergencies or complaints about activity at the property.

(B) For any vacation rental, proof that a fire inspection of the property has been completed and any recommended safety improvements or restrictions have been implemented.

(C) For any vacation rental, an agreement to allow any law enforcement officer to enter the property for the purpose of inspecting it for compliance with the applicable performance standards or any aspect of the application for a zoning certificate, the conditions of a conditional use permit, or the requirements of an active registration under Section 4.2.3.F(10)(e).

(D) An agreement to maintain records of stays, including names of each guest, dates of stays, and lengths of stays, has been executed. For each year after the first year of registration, a copy of these records for the previous year shall be provided.

(E) Proof of premises liability insurance covering accidental injury to a guest on the property up to a maximum cost not less than $300,000.

(F) Identification of the maximum number of bedrooms that will be made available for rental to guests and the maximum number of guests that will be permitted at any one time.

(G) Identification of the additional parking spaces required in Section 5.1.7.D and Table 5.1.7(D), Minimum Number of Parking Spaces (for vacation rental).

(ii) If the operator is found to no longer be compliant with one or more of the items necessary for registration of a particular property or is found to have violated either any provision of this zoning ordinance at the property or any provision of the city code of ordinances, the following penalties shall apply:

(A) For the first instance, the city shall issue a written notice warning the operator of the violation and, if appropriate, requiring corrective action within 14 days. If uncorrected at the end of this period, the violation shall constitute a second instance of noncompliance.

(B) For the second instance during any two-year period, the property shall be suspended from the registry for four (4) months and shall be considered unregistered during that time.

(C) For the third instance during any two-year period, the property shall be removed from the registry and shall be ineligible to be reregistered or otherwise authorized for use as a short-term rental unit for one (1) year.

(iii) If any registered short-term rental unit with a record of noncompliance with applicable performance standards or

conditional use permit conditions within the past two (2) years is voluntarily removed from the registry, then the property at which that short-term rental was operated shall be ineligible to be used as a short-term rental unit for one (1) year.

(iv) Any zoning certificate authorizing a vacation home shall be revoked in the following circumstances:

(A) The property was registered, as permitted under Section 4.2.3.F(10)(e), but is no longer registered.

(B) A conditional use permit was granted for the property but has expired or been revoked.

(v) When registered, the operation of a short-term rental unit on the property shall be exempt from the requirements of Section 2.3.6, Administrative Review Procedure.

(vi) Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provision of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 *et seq.*), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 *et seq.*), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 *et seq.*).



G. STANDARDS SPECIFIC TO INDUSTRIAL USES

The principal use types in the Industrial Uses classification are intended to provide a broad range of fabrication, processing, packaging, distribution, storage, shipping, and wholesaling uses to contribute to the city's economic base and provide employment for its workforce.

Industrial Uses

(1) Standards Applicable to All Industrial Uses

The Industrial Uses category is the sole category found under the Industrial Uses classification. The principal use types in this category are intended to provide a broad range of fabrication, processing, packaging, distribution, storage, shipping, and wholesaling uses to contribute to the city's economic base and provide employment for its workforce.

(a) Except in the I-G and I-DW districts, all ground level and rooftop mechanical equipment shall be fully screened from view from public rights-of-way and from ground level locations within adjacent Residential districts.

(b) Except in the I-G and I-DW districts, outdoor storage areas shall be screened from view from public rights-of-way, from the water, and from adjacent Residential districts.

(c) Sites shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the proposed use.

(d) Any portion of the site that can be seen from a public right-of-way shall be kept clean and free from debris.

(2) Definitions and Standards Applicable to Individual Industrial Uses

(a) Brewery, cidery, distillery, or winery

Breweries, cideries, distilleries, and wineries are establishments primarily engaged in producing and distributing beer, ale (or other fermented malt beverages), cider, wine, and distilled spirits. These establishments may include a tasting room, but do not include food service or retail sales of alcoholic beverages for off-premises consumption (requires a Conditional Use Permit for off-premises alcohol sales). All alcoholic beverages served on-premises are limited to only those produced on-site. This use does not include brewpubs or microbreweries.

(i) Except in the BC-O and BC-I Zoning Districts, a Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(b) Cannabis cultivation or manufacturing facility

A facility that has obtained a permit or license from the Virginia Board of Pharmacy or other state regulatory entity to cultivate, label, package, manufacture, or process cannabis products.

(i) All cultivation, manufacturing, and processing operations must be conducted entirely indoors.

(ii) The use shall not generate perceptible noise, odor, smoke, electrical enterference, or vibration outside the hours of 7:00 a.m. until 10:00 p.m. on any day.

(c) Cargo pier and terminal

Any wharf, dock, pier or waterfront facility and any terminal, warehouse, storage building staging area, or other activity which receives, stores, or forwards or otherwise disposes of cargo, including goods and merchandise other than solid waste. Receiving, handling, processing and storage of solid waste, in whatever form, is strictly limited to a solid waste transfer station.

(d) Composting facility

A facility where organic matter derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

(i) The facility shall install and maintain adequate pest and vermin control measures to reduce the impact on surrounding properties of rodents, seagulls, and other common pests.

(e) Concrete, asphalt, or brick manufacturing plant

A facility in which concrete, asphalt, bricks, or their ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to a construction site.

(i) The facility shall implement a fugitive dust control program to reduce the impact of dust on surrounding properties.

(ii) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(f) Distribution center

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

(i) Except when the facility is located within an industrial park, trucks accessing the facility must do so directly from an arterial or collector roadway.

(ii) Except in the BC-O and BC-I Zoning Districts, a Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(g) Food processing

A facility for the sorting, treatment, or preparation of food products for sale or as inputs to further processing, or for the placing of soft drinks, juice, water, milk, alcoholic drinks, or other liquids into bottles or cans for shipment. Food processing does not include the slaughtering of animals or confined animal feeding.

(i) The facility shall implement a program for the management of food waste to reduce the impact of odors and pests on surrounding properties.

(ii) Except in the BC-O and BC-I Zoning Districts, a Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(h) Fuel or bottled gas distribution

An establishment primarily engaged in the distribution of fuel oil or bottled gases such as propane or liquid petroleum for compensation.

(i) Hazardous materials manufacturing or storage

The manufacturing or storage of hazardous products such as chemicals, or other flammable, explosive, unstable, radioactive, or otherwise hazardous materials. Materials are kept in a liquid, solid, or gas state. Facilities typically require extensive floor areas or land areas.

(i) Any portion of the facility utilized for the manufacture or storage of hazardous materials shall maintain a separation of at least 100 feet from adjacent property lines.

(j) Industrial services, heavy

An establishment engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products intended mainly for use by other businesses or industrial operations. Such uses are often capable of having visual, noise, odor, or traffic impacts on surrounding properties without proper screening or buffering. The use includes machine shops, metal-working, welding, plumbing or gas, steam, or water pipe fitting establishments, photographic processing plants, railroad repair shops, and other industrial service operations not listed.

(i) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(k) Industrial services, light

An establishment engaged in the repair, servicing, or production of goods intended mainly for use by end consumers, and that typically has lesser visual, noise, odor, or traffic impacts on surrounding properties. Includes printing or similar reproduction facilities, custom cabinetry manufacturers, industrial laboratories, and other similarly-scaled operations.

(l) Junkyard or salvage yard

Any land or buildings used, in whole or in part, for the commercial collection, storage, and sale of waste paper, rags, scrap metal, bottles, or other abandoned, discarded, demolished, or worn-out materials, and including the storage and dismantling of motor vehicles or machinery for parts; or for the collection and storage of recyclable materials (e.g., scrap metal, glass, tires) and the sorting and processing of such materials in preparation for shipment to others for use in manufacturing new products. The use also includes the dismantling of motor vehicles, including the collection and storage of parts for resale, and/or the storage of inoperative automobiles for future salvage, sale, disposal, or recycling.

(i) Any portion of the facility used for the storage, sorting, or processing of materials shall be screened from view from the public rights-of-way.

(m) Landfill

A solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter.

(i) The facility shall install and maintain adequate pest and vermin control measures to reduce the impact on surrounding properties of rodents, seagulls, and other common pests.

(n) Landscaping contractor's business

A business engaged in the planning, installation, construction, planting, repair, and maintenance of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation, including the grading and preparation of plots and areas of land for decorative treatment and arrangement, and the construction or installation of garden pools, fountains, pavilions, conservatories, hothouses, greenhouses, and drainage and sprinkler systems.

(i) Any portion of the facility used for the storage of landscaping materials shall be screened from view from public rights-of-way.

(ii) Any portion of the facility used for the storage of mulching materials shall be completely enclosed in such a manner to keep the materials on-site.

(o) Laundry and dry cleaning plant

A facility not providing drop-off or pick-up service directly to customers engaged in cleaning fabrics, textiles, wearing apparel, or other articles by immersion (and agitation) in water or volatile solvents. Laundromats and other similar establishments directly serving customers are not included in this definition.

(i) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(p) Manufacturing, assembly, or fabrication, heavy

An establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, and electric power generation plants. The use also includes preparing, selling, or distributing food or beverage merchandise to retailers, businesses, or other wholesalers. Outdoor storage of goods and materials used in the assembly, fabrication, or processing shall not exceed 25 percent of the floor area of all buildings on the property.

(i) A Conditional Use Permit is required in the following circumstances:

(A) If the property is located within 600 feet of a Residential district, PD district, or HC district.

(B) In the I-DW district, if the use is not reliant on a direct connection to an adjacent navigable waterway.

(q) Manufacturing, assembly, or fabrication, light

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products (such as woodworking and metalworking), predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas.

(i) In the I-DW district, a Conditional Use Permit is required if the use is not reliant on a direct connection to an adjacent navigable waterway.

(r) Moving and storage

A business that moves the possessions of a family or business from one site to another. Such a business may provide on-site, temporary storage for goods in the process of being moved and may provide overnight parking for commercial moving vehicles.

(i) Except in the BC-O and BC-I Zoning Districts, a Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(s) Recycling collection station

A location providing designated containers (commonly known as drop-off stations) for the collection of recyclable materials. Materials are stored in containers temporarily until they are transported to a separate processing facility.

(t) Recycling sorting and processing center

A facility that sorts, processes, or treats recyclable materials, either for distribution to another location for processing or to return them on-site to a condition in which they can be reused for production. This term includes materials recovery facilities. This term does not include automobile salvage.

(i) Sorting and processing activities shall be conducted indoors.

(u) Renewable energy equipment and supply manufacturing

A facility where renewable energy products, such as wind turbines, solar panels, or the components thereof, are manufactured or assembled.

(i) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(v) Rock, sand, and gravel distribution and storage

The process of crushing of mined sand or gravel material, screening the materials by size and washing them with the use of water sprays, stockpiling and dewatering them, distributing them to purchasers, and storage of them for future use.

(i) The facility shall implement a fugitive dust control program to reduce the impact of dust on surrounding properties.

(w) Seafood processing

Commercial operations and structures for the packaging, canning, freezing, or processing of fish, mollusks, or crustaceans, which may include related activities such as wholesale, retail sales, storage structures, and loading docks.

(i) The facility shall implement a program for the management of food waste to reduce the impact of odors and pests on surrounding properties.

(ii) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(x) Septic tank and portable toilet service

An establishment primarily engaged in the pumping out and other maintenance of septic tanks or in the storage, maintenance, and pumping out of portable toilets.

(i) A Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(y) Ship building and repair

A waterfront facility where ships and machines or structures designed for maritime use are built, maintained, or repaired.

(z) Slaughterhouse

An establishment where animals are killed and prepared for food.

(aa) Small engine repair shop

An establishment primarily engaged in the maintenance and repair of small engines—i.e., low-power internal combustion engines (gasoline/petrol) or electric engines. Equipment repaired includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, and go-karts.

(bb) Solid waste processing facility

A facility at which solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or land-filling.

(i) Hours of operation shall occur only between 7:00 a.m. and 6:00 p.m.

(ii) The facility shall be approved for all applicable Commonwealth permits.

(iii) Buildings associated with the use shall be set back at least 500 feet from all property lines.

(iv) All separation and processing operations, including storage of solid waste, shall be confined to the interior of a wholly enclosed building.

(v) The facility shall install and maintain adequate pest and vermin control measures to reduce the impact on surrounding properties of rodents, seagulls, and other common pests.

(vi) Measures shall be taken to control any noxious and offensive odors.

(vii) Processing of solid waste must begin within 24 hours of it reaching the site.

(viii) The City shall be provided the right to inspect the facility at any time for compliance with the applicable regulations.

(cc) Solid waste transfer station

A facility or activity where solid waste, rubbish, garbage or any like materials are regularly shifted, transferred, transloaded or moved from one carrier, conveyance or means of transport to any other carrier, conveyance or form of transport. (Note: solid waste transfer stations are allowed only in the I-G district as a conditional use. The transfer, shifting, transloading or moving of solid waste between carriers or means of conveyance in other districts is prohibited.)

(i) Hours of operation shall occur only between 7:00 a.m. and 6:00 p.m.

(ii) The facility shall be approved for all applicable Commonwealth permits.

(iii) Buildings associated with the use shall be set back at least 500 feet from all property lines.

(iv) The facility shall install and maintain adequate pest and vermin control measures to reduce the impact on surrounding properties of rodents, seagulls, and other common pests.

(v) Measures shall be taken to control any noxious and offensive odors.

(dd) Trucking terminal

A business operation with the primary purpose of the transfer, storage, and distribution of goods and materials and the distribution of goods and materials to another location for the purpose of resale or use at the place distributed to. It involves use of tractor-trailer or tandem truck vehicles for the movement of goods.

(i) Except when the facility is located within an industrial park, trucks accessing the facility must do so directly from an arterial or collector roadway.

(ii) Except in the BC-I and A Zoning Districts, a Conditional Use Permit is required if the property is located within 600 feet of a Residential district, PD district, or HC district.

(ee) Warehouse

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, including cold storage. The use excludes bulk

storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

(i) A Conditional Use Permit is required in the following circumstances:

(A) Except in the BC-O and BC-I Zoning Districts, where the property is located within 600 feet of a Residential district, PD district, or HC district and the warehousing space within the building or structure is greater than 20,000 square feet.

(ff) Wholesale establishment

A facility primarily engaged in the storage and bulk sale of manufactured products, supplies, and equipment. The use excludes the bulk storage or sale of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

(i) The display and sales area shall not exceed 15 percent of the gross floor area.

(ii) A Conditional Use Permit is required in the following circumstances:

(A) Except in the BC-O and BC-I Zoning Districts, where the property is located within 600 feet of a Residential district, PD district, or HC district and the warehousing space within the building or structure is greater than 20,000 square feet.

4.3 PERFORMANCE STANDARDS FOR ACCESSORY USES

4.3.1. PURPOSE

The purpose of this section is to set out any special standards applicable to land uses that are incidental and customarily subordinate to principal uses – accessory uses. This section is intended to allow a broad range of accessory uses, so long as they are located on the same site as the principal use and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

4.3.2. ORGANIZATION AND APPLICABILITY

Section 4.3.3, Performance Standards for All Accessory Uses, sets forth standards applicable to specific accessory uses regardless of the zoning district in which they are allowed, or the review procedure by which they are approved, unless otherwise stated in this section. These standards are organized in the same fashion as they are presented in the Use Tables for Principal, Accessory, and Temporary Uses in Article 3, Zoning Districts, first by use category and then alphabetically by use type. They are also defined. These standards may be modified by other applicable requirements in this Ordinance.

4.3.3. PERFORMANCE STANDARDS FOR ALL ACCESSORY USES

A. RELATIONSHIP TO PRINCIPAL USE

(1) Except as otherwise expressly allowed in this Ordinance, an accessory use shall not be established or constructed before the establishment or construction of the principal use.

(2) If the principal use is destroyed or removed, the accessory use shall no longer be allowed.

(3) The gross floor area of accessory uses shall not exceed 25 percent of the gross floor area of the principal use(s) on the lot.

B. LOCATION OF ACCESSORY USES

(1) Except as otherwise expressly allowed in this Ordinance, no structure or other thing related to an accessory use shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.

(2) No accessory uses shall be located within a perimeter buffer, except a screening fence or wall.

C. ZONING CERTIFICATE

A Zoning Certificate shall be obtained prior to establishing an accessory use.

D. SIGNS

The installation of a sign in connection with an accessory use is prohibited unless specifically authorized in this Ordinance.

E. STANDARDS SPECIFIC TO ACCESSORY USES

The uses addressed by the Accessory Uses classification are intended to provide for all of the potential accessory uses that could be located in the city, regardless of the principal use.

(1) Definitions and Standards Applicable to Individual Accessory Uses.

(a) Accessory dwelling unit

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot, which has a separate kitchen, bathroom, and sleeping area.

(i) A Conditional Use Permit may be approved to authorize the development of an ADU that does not comply with the following performance standards;

(A) Subsection (iii)(A), below, limited to a lot improved with a townhouse or a single-family semi-detached dwelling;

(B) Subsection (iii)(B), below; or

(C) Subsection (vii)(C), below.

(ii) In the R-C district, a Conditional Use Permit may be required as per Section 3.2.8.D(1)(b).

(iii) An accessory dwelling unit (ADU) shall be:

(A) Accessory only to a single-family detached dwelling; and

(B) Located on a lot that complies with the minimum area, dimensional, and lot coverage standards of the base zoning district in which it is located.

(iv) No more than one ADU shall be located on a lot.

(v) The property owner shall reside on-site, either in the principal dwelling or in the accessory dwelling unit, during times that the unit is available for rent.

(vi) An ADU shall not exceed 800 square feet in area or 50 percent of the area of the principal dwelling, whichever is less.

(vii) An ADU shall:

(A) Have the same street address as the principal dwelling

(B) Not be subdivided or otherwise segregated in ownership from the principal dwelling.

(C) Only be located on a lot that provides the minimum number of parking spaces required for the principal dwelling.

(D) Maintain the architectural design, style, appearance and character of the principal dwelling to which it is accessory by incorporating design elements of the principal dwelling like compatible materials, similar façade treatment, colors, window style and treatment, and roof design and pitch.

(b) Amusement device

Any pool or billiards table, table tennis game, shuffleboard court, video game, electronic game, mechanical game, or other device or amusement where the insertion of a coin or token or payment of a fee is required to play. The number of such amusement devices in any one facility or establishment shall be determined by the total number of gaming positions, as defined in Section 8.3.2, Terms Defined, that are available. The accessory use does not include any device defined as gaming equipment, device, or supply in Section 8.3.2 of this ordinance.

(i) A conditional use permit is required for the installation of any amusement device at any location with a principal use other than a banquet hall, nightclub, production of craft beverages establishment, or restaurant.

(c) Automated teller machine

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an automated teller machine (ATM) is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through service accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

(i) An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

(d) Automatic car wash

An accessory use where personal vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants.

(i) The facility shall comply with the applicable performance standards as set forth in Section 4.2.3.F(8)(l), Car wash, and Section 4.2.3.F(7), Standards Applicable to All Vehicle Sales and Service Uses.

(e) Day care center, child (as an accessory use)

An establishment providing care and maintenance to six or more children separated from their parents or guardians during part of the

day, that specifically provides care for the children of the employees or other authorized members or users of the principal use(s) located on the property.

(i) The facility shall comply with applicable Commonwealth and federal laws, and the performance standards as set forth in Section 4.2.3.E(2)(h), Day care center, child.

(ii) The facility shall care only for the children of the employees or other authorized members or users of the principal use(s) located on the property.

(iii) If located in a Residential district, the use shall be accessory to a non-residential use located on a lot that is at least 20,000 square feet in area. In addition:

(A) The facility shall not be located in a separate freestanding building;

(B) A fenced play area shall be provided in accordance with the requirements of the Virginia Department of Social Services.

(C) All outdoor play activities on the premises shall be conducted within a fenced play area, and such outdoor activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.

(D) Solid fences or walls and/or vegetative screening shall be required between fenced play areas and adjoining residential properties.

(f) Day care center, adult (as an accessory use)

A nonmedical facility for the care of six or more adult persons who, due to advanced age, handicap, or impairment, require assistance or supervision by staff during part of the day and that specifically provides care for the adult dependents of the employees or other authorized members or users of a principal use located on the property

(i) An adult day care center shall comply with all applicable Commonwealth regulations regarding the licensing and operations of such facilities.

(g) Drive-through facility, large-scale

A large-scale drive-through facility designed for a consumer, while remaining in his or her motor vehicle, to purchase goods, products, or merchandise, or receive services. Such facilities typically have at least one order box where the consumer can remotely communicate with employees and at least one pick-up window where merchandise is exchanged for compensation. Examples of a large-scale drive-through facility include high-volume facilities accessory to restaurants and multi-lane facilities accessory to financial institutions or pharmacies.

(i) Canopies or other features installed over a drive-through window shall maintain consistent roof lines and materials with the principal structure.

(ii) Pick-up windows and order boxes shall not be located on the front façade of the building they serve.

(iii) Pick-up windows and order boxes shall be located at least 50 feet from a Residential district or a lot containing a residential use.

(iv) The facility shall comply with the stacking spaces requirements in Section 5.1.7.B(7), Stacking Spaces.

(v) Vehicular access to drive-through windows or service areas shall be provided, upon approval from the Department of Public Works, from an arterial or collector street, or on a local street within 150 feet of its intersection with an arterial or collector street.

(vi) Internal traffic circulation patterns on the lot shall prevent vehicles from impeding street traffic or blocking access to any required parking spaces located on the lot.

(vii) Drive-through facilities shall be designed so as to minimize obstructions to the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

(viii) For the portion of the drive-through lane adjacent to and between an order box and a pick-up window, a landscaped planting area at least three-feet in width or a masonry wall at least 30 inches in height and utilizing exterior finishing materials compatible with the principal use shall be provided along the outside perimeter of the lane.

(ix) For any portion of the drive-through lane that is located between the principal building and the street:

(A) A landscaped planting area at least three feet in width shall be provided along the perimeter of the property.

(B) Canopy trees (or understory trees if overhead power lines would interfere with canopy trees) shall be provided at a rate of one, two and one-half-inch caliper tree for every forty 40 linear feet of street frontage.

(C) Shrubs shall be planted at a rate of one fifteen-inch-high shrub for every three linear feet of roadway frontage, excluding driveways. Except within sight distance triangles, such shrubs shall be of a species expected to reach a minimum height of 30 inches and a minimum spread of 30 inches within three to five years of planting.

(D) A minimum of 60 percent of all shrubs used shall be evergreens.

(x) Noise emitted from pick-up windows and order boxes shall not exceed noise levels in accordance with Chapter 26 of the City Code.

(h) Drive-through facility, small-scale

A small-scale facility designed for a consumer, while remaining in his or her motor vehicle, to purchase goods, products, or merchandise, or receive services. Such facilities typically have an order box where the consumer can remotely communicate with employees and a pick-up window where merchandise is exchanged for compensation. Examples of a small-scale drive through facility include single-lane facilities accessory to financial institutions or pharmacies, including automated teller machines (ATM).

(i) In the D-AD district, a Conditional Use Permit is required whenever the drive-through facility is accessory to a building that is either not used by a single tenant or is less than 50,000 square feet in area.

(ii) The facility shall comply with the performance standards as set forth in Section 4.3.3.E(1)(h), Drive-through facility, large-scale.

(i) Electric vehicle charging station (as an accessory use)

A stand-alone, open-to-the-public, commercial establishment designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy. Establishments with the capacity for charging fewer than four vehicles at one time, and those that are not open for commercial use by the public shall not be considered electric vehicle charging stations.

(i) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping

(ii) EV charging station equipment shall be located a minimum of 10 feet from side, rear property lines and public right-of-way.

(iii) EV charging station equipment shall not be located closer than 30 feet from a fire hydrant

(iv) The number of EV charging stations shall be limited to 35% of the required parking spaces of the principal use.

(j) Family day home

The secondary use of dwelling in which care and maintenance is provided to not more than 12 children who are separated from their parents or guardians during part of the day or night.

(i) A Conditional Use Permit is required in the following circumstances:

(A) The family day home provides care for five (5) to nine (9) children and is located in a single-family detached dwelling on a lot at least 5,000 but not more than 6,000 square feet in area.

(B) The family day home provides care for 10 to 12 children and is located in a single-family detached dwelling on a lot at least 10,000 square feet in area.

(ii) No family day home that provides care for five (5) or more children shall be permitted in any single-family detached dwelling located on a lot less than 5,000 square feet in area.

(iii) The outdoor portion of the property shall be kept free of clutter or debris.

(iv) No family day home that provides care for five (5) or more children shall operate unless and until a license is obtained from the Virginia Department of Social Services.

(v) The maximum number of employees that do not reside in the dwelling unit where the family day home operates shall not exceed:

(A) Where care is provided for five (5) or more children, the minimum number required by the Virginia Department of Social Services as set forth in the required license.

(B) Where care is provided for fewer than five (5) children, one.

(vi) For a family day home that provides care for five (5) or more children, an enclosed play area with an unclimbable fence or impenetrable hedge at least four (4) feet in height shall be provided. For such a family day home not located within a single-family detached dwelling, an alternative play area location, such as within a community playground area, may be approved by the ZA, provided this alternative location is as set forth in the required license.

(vii) For a family day home that provides care for five (5) or more children, all outdoor activities shall be limited to the fenced play area and restricted to the hours between 8:00 a.m. and 6:00 p.m.

(k) Gasoline sales (as an accessory use)

An accessory use where gasoline may be supplied and dispensed at retail.

(i) The facility shall comply with the applicable performance standards as set forth in Section 4.2.3.F(8)(q), Gas station and Section 4.2.3.F(7), Standards Applicable to All Vehicle Sales and Service Uses.

(l) Home occupation

An occupation conducted in a dwelling unit.

(i) Except in the HC-G1, HC-G2, HC-G3, and HC-EF districts, a Conditional Use Permit may allow a use that does not conform with subsections (vi) or (vii), below.

(ii) The home occupation shall be incidental and subordinate to a residential dwelling.

(iii) The home occupation shall not occupy more than 25 percent of the floor area of the dwelling unit.

(iv) Signs, exterior displays or outdoor storage of materials or equipment are prohibited.

(v) The exterior of the building housing the home occupation shall maintain a residential character, and shall not be modified in a manner that indicates the presence of a home occupation.

(vi) Employees who are not members of the household residing within the dwelling unit are prohibited.

(vii) On-site service to or consultation with customers or clients is prohibited.

(viii) Receipt or delivery of mail, merchandise, goods, or equipment, other than by U.S. Mail, Federal Express, UPS, or similar commercial parcel service is prohibited.

(ix) On-site sales of merchandise to the general public is prohibited.

(x) A home occupation shall not generate perceptible noise, odor, smoke, electrical interference, or vibration.

(xi) Additional parking may be required, as determined by the ZA.

(xii) The following uses are specifically prohibited as home occupations:

(A) Personal service businesses;

(B) Nursing homes or hospices;

(C) Tattoo parlors;

(D) Therapeutic massage facilities;

(E) Contractor's offices with outdoor storage; and

(F) Vehicle sales and service uses.

(m) Kennel (as an accessory use)

An establishment with or without outdoor animal runs, at which more than four animals commonly kept as pets, such as cats or dogs, are boarded overnight. Pet daycare establishments that do not board pets overnight and veterinary offices that provide boarding of animals as a regular, but not primary focus of their business, are not included in this definition.

(i) Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

(ii) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

(iii) Open exercise runs or pens shall be located no closer than 35 feet from any Residential district.

(iv) A Type B perimeter buffer shall be provided between any open exercise runs or pens and the property line.

(n) Live entertainment

An accessory use allowing live performances, including but not limited to, music performances involving amplified music or more than one instrument, a disc jockey, any form of dancing, karaoke, and comedians.

(i) If a disc jockey is included in the list of entertainment uses on the site, a dancefloor must be provided.

(ii) Any establishment proposing to combine live entertainment, that includes a disc jockey and a dance floor, with both on-premises alcohol sales and late-night operations shall not be eligible to receive a Conditional Use Permit for live entertainment, as such an establishment would meet the definition for a nightclub established in Section 4.2.3.F(2)(d).

(o) Outdoor display of merchandise

The placement of products or materials for sale or rental outside the entrance of a retail or wholesale sales establishment.

(i) Merchandise displayed shall be limited to that sold or rented by the principal use on the lot.

(ii) Merchandise, materials or inventory shall not encroach into required setbacks, transitional buffers, or the public right-of-way, except for vehicle display areas addressed in Section 4.2.3.F(7), Standards Applicable to All Vehicle Sales and Service Uses and Section 4.2.3.F(8), Definitions and Standards Applicable to Individual Vehicle Sales and Service Uses.

(iii) All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.

(iv) Parking spaces required to meet the minimum specified in Section 5.1, Parking, Loading, and Bicycle Standards shall not be utilized for the outdoor display of goods.

(v) Outdoor display areas along the front or side of a principal building, excepting those addressed by subsection (iii), above, shall be limited to no more than one-half of the length of the building's front or side, as appropriate.

(vi) Outdoor display areas shall be located to maintain a clear area in front of primary building entrances for at least ten feet directly outward from the entrance width.

(vii) An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

(viii) The use of banners, pennants, or strings of pennants is prohibited.

(ix) In C districts, outdoor storage or display of merchandise, materials or inventory shall be limited to the storage or display of new and used vehicles, boats, manufactured homes, building materials, plants and garden supplies, farmer's markets, and outdoor flea markets in the districts where such uses are permitted.

(x) In C districts, permanent outdoor display areas abutting Residential districts shall be fully screened from view with opaque fencing or landscaping.

(p) Outdoor seating (as accessory to an eating and drinking use)

The provision of on-site outdoor seating areas at any establishment approved as an Eating and Drinking use where food or beverages are served for consumption. The accessory use also may include outdoor seating areas, within a parking lot on the property, on the roof of the establishment, or elsewhere on the property.

(i) A Conditional Use Permit is required in the following circumstances:

(A) To authorize amplified music outdoors or use of an outdoor seating area beyond the hours specified in subsection (vi), below.

(B) To authorize an outdoor seating area in a parking lot larger than the size limitations set forth in subsections (vii)(A) or (B), below.

(ii) The maximum occupancy of the outdoor seating area shall not exceed the maximum identified in either the Zoning Certificate or the Conditional Use Permit that is issued authorizing the accessory use.

(iii) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks, vehicular circulation either on the site or within the public right-of-way, or the use of any area intended for public use.

(iv) The outdoor seating area shall not be enclosed.

(v) Smoking and vaping shall be prohibited in the outdoor seating area. Signage denoting this prohibition shall be conspicuously posted.

(vi) Amplified music shall not be provided in any outdoor seating area after 10:00 p.m. and no use of the area shall be permitted after 11:00 p.m.

(vii) Where outdoor seating is located within a parking lot:

(A) In the Downtown and Traditional character districts on property where off-street parking is required, the maximum number of vehicular parking spaces that may be removed in order to add an outdoor seating area shall not exceed the lesser of either 30% of the existing parking spaces or 12 spaces.

(B) In the Suburban and Coastal character districts, the Minimum Number of Parking Spaces set forth in Table 5.1.7(D) of this ordinance shall be maintained at all times, including when an outdoor seating area is established.

(C) In any parking area where an outdoor seating area is located, the surface shall be paved and either owned or possessed, pursuant to a lease agreement, by the operator of the affiliated Eating and Drinking use.

(D) No outdoor seating area shall extend into any vehicular drive aisle for actively-used parking spaces, any fire lane, nor any other accessway required to be maintained for public safety.

(E) The outdoor seating area shall be protected from vehicular circulation areas and accessways with visible dividers or wheel stops.

(q) Outdoor storage

The keeping, in an unroofed area on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours.

(i) Outdoor storage shall be screened from all public streets and Residential districts by an opaque fence or wall with a minimum height of eight feet.

(ii) Stacked or stockpiled material located within 50 feet of a screening fence or wall shall not exceed the height of the screening fence or wall.

(iii) Outdoor storage areas shall be configured to allow vehicular circulation through and around the storage area.

(iv) The area(s) used for outdoor storage shall be fully enclosed with a solid fence or wall no less than eight feet high.

(v) Any repair of equipment shall be conducted within an enclosed building.

(vi) Screening is not required in the I-G, I-W, and I-DW districts.

(r) Retail sales (as accessory to an industrial use)

The on-site retail sales of consumer goods produced, prepared, or stored by an industrial establishment, directly to the consumer.

(i) A maximum of 20 percent of the floor area of the building shall be available for a retail showroom or sales space, and 33 percent of the floor area of the business, whichever is less.

(ii) Additional off-street parking shall be provided for the retail customer showroom in accordance with Section 5.1, Parking, Loading, and Bicycle Standards. For the purposes of this section, the accessory use shall be considered a retail sales and service use.

(iii) With the exception of building materials, all goods shall be stored indoors or in rear yards which comply with the screening requirements for such use.

(iv) Except as part of a guided tour, retail customers shall not have access to other storage areas, and retail displays shall not be placed in other storage areas.

(s) Sale of alcoholic beverages, off-premises

An accessory use permitting beer, wine, and/or mixed beverages to be sold for off-premises consumption with an appropriate license from the Virginia ABC Board.

(i) No alcoholic beverages shall be sold for off-premises consumption without the proper approvals from the ABC Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.

(ii) Unless otherwise approved through the Conditional Use Permit process, all beer sold for off-premises consumption shall be in a package containing a minimum of six bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.

(t) Sale of alcoholic beverages, on-premises

An accessory use permitting beer, wine, and/or mixed beverages to be sold for on-premises consumption with an appropriate license from the ABC Board.

(i) No alcoholic beverages shall be sold for on-premises consumption without the proper approvals from the ABC Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.

(ii) Where applicable, the facility shall comply with the applicable performance standards as set forth in Section 4.2.3.F(1), Standards Applicable to All Eating and Drinking Uses.

(u) Sale of smoking or vaping products

An establishment that sells or offers for sale supplies and equipment related to smoking or vaping, including tobacco, e-cigarette liquid, pipes, cigarettes, cigars, and vaporizers.

(i) No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act (Virginia Code §15.2-2820 et seq.).

(ii) No sales to person under the age of 21 shall be offered or made, except as may be permitted by state law.

(iii) Any conditional use permit authorizing this use shall fully consider the proximity of the establishment to religious institutions, libraries, other institutional uses, and residential uses, and shall limit hours of operation accordingly.

(v) Short-term rental unit (homestay)

The provision of a space within a dwelling unit for rent to a guest for a minimum of one night but fewer than 30 consecutive nights when any owner of the property uses the dwelling unit as their primary residence.

(i) A Conditional Use Permit is required when the use:

(A) Is not registered in accordance with Section 4.2.3.F(10)(f); or

(B) Lacks off-street parking as required in subsection (vii) below; or

(C) Is in a building containing four or more bedrooms, regardless of whether it is a single-family or multifamily dwelling.

(ii) The maximum term of any zoning certificate issued for the use shall be two years, unless a shorter period is established as part of the Conditional Use Permit process.

(iii) The use shall only be conducted in spaces constructed in compliance with the Virginia Uniform Statewide Building Code requirements for residential occupancy in place at the time of construction.

(iv) The operator of the homestay rental remains liable for all taxes that may be owed.

(v) The maximum occupancy of all guests is two (2) for each bedroom located in the space provided for rent during the homestay and no more than a total of 10 guests staying in no more than five (5) bedrooms at any one time.

(vi) No homestay is allowed in any dwelling units where a boarder is currently residing.

(vii) Parking shall be provided as required under Section 5.1.7.D and Table 5.1.7(D), Minimum Number of Parking Spaces for the use of Short-Term Rental (vacation rental).

(viii) Whenever a driveway or parking area shared with an adjacent property is proposed as a location for one or more parking spaces required for a Short-term rental use, written permission from all owners of the adjacent property shall be provided. The operator shall ensure that guests do not park in or otherwise block any shared driveway or accessway.

(ix) The use shall be made available to guests exclusively through the use of one or more online booking platforms that provide, at minimum, listing services throughout all of the United States. If the operator elects to list the property on more than one such platform, then the listing on each platform shall be identical with respect to the type of short-term rental being offered, the number of rooms available, the number of guests that may be hosted, and the areas of the property available to guests.

(x) For any unit in a condominium, written permission of the condominium association or other similar organization shall be provided.

(xi) For any unit where individual bedrooms are rented separately, any time more than one bedroom is occupied by guests on separate rental agreements the owner shall remain on premises for the duration of the stays.

(xii) For the duration of any guests' stay, the operator shall conspicuously post on the interior of the rental unit and the exterior of the property a sign informing guests and neighbors of the name and phone number of a person able to be on site within 20 minutes to be contacted at any time to address emergencies or complaints about activity at the property, as well as the phone number of the City's call center.

(xiii) At the election of the operator, any property used for a homestay may be registered with the Department of City Planning as set forth in Section 4.2.3.F(10)(e).

(xiv) Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 *et seq.*), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 *et seq.*), or

any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 *et seq.*).

4.4 PERFORMANCE STANDARDS FOR TEMPORARY USES

4.4.1. PURPOSE

The purpose of this section is to set out any special standards applicable to land uses that are of a temporary nature i.e., those uses that operate or are in-place for a defined, limited period of time. This section is intended to allow a broad range of temporary uses, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

4.4.2. ORGANIZATION AND APPLICABILITY

Section 4.4.3, Performance Standards for all Temporary Uses, sets forth standards applicable to specific temporary uses regardless of the zoning district in which they are allowed, or the review procedure by which they are approved, unless otherwise stated in this section. These standards are organized in the same fashion as they are presented in the Use Tables for Principal, Accessory, and Temporary Uses in Article 3, Zoning Districts, first by use category and then alphabetically by use type. The temporary uses are also defined. These standards may be modified by other applicable requirements in this Ordinance.

4.4.3. PERFORMANCE STANDARDS FOR ALL TEMPORARY USES

A. ZONING CERTIFICATE

A Zoning Certificate shall be obtained prior to establishing a temporary use.

B. STANDARDS SPECIFIC TO TEMPORARY USES

(1) Standards Applicable to All Temporary Uses

(a) Temporary uses shall obtain any applicable City, Commonwealth, or federal permits, including, in all cases, a Zoning Certificate.

(b) Temporary uses shall operate only with written permission from the owner of the property on which they are located.

(c) The operator of a temporary use shall submit, at least 10 calendar days in advance of the event date or the activation of the use, a site layout displaying adequate ingress and egress for emergency vehicles with no dead-end aisles.

(d) Temporary uses shall not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a City- authorized event.

(e) Temporary uses shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

(f) Temporary uses shall be compatible with the principal uses, if any, taking place on the site.

(g) Temporary uses shall not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods.

(h) Temporary uses shall not include permanent alterations to the site.

(i) Temporary uses shall comply with temporary signage standards in Section 5.7, Signs and shall not maintain temporary signs associated with the temporary use or structure after the activity ends.

(j) Temporary uses shall not violate the applicable conditions of approval that apply to a site or a use on the site.

(k) Temporary uses shall be located on a site containing sufficient land area to allow the temporary use or special event to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.

(l) Temporary uses shall comply with the dimensional and intensity standards for principal uses as specified within the applicable zoning district.

(m) Temporary uses may only operate during hours and days of operation specified in the Zoning Certificate.

(n) Temporary uses shall not cause significant adverse impacts to traffic on surrounding streets.

(o) The ZA may require additional parking based on anticipated additional trip generation to the lot, not to exceed 20 percent of the total number of existing parking spaces on the lot.

(p) The ZA may impose conditions of approval for temporary uses to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

(2) Definitions and Standards Applicable to Individual Temporary Uses

(a) Carnival and circus

A transitory commercial entertainment, amusement or exhibition which provides amusement rides, concessions, games of skill or chance, and other similar forms of amusement.

(i) Carnivals and circuses shall be limited to a total of not more than twenty-one (21) days per year.

(ii) Such use need not comply with the yard requirements of this ordinance except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight distance triangle defined in Section 8.3.2, Terms Defined.

(iii) Such use need not comply with the maximum height requirements of this ordinance.

(b) Festival, bazaar, and outdoor sale event

A temporary outdoor event providing food products, retail goods, and/or live entertainment to the public.

(i) Bazaars and outdoor sale events held on property located in any Pedestrian Commercial Overlay district shall comply with the following limitations:

(A) The event shall be limited to no more than a total of 60 days per year and no more than seven consecutive days;

(B) Any items or temporary structures associated with the event shall be removed from any outside area each day promptly after the event is closed; and

(C) The site on which the event is held shall be maintained free of debris and waste at all times.

(ii) In any other zoning district, the event shall be limited to no more than a total of 14 days per year.

(iii) Such use need not comply with the yard requirements of this ordinance except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight distance triangle defined in Section 8.3.2, Terms Defined.

(iv) Such use need not comply with the maximum height requirements of this ordinance.

(c) Construction-related office/yard

Temporary office and storage facilities related to the active construction of a building or structure on a site.

(i) Storage facilities shall not be located in any required setback. If due to site constraints, location outside required yards is infeasible, the ZA may waive this requirement, provided the location does not impede sight distance triangles and the impact to adjacent properties is minimized.

(ii) Temporary portable storage units shall not be stacked.

(iii) Facilities shall be removed upon completion of construction or the expiration of all building permits associated with the development of the site, whichever occurs first.

(d) Farmer's market (as a temporary use)

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products grown by the vendor, or for the

sale of baked, canned, or preserved foods prepared by the vendor operating either regularly or occasionally, but not on a full-time basis.

(i) The farmers' market shall operate only with written permission from the owner of the property on which it is located.

(ii) The market shall operate for no more than 52 days in any one calendar year.

(iii) The market shall be open only during daylight hours.

(iv) Except as provided in provision (v) below, the market shall only be located on the open area or parking lot of private or publicly owned property.

(v) The market may operate inside a public or privately owned building during the months of December through March, for a period not to exceed a total of 30 days.

(vi) The market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the property shall not be by means of streets internal to single-family neighborhoods or areas.

(vii) Market sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor.

(viii) Items for sale shall not be displayed or stored within customer pathways.

(ix) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(x) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(e) Flea market (as a temporary use)

A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of new or used merchandise from individual stalls, tables, or other spaces, operating either regularly or occasionally, but not on a full-time basis.

(i) The market shall operate for no more than 14 days in any one calendar year.

(ii) The market shall be open only during daylight hours.

(iii) The market shall only be located on the open area or parking lot of property owned by a public agency or a registered not-for-profit organization.

(iv) Stalls, sales tables, and any other facilities related to the flea market shall be located at least 25 feet from any adjoining street. If located within a parking lot, the facilities shall be located so as to provide sufficient parking facilities for the patrons.

(v) Market sales shall be limited to the retail sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.

(vi) Items for sale shall not be displayed or stored within customer pathways.

(vii) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(f) Garage or yard sale

A sale, taking place on the premises of the person whose goods are being sold, to dispose of accumulated personal or household property.

(g) Manufactured home as temporary housing

The use, in times of emergency, of a factory-built single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act as a dwelling.

(i) The manufactured home shall be used only as a dwelling in times of emergency due to major calamity, as determined by the ZA.

(ii) All requirements for lot coverage, building lines, frontages, yards, height limitations, and off-street parking in the zoning district in which the manufactured home is located shall be met, to the maximum extent practicable.

(iii) The Zoning Certificate shall be issued for no more than two years and shall not be renewable.

(h) Outdoor display and storage

The temporary display or storage of merchandise in an unroofed area or within a freight or shipping container on the site of a principal use.

(i) The use shall not exceed 90 total days in any 365-day period.

(ii) The use is not allowed within required setbacks, or parking or loading areas, except that parking or loading spaces provided in excess of the minimum standard may be used for temporary outdoor display or temporary outdoor storage.

(iii) Display of merchandise under an awning or similar cover, or within a permanent fenced or walled-off area, shall not be considered temporary for the purposes of this Ordinance.

(i) Public event on private property

Special events that are open to the public on property that may not regularly be used to host assembly functions.

(i) See City Code Section 29-68.

(j) Seasonal decorations display and sales

The temporary display and sale of decorations, ornaments, gifts, or another similar product designed to commemorate a specific season or holiday.

(i) The use shall be limited to no more than 45 consecutive days.

(ii) The use is not required to comply with setback standards for the applicable zoning district, provided it does not obstruct the sight distance triangle.

(k) Temporary health care structure

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired persons, that is primarily assembled at a location other than its site of installation, is limited to one occupant who shall be the mentally or physically impaired person, that has no more than 300 gross square feet, and that complies with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.

(l) Temporary use of an accessory structure as a principal dwelling after a disaster

The use, during and after a declared disaster, of an accessory structure as a dwelling.

(i) The accessory structure shall be used only as a dwelling in times of declared disaster, as determined by the ZA.

(ii) The building or inhabited part shall meet all applicable building, health, and other regulations for a habitable dwelling.

(iii) The building complies with any additional standards set forth in a Declaration of Emergency issued by authorized officials in response to the disaster.

(m) Tent

A temporary shelter, typically made of cloth or canvas, supported by one or more poles anchored to the ground.

(i) The structure may remain for two days following the conclusion of the use which it supports, or for 10 days, whichever occurs first.

(ii) The structure shall comply with dimensional standards within the zoning district in which is located, as well as the requirements of the Uniform Statewide Building Code.

(n) Vendor or produce stand

Also referred to as a food truck, any person, mobile or stationary, who sells or offers for sale food, goods, or services for immediate delivery upon purchase from a pushcart, stand, or vehicle.

(i) No vendor shall be situated on a landscaped, unpaved, or unimproved surface.

(ii) No radio or other type of sound-amplifying device shall be used.

(iii) No flashing sign or sign that moves or gives the appearance of moving shall be used.

(iv) No portion of the pushcart, stand, or vehicle shall be connected to any water, sewer, or gas utility and any electrical generator or electrical connection must comply with all applicable building and electrical code requirements.

(v) No sign, menu board, table, waste receptacle, or any other object associated with the vendor operation shall be situated on the road, sidewalk, or ground except for one chair and one cooler, which may be located immediately adjacent to the pushcart, stand, or vehicle.

(vi) The pushcart or stand shall not exceed four feet in width and seven feet in length. If an umbrella or awning is used, it shall not exceed eight feet in height, nine feet in diameter, and shall be extended a minimum of seven feet above grade.

(vii) A waste receptacle shall be provided for the use of customers and shall be affixed or attached to the pushcart, stand, or vehicle.

(viii) The pushcart or stand shall not be located against display windows of fixed-location businesses.

(ix) Push carts must be professionally manufactured and designed for the sale of food.

(x) With the exception of food trucks that have been licensed by the Virginia Department of Health, no goods shall be sold from a vehicle.

Article 5: Development Standards

ARTICLE 5: DEVELOPMENT STANDARDS

5.1 Parking, Loading, and Bicycle Standards

5.1.1. Purpose
5.1.2. Applicability
5.1.3. Timing of Review
5.1.4. Conflict
5.1.5. Parking Plan
5.1.6. General Standards for Parking and Loading Areas
5.1.7. Motor Vehicle Parking Design Standards
5.1.8. Off-Street Loading
5.1.9. Bicycle Parking

5.2 Landscaping Standards

5.2.1. Purpose
5.2.2. Applicability
5.2.3. Timing of Review
5.2.4. Landscaping Plan
5.2.5. Equivalent Planting Units
5.2.6. Landscaping Standards
5.2.7. Credit Toward Other Standards
5.2.8. Alternative Landscaping Plan
5.2.9. Timing for Installation of Required Landscaping
5.2.10. Maintenance

5.3 Perimeter Buffers

5.3.1. Purpose
5.3.2. Applicability
5.3.3. Timing of Review
5.3.4. Perimeter Buffer Standards
5.3.5. Credit Toward Other Standards

5.4 Screening

5.4.1. Purpose
5.4.2. Applicability

5.4.3. Timing of Review
5.4.4. Screening Standards
5.4.5. Credit Toward Other Standards

5.5 Open Space Set-Asides

5.5.1. Purpose
5.5.2. Applicability
5.5.3. Timing of Review
5.5.4. Open Space Standards
5.5.5. Credit Toward Other Standards

5.6 Tree Preservation, Protection, And Replacement

5.6.1. Purpose Statement
5.6.2. Applicability
5.6.3. Timing of Review
5.6.4. Tree Protection, Preservation, and Replacement Standards

5.7 Signs

5.7.1. Legislative Statement and Findings
5.7.2. Applicability
5.7.3. Definition of Terms
5.7.4. General Standards
5.7.5. General Requirements
5.7.6. Specific Sign Construction, Installation, And Design Standards
5.7.7. Permitted Signs
5.7.8. Outdoor Advertising Signs
5.7.9. Applications and the Permitting Process
5.7.10. Enforcement

5.8 Exterior Lighting

5.8.1. Purpose and Intent
5.8.2. Applicability
5.8.3. Timing of Review
5.8.4. Lighting Plan

5.8.5. Prohibited Lighting
5.8.6. General Standards for Exterior Lighting
5.8.7. Lighting Design Standards for Specific Uses and Site Features
5.8.8. Measurement
5.8.9. Exemptions for a Security Plan

5.9 Form Standards

5.9.1. Purpose
5.9.2. Applicability
5.9.3. Single-Family Detached Dwellings Form Standards
5.9.4. Multi-Family Form Standards
5.9.5. Non-Residential and Mixed-Use Form Standards

5.10 Neighborhood Protection

5.10.1. Purpose and Intent
5.10.2. Applicability
5.10.3. Neighborhood Protection Standards

5.11 Accessory Structures

5.11.1. Purpose and Intent
5.11.2. Applicability
5.11.3. General
5.11.4. Accessory Dwelling Unit
5.11.5. Amateur Ham Radio Antenna
5.11.6. Fences and Walls
5.11.7. Freight Containers and Shipping Containers
5.11.8. Rainwater Cistern or Barrel
5.11.9. Satellite Dish Antenna
5.11.10. Small Cell Facility
5.11.11. Solar Energy Collection Facility, Small-Scale
5.11.12. Reserved
5.11.13. Vending Machine
5.11.14. Wind Energy Conversion System, Small-Scale

5.12 Resilience Quotient

5.12.1. Purpose
5.12.2. Applicability
5.12.3. Timing of Review
5.12.4. Compliance with Resilience Quotient Standards
5.12.5. Resilience Quotient Compliance for Single Family Development
5.12.6. Resilience Quotient Compliance for Multiple Dwelling Unit Residential Development
5.12.7. Resilience Quotient Compliance for Non-Residential Development
5.12.8. Minor Deviation from Resilience Quotient Compliance

ARTICLE 5: DEVELOPMENT STANDARDS

5.1 PARKING, LOADING, AND BICYCLE STANDARDS

5.1.1. PURPOSE

The purpose of this section is to reduce hazards to public safety and to ensure efficient traffic flow by establishing standards for motor vehicle parking, off-street loading areas, and bicycle parking. For the purpose of applying and enforcing this Ordinance, "parking" shall refer to both motor vehicle parking and loading as well as parking for bicycles.

5.1.2. APPLICABILITY

A. GENERAL

Unless exempted in accordance with Section 5.1.2.B, Exemptions, the standards of this section shall apply to all development. All requirements and provisions of this section shall apply to lawfully nonconforming uses, incorporating to the numerical adjustment set forth above.

B. EXEMPTIONS

(1) Pre-Existing Buildings

(a) In order to encourage the re-use of older, pre-existing buildings, a use operating or proposed to operate in such a building shall be considered to have one parking space for each 300 square feet of gross area inside the building minus the total number of existing parking spaces, if any, that actually exist on the site when all of the criteria are met:

(i) The building is located on a property within the Downtown, Traditional, or Coastal character district; and

(ii) The building serves a non-residential use.

(b) For pre-existing buildings located within the Downtown, Traditional or Coastal character districts, no parking shall be required for changes of use to one of the following uses:

(i) Any use within the Retail Sales and Service Uses category or

(ii) Any restaurant with an occupant load of less than 50 people.

(2) Zoning Lots Less Than or Equal To 2,500 Square Feet

For zoning lots of less than or equal to 2,500 square feet no parking shall be required when all criteria are met:

(a) The building is less than 2,000 square feet and

(b) The use is for a commercial or office use.

(3) Change of Use to Another Use with an Equal or Lesser Parking Requirement

No additional parking shall be required for existing buildings when a use changes to another use with an equal or lesser parking requirement as per Table 5.1.7(D), Minimum Number of Parking Spaces.

(4) Existing Facilities

Any improved portion of a zoning lot that has been used continuously to provide parking for a use which was lawfully established prior to March 3, 1992, shall not be reduced in area or dimension unless fully compliant with this Ordinance.

(5) Downtown Districts

The following Downtown districts are not required to provide motor vehicle parking: D-W, D-BC, D-MU, D-AD, and D-SP.

5.1.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for either a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), conditional use (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review or Section 2.4.19, Single-Family Plan Review), or Zoning Certificate (see Section 2.4.14, Zoning Certificate), as appropriate.

5.1.4. CONFLICT

In the event there is any conflict between the parking standards in this section and parking standards in a base zoning district or overlay district, the standards of the specific zoning district or overlay district shall control.

5.1.5. PARKING PLAN

In the event that the ZA determines that the evaluation of compliance with the parking standards requires a parking plan, development shall not commence until a plan, drawn to scale and showing parking facilities and spaces, is provided and determined to comply with the requirements of this section and this Ordinance.

5.1.6. GENERAL STANDARDS FOR PARKING AND LOADING AREAS

A. GENERAL

Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display or storage of goods for sale (except that farmers' markets and licensed approved mobile vendors may be permitted to operate within parking areas), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

B. IDENTIFIED AS TO PURPOSE AND LOCATION

Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles.

C. MULTIPLE USES ON SAME ZONING LOT

Unless otherwise expressly stated in other provisions in this Ordinance, when computing the number of parking spaces required on a lot with more than one use, the total number of required spaces shall be the sum of the number of parking spaces required for each use evaluated individually, including any adjustments made under the alternative parking provisions of Section 5.1.7.C, Alternative Parking.

D. RESIDENTIAL GARAGE

For all residential uses in which one or more garage spaces are provided, all spaces located inside the garage shall only be considered to accommodate one required motor vehicle parking space.

E. FRACTIONAL SPACES

When determination of the number of parking or loading spaces required by this Ordinance results in a fractional number, any fraction shall be rounded to the nearest whole number.

F. SURFACING

(1) General

All motor vehicle parking, off-street loading, and bicycle parking areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material, except as permitted under subsection (2) below. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition, shall be designed to maintain proper drainage, and shall be certified by a design professional as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Dirt, gravel, and other similar loose, un-bonded surface materials shall not be accepted.

(2) Pervious or Semi-Pervious Surfacing

The use of pervious or semi-pervious parking lot surfacing materials may be approved for off-street parking and loading areas except on industrial sites, sites used for vehicle sales and service, and other sites where there is reasonable expectation that petroleum and other chemical products will be spilled. Where pervious or semi-pervious surfaces are approved, they shall be subject to an on-going maintenance program (e.g., sweeping, annual vacuuming) and shall be certified by a design professional as capable of accommodating anticipated traffic loading stresses and maintenance impacts

while maintaining a smooth, well-graded, clean, orderly, and dust-free condition. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices (see Figure 5.1.6(A), Use of Pervious Materials in a Parking Lot).

Figure 5.1.6(A): Use of Pervious Materials in a Parking Lot



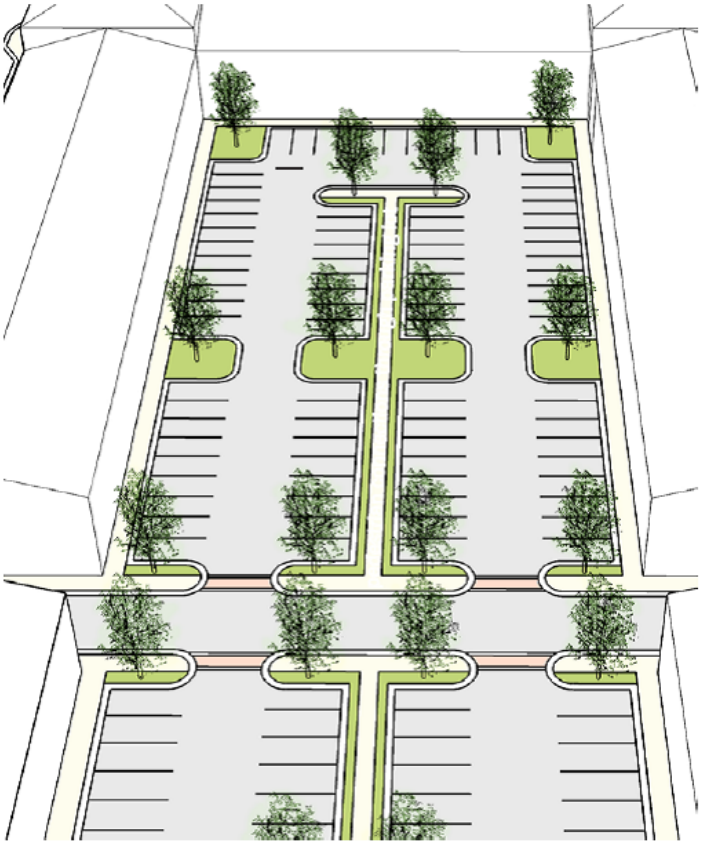
G. LOCATION AND ARRANGEMENT

(1) Safe and Convenient Access

(a) To the extent possible, pedestrian walkways shall be provided from the off-street parking to the building and right of way.

(b) Off-street parking and loading areas shall be arranged and designed for convenient and safe access for pedestrians from the off-street parking spaces to the entrance to buildings on the site (see Figure 5.1.6(B), Provision of Pedestrian Walkways in a Parking Lot). To the extent possible, pedestrian walkways within parking areas shall maintain a level path through use of speed tables and other similar physical features when the walkways must cross vehicular ways or access points.

Figure 5.1.6(B): Provision of Pedestrian Walkways in a Parking Lot



(c) Except for parking areas serving single-family detached, two-family, townhouse, and manufactured home dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

(d) Except for off-street parking areas serving single-family detached, two-family, townhouse, and manufactured home dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Section 5.1.7.C, Alternative Parking.

(e) Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

(f) Wherever a parking area, and its associated maneuvering and access spaces, serves more than one dwelling unit, permission from all owners of all units utilizing the parking area shall be required before an additional principal or accessory use requiring additional parking may be approved.

H. ACCESSIBLE PARKING FOR PHYSICALLY HANDICAPPED

A portion of the total number of required parking spaces in a development shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act Accessibility Guidelines.

I. MAINTAINED IN GOOD REPAIR

All parking and off-street loading areas, including those areas with pervious or semi-pervious parking lot surfacing materials (see Section 5.1.6.F, Surfacing), shall be subject to an on-going maintenance program, and maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. All signage and pavement markings shall also be maintained.

J. MAXIMUM MOTOR VEHICLE PARKING

In order to minimize the adverse impacts caused by improving large areas with impervious surfaces, including increased storm water run-off, urban heat island effects, and nonpoint source pollution, the total number of motor vehicle parking spaces serving a commercial use shall not exceed 125 percent of the minimum parking standards in Table 5.1.7(D), Minimum Number of Parking Spaces, unless either of the following apply:

(1) Any spaces in excess of 125 percent of the minimum number required are located in a structured parking facility; or

(2) An alternative landscape plan that provides additional pervious landscape surfaces and increases stormwater filtration has been reviewed and recommended by the Department of Recreation, Parks and Open Space and the Department of Public Works, and approved by the ZA, subject to Section 5.2, Landscaping Standards, and Section 5.4, Screening.

K. REDUCTION FOR PROXIMITY TO LIGHT RAIL TRANSIT (LRT)

For any non-residential use located within 1,500 feet of a LRT station, the required number of parking spaces determined under Table 5.1.7(D), Minimum Number of Parking Spaces, shall be reduced by 25 percent. This reduction shall not apply in Transit Oriented Development (TOD) zoning district.

5.1.7. MOTOR VEHICLE PARKING DESIGN STANDARDS

A. LOCATIONAL STANDARDS

(1) For any residential use, motor vehicle parking and maneuvering areas shall not be located in any required yard adjacent to a public street except in an access/driveway that complies with the provisions of Section 5.1.7.B, Design Standards for Parking Areas, or as allowed in Section 5.1.7.C, Alternative Parking.

(2) For all uses other than residential, all surface motor vehicle parking and maneuvering areas shall be located as follows:

(a) In the Suburban and Coastal Character Districts, parking shall not be located in any required yard adjacent to a public street, any required buffer yard, or any open space.

(b) In the Downtown and Traditional Character District, parking shall comply with the following standards:

(i) At least 50 percent of all required parking shall be located to the side or rear of buildings.

(ii) No parking shall be located in any required buffer yard or any open space.

(iii) If parking is located within 10 feet of the right-of-way, a solid wall not less than two and a half feet in height shall be located along the parking areas adjacent to the street, or a fence with additional landscaping shall be approved as part of an alternative landscape plan. This screening shall be in addition to the standards in Section 5.2, Landscaping Standards, and Section 5.4, Screening.

B. DESIGN STANDARDS FOR PARKING AREAS

(1) Single-family Dwellings

Parking areas for all single-family detached dwellings shall comply with the following standards.

(a) Parking areas located in any required yard abutting a public street shall be limited to a driveway or access installed generally perpendicular to the abutting street. The width and number of such driveways or accesses per zoning lot shall be limited as follows:

(i) In the Suburban and Coastal Character Districts, on lots at least 100 feet wide:

(A) No more than two driveways or accesses, with a maximum width of 20 feet each, which shall be located on separate streets; or

(B) No more than two, with a maximum width of 20 feet each, if located on the same street and separated by at least 50 feet of street frontage.

(ii) In the Suburban and Coastal Character Districts, on lots at least 75 feet, but less than 100 feet wide:

(A) No more than two driveways or accesses, with a maximum width of 20 feet each, which are located on separate streets; or

(B) No more than two, with a maximum width of 10 feet each, if located on the same street and separated by at least 25 feet of street frontage.

(iii) In the Suburban and Coastal Character Districts, on lots at least 40 feet but less than 75 feet wide:

(A) No more than one driveway or access, with a maximum width of 20 feet;

(B) No more than two, with a maximum width of 10 feet each, if located on separate streets; or

(C) No more than two, with a maximum width of 10 feet each, if located on the same street and separated by at least 15 feet of street frontage.

(iv) On all lots in the Traditional and Downtown Character Districts:

(A) No more than one driveway or access, with a maximum width of 20 feet;

(B) No more than two, with a maximum width of 10 feet each, if located on separate streets; or

(C) No more than two, with a maximum width of 10 feet each, if located on the same street and separated by at least 15 feet of street frontage.

(v) On lots at least 30 feet but less than 40 feet wide, no more than one driveway or access, with a maximum width of 10 feet.

(vi) On lots less than 30 feet wide:

(A) For a corner lot, no more than one driveway or access, with a maximum width of 10 feet, is allowed if located along the longest street frontage and not in the front yard; and

(B) For all other lots, no more than one driveway or access is allowed, with a maximum width of 10 feet.

(b) Notwithstanding the provisions regarding the permissible width and number of such driveways or accesses per zoning lot set forth above, a driveway or access may nevertheless be prohibited under Section 6.4, Nonconforming Zoning Lots.

(2) Townhouses, Two-family, and Single-family Semi-detached Dwellings

All design standards applicable to parking areas, driveways, and accesses for single-family detached dwellings established in Section 5.1.7.B(1), Single-Family Dwellings, shall apply to townhouse, two-family, and single-family semi-detached dwellings. In addition, the following standards for parking areas shall also apply:

(a) In the Traditional and Downtown Character Districts, no driveway, access, or parking area shall be provided between the street and the building.

(b) In the Suburban and Coastal Character Districts, driveways and accessways shall be permitted in the required front yard; however, no parking shall be provided anywhere in the front yard of a townhouse, two-family, or single-family semi-detached dwelling, except upon consideration and approval of a Conditional Use Permit requesting an increase in the maximum dimensions for the required front yard in accordance with Section 4.2.3.D(2)(f)(i)(c).

(3) Multi-family Buildings

(a) In the Downtown and Traditional Character Districts, parking areas for all multi-family buildings shall comply with the following standards.

(i) At least 50 percent of all required parking shall be located to the side or rear of buildings.

(ii) No parking shall be located in any required buffer yard or any open space.

(iii) Parking shall not be located in any way that is visible from a public street except when a solid wall not less than two and a half feet in height is located along the parking areas visible from the street to appropriately screen views of parked cars from the street. This additional screening shall be installed in addition to the landscape requirements in Section 5.2, Landscaping Standards.

(b) In the Suburban and Coastal Character Districts, parking areas for all multi-family buildings shall comply with the following standards.

(i) At least 30 percent of all required parking shall be located to the side or rear of buildings.

(ii) No parking shall be located in any required buffer yard or any open space.

(iii) If parking is located within 10 feet of the right-of-way, a solid wall not less than two and a half feet in height shall be located along the parking area to appropriately screen views of parked cars from the street. This additional screening shall be installed in addition to the landscape requirements in Section 5.2, Landscaping Standards.

(4) Landscaping

Landscaping and screening of parking areas shall comply with the standards in Section 5.2, Landscaping Standards, and Section 5.4, Screening.

(5) Lighting

Lighting shall comply with the standards of Section 5.8, Exterior Lighting.

(6) Dimensions of Parking Spaces

(a) All minimum requirements as to size, angle, and placement of parking spaces located on surface lots shall comply with the requirements in Table 5.1.7(A), Standard Parking Space Dimensional Standards, Table 5.1.7(B), Compact Parking Space Dimensional Standards, and Figure 5.1.7, Minimum Parking Space Dimensions, below, unless alternative parking dimensions indicated on a parking plan designed and sealed by a professional engineer are approved by the Director of Public Works.

TABLE 5.1.7.B(6)(A): STANDARD PARKING SPACE DIMENSIONAL STANDARDS

PARKING ANGLE (A)	STALL WIDTH (B)	STALL DEPTH (C)	AISLE WIDTH (PARKING ON ONE SIDE) (D)	AISLE WIDTH (PARKING ON BOTH SIDES) (D)	STALL DISTANCE (CURB TO AISLE) (E)
0°	9.0'	21.0'	12.0' (one-way) 20.0' (two-way)	12.0' (one-way) 20.0' (two-way)	9.0'
45°	8.0'	18.0'	13.0' (one-way)	13.0' (one-way)	18.4'
60°	8.0'	18.0'	18.0' (one-way)	18.0' (one-way)	19.6'
70°	8.0'	19.0'	20.0' (one-way)	20.0' (one-way)	20.6'
90°	8.0'	18.0'	22.0' (two-way)	24.0' (two-way)	18.0'

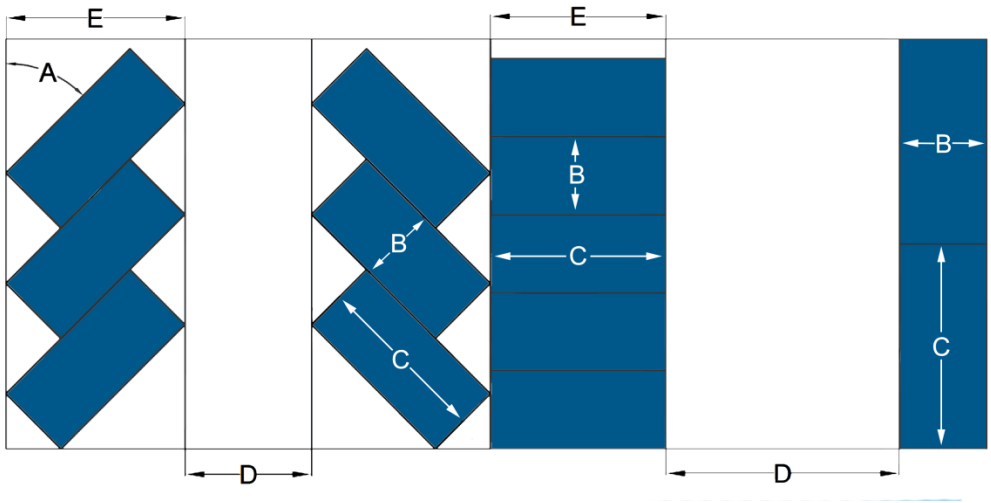
NOTES: Labels in ( ) correspond to Figure 5.1.7, Minimum Parking Space Dimensions.

TABLE 5.1.7.B(6)(B): COMPACT PARKING SPACE DIMENSIONAL STANDARDS

PARKING ANGLE (A)	STALL WIDTH (B)	STALL DEPTH (C)	AISLE WIDTH (PARKING ON ONE SIDE) (D)	AISLE WIDTH (PARKING ON BOTH SIDES) (D)	STALL DISTANCE (CURB TO AISLE) (E)
0°	8.5'	18.0'	11.0' (one-way) 20.0' (two-way)	11.0' (one-way) 20.0' (two-way)	8.5'
45°	7.5'	16.5'	12.0' (one-way)	12.0' (one-way)	17.0'
60°	7.5'	16.5'	16.0' (one-way)	16.0' (one-way)	18.0'
70°	7.5'	17.0'	18.0' (one-way)	18.0' (one-way)	18.5'
90°	7.5'	16.5'	19.0' (two-way)	21.0' (two-way)	16.5'

NOTES: Labels in ( ) correspond to Figure 5.1.7, Minimum Parking Space Dimensions.

Figure 5.1.7: Minimum Parking Space Dimensions



(b) The minimum dimensional requirements of parking spaces in a particular structured parking facility and shown on a parking plan designed and sealed by a professional engineer shall be established by the Director of Public Works.

(c) Any parking area may include spaces designed for compact vehicles, if the applicant provides a parking study prepared by a traffic engineer licensed to practice in the Commonwealth that demonstrates the compact parking spaces are appropriately integrated into the parking area and there is a reasonable expectation the compact spaces will be used. In all instances:

(i) No more than 15 percent of the number of minimum required parking spaces may be satisfied by providing compact spaces;

(ii) Compact spaces shall be located only at the ends of parking rows with no more than two compact spaces placed side-by-side; and

(iii) Each compact space shall be clearly identified with markings placed on the surface of the parking space and with a sign restricting it for compact vehicles only.

(7) Stacking Spaces

For all of the following uses, space sufficient to accommodate the number of stacking spaces identified in Table 5.1.7(C), Required Stacking Spaces for Certain Uses, shall be provided.

TABLE 5.1.7(C): REQUIRED STACKING SPACES FOR CERTAIN USES	
USE TYPE	**REQUIRED NUMBER OF STACKING SPACES**
Automated teller machine	3 starting at the teller machine
Bank teller lane	3 starting at the teller window/tube
Dry-cleaning/Laundry, with Drive-Through	3 starting at drive-through window
Pharmacy, with Drive Through	3 starting at the first drive-through window
Restaurant or Fast Food Restaurant, with Drive Through	6 starting at the order box/speaker, and 3 between the order box/ speaker and the pickup window
Gas station	1 at each end of the outermost gas pump island
Automatic car wash and auto detailing	3 starting at the bay entrance
Car wash and auto detailing	2 starting at the bay entrance
All personal services uses, with drive-through	3 starting at the drive-through window
Other	To be determined by ZA, based on standards for comparable uses, or alternatively based on a parking demand study prepared by a registered engineer having expertise in transportation engineering

(8) Design and Layout

Required stacking spaces are subject to the following design and layout standards:

(a) Stacking spaces shall be a minimum of 8 feet wide and 18 feet long;

(b) Stacking spaces shall not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;

(c) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements; and

(d) Stacking spaces shall be separated from other internal driveways by raised medians if necessary for traffic movement and safety.

C. ALTERNATIVE PARKING

The ZA is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum number of parking spaces required by Table 5.1.7(D), Minimum Number of Parking Spaces, in accordance with the standards of this subsection. In order to utilize any of these forms of alternative parking, an alternative parking plan designed by a design professional shall be

submitted to the ZA for review, and will not be effective until the ZA approves the plan in accordance with the standards of this subsection.

(1) Off-Lot Parking

(a) Required parking may be provided on a lot other than the lot upon which the use is located if the off-lot parking is located no more than 500 feet from the lot upon which the use is located, measured along a convenient pedestrian route, in the following amounts:

(i) For any property designated as a Historic Landmark or located in an HC district or PCO district, 100 percent of the required minimum number of spaces;

(ii) For all other districts and properties, 50 percent of the required minimum number of spaces;

(iii) Evidence is provided there is a convenient, safe and adequate pedestrian walkway from the off-lot to the use, that is well marked and does not cross an arterial street except at a signalized intersection or an intersection with a crosswalk;

(iv) A legal right to use the off-lot parking area is demonstrated, secured either by deed, long-term lease, or other documentation of sufficient license or possessory interest; and

(v) An agreement is signed between the landowner of the land subject to the off-lot parking arrangement, the owner of the land on which the off-lot parking is being provided (if it is not owned by the owner of the land subject to the off-lot arrangement), and the city.

(A) The agreement shall provide the landowner of the land subject to the off-lot parking arrangement the right to use of the off-lot parking site for 5 years or the term of the lease, whichever is greater, and shall ensure that as long as the off-lot parking is needed to comply with this Ordinance, the off-lot parking will be available (or a comparable alternative site provided).

(B) The agreement shall be submitted to the ZA for review and approval.

(C) A copy of the parking agreement shall be kept on file with the Department of City Planning.

(D) A violation of the agreement shall constitute a violation of this Ordinance, which may be enforced in accordance with Article 7, Enforcement.

(b) If an application for alternative parking at an off-lot location is denied by the ZA, or the alternative parking is located more than 500 feet from the land upon which the use is located (measured along a convenient pedestrian walkway), the applicant may request approval for off-lot

parking through approval of a conditional use in accordance with Section 2.4.8, Conditional Use Permit.

(c) No use served by off-lot parking may be continued if the off-lot parking becomes unavailable to the use, unless substitute parking spaces are provided in accordance with this section.

(2) Shared Parking

An applicant may use an alternative parking plan to meet a portion of the minimum number of parking spaces required in Table 5.1.7(D), Minimum Number of Parking Spaces, for that use through sharing parking with other existing uses. Such use of shared parking shall be allowed in accordance with the following standards:

(a) Up to 75 percent of the number of parking spaces required for the use may be shared with other uses, provided that parking demands do not overlap.

(b) Shared parking spaces shall be located within a maximum walking distance of 750 feet of the primary pedestrian entrances to the uses served by the parking.

(c) Adequate and safe pedestrian access via a walkway protected by landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking. To the extent possible, the walkway shall provide a level path along its entire length by utilizing speed tables or similar features for crossing vehicular paths.

(d) Signage complying with the standards in Section 5.7, Signs, shall be provided to direct the public to the shared parking spaces.

(e) The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

(3) Deferred Parking

An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street parking spaces required by Table 5.1.7(D), Minimum Number of Parking Spaces, in accordance with the following standards.

(a) The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the

development is less than the minimum required by Table 5.1.7(D), Minimum Number of Parking Spaces.

(b) The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

(c) Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, required landscaping, required open space set-asides, required stormwater management, or to comply with any requirements of this Ordinance. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

(d) Areas reserved for future parking spaces shall be landscaped with an appropriate ground cover, and if ultimately developed for parking, shall be landscaped in accordance with Section 5.2, Landscaping Standards, and Section 5.4, Screening.

(e) The alternative parking plan shall provide assurance that within 24 months after the initial Certificate of Occupancy is issued for the proposed development, a parking demand study evaluating the adequacy of the existing parking spaces in meeting the parking demand generated by the development will be submitted to the ZA.

If the ZA determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the ZA determines the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

(f) An approved deferred parking arrangement shall be enforced through written agreement between the landowner of the land subject to the deferred parking arrangement and the city. The agreement shall ensure compliance with the requirements of this subsection and any other conditions of approval required by the city to ensure the deferred parking arrangement and subsequent parking demand study will be adequately carried out.

(4) Valet Parking

An alternative parking plan may propose to use valet parking to meet a portion of the minimum number of parking spaces required for a development in accordance with the following standards.

(a) Any parking spaces that do not comply with the minimum parking space dimensional requirements established in Table 5.1.7(A), Standard Parking Space Dimensional Standards, Table 5.1.7(B), Compact Parking Space Dimensional Standards, and Figure 5.1.7, Minimum Parking Space

Dimensions, may be allowed if such spaces are reserved for valet parking, if they comply with the following:

(i) The parking area is marked with signage indicating that it is reserved exclusively for valet parking; and

(ii) A parking attendant is present at the site during all times that the use served by the valet parking area is operating.

(b) Commercial uses may be approved for valet parking if they comply with the following standards.

(i) No more than 35 percent of the total number of parking spaces provided shall be designated for valet spaces except for restaurants, where up to 50 percent of spaces may be designated for valet parking, and hotels, where up to 60 percent of parking spaces may be designated for valet parking.

(ii) The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or an internal drive aisle serving the development. Drop-off and pick-up areas will not be allowed in moving vehicle and bicycle travel lanes in the public right-of-way without obtaining approval from the Department of Public Works. Drop-off and pick-up areas will not be allowed to use sidewalks for any stationing of vehicles.

(iii) Valet parking may be established and managed only in accordance with a valet parking agreement. The agreement shall be submitted to the ZA, who shall review approve the agreement. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 7, Enforcement.

(iv) No use served by valet parking may be continued if the valet service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this section.

(5) Parking and Maneuvering Within Yards Adjacent to a Street

An alternative parking plan may propose to increase the parking and maneuvering area of single-family detached and other existing residential uses by up to 130 square feet above that allowed by Section 5.1.7.B, Design Standards for Parking Areas, if the alternative parking plan complies with the following standards:

(a) Safe back-up maneuvering is impaired on the site due to any of the following factors:

(i) The speed limit on the road abutting the access driveway is 35 miles per hour or greater;

(ii) There is unusually heavy or frequent traffic along the road abutting the access driveway;

(iii) The geometry of the approaches to the point where the driveway accesses the abutting road; or

(iv) A recommendation of the Department of Public Works, based on concerns about public safety.

(b) The additional parking and maneuvering area shall be located a minimum of six feet from the property line abutting the street;

(c) The additional parking and maneuvering area shall be screened with landscape plantings at least two and one-half feet in height; and

(d) The additional parking and maneuvering area shall be installed so that storm water runoff is properly managed and does not drain onto adjacent lands.

(6) Single-Family Detached Driveways and Accesses

On lots more than 60 feet in width within the Suburban Character District, driveways and accesses may be as wide as 40% of the lot width at the right-of-way, provided that the expansion of the driveway does not remove any existing trees within the right-of-way.

(7) Transportation Demand Management

The ZA may, through approval of an alternative parking plan and transportation demand management plan (TDM plan), authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required for non-residential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the following standards.

(a) TDM Plan Requirements

The TDM plan shall include facts, projections, an analysis (e.g., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements), and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan shall identify the amount by which parking requirements have been reduced from the amounts otherwise required by this section.

(b) Transportation Demand Management Activities

The TDM plan shall be required to provide the following transportation demand management activities:

(i) A Guaranteed Ride Home program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, which an applicant may establish to serve the development or in partnership with other developments or uses.

(ii) Written disclosure of transportation information and educational materials to all employees, that makes transportation and ride-sharing information available to employees, residents, and nonresidents. This does not need to be a unique role and may be met by human resources officers or other administrators of an organization.

(iii) Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee transit passes beyond standard tax credits already provided by State and Federal governments, teleworking, and shuttle service programs.

(c) Two Transportation Demand Management Options Required

The plan will also require two of the following transportation demand management strategies.

(i) Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, transit schedules, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool). Specific information will vary depending on the specific services and transportation infrastructure available in the vicinity of the development, but in general will allow tenants or customers to compare travel modes available.

(ii) In-lieu of the website described in subsection (i), above, installation of a real-time visual display screen or other display device of this type that provides multi-modal transportation information.

(iii) Parking cash-out or transportation stipend, or provision of a cash incentive to employees not to use parking spaces otherwise available to tenants of a development.

(iv) Unbundling of parking from leases, or issuing tenant leases that do not include parking as an integral part of a floor-area space lease and require parking to be leased, purchased, or otherwise accessed through separate payment.

(v) Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.

(vi) Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).

(vii) Any other transportation demand management activity as may be approved by the ZA as a means of complying with the parking reduction provisions of this subsection.

(d) Recording of TDM Plan

A copy of the approved TDM plan shall be recorded before issuance of a building permit for the development to be served by the plan. The TDM plan shall be kept on file with the Department of City Planning.

(e) TDM Program Coordinator

(i) The applicant shall appoint a TDM program coordinator to oversee transportation demand management activities.

(ii) The TDM program coordinator shall be an engineer licensed by the Commonwealth, certified planner, or a traffic consultant that is also a qualified or trained TDM professional.

(iii) The TDM program coordinator shall be appointed prior to issuance of a Certificate of Occupancy for the buildings to be served by the transportation demand management program.

(f) TDM Report

The TDM program coordinator shall submit to the ZA a report on a biennial basis that details implementation of the approved TDM plan and how it has successfully met the target reduction in drive-alone trips that justified the original reduction in parking because of its effectiveness in reducing driving demand, in turn reducing the need for parking. The report may include, but is not limited to, the following:

(i) A description of transportation demand management activities undertaken;

(ii) An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options; and

(iii) Changes to the TDM plan to increase transit ridership, bicycle ridership, and other commuting alternatives.

(g) Amendments

The ZA may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval. Changes in transportation options subsequent to the approval of the original plan that allow a development to meet the reduction targets identified in the original plan, such as introduction of new transit service to a development area, shall not require amendments to the plan as long as annual reports can demonstrate that these services are contributing to the plan's intent.

(h) Parking Required if TDM Terminated

If the applicant or successors in interest in the development subject to a TDM plan stop implementing the plan or fail to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan shall be terminated and become null and void. Any such termination of the TDM plan does not negate the parties' obligations to comply with parking requirements of this Section and this Ordinance, and thus shall constitute a violation of this Ordinance. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in accordance with this section and this Ordinance, within 120 days of termination of the TDM plan.

(8) Site-Specific Parking Study

In lieu of full compliance with the numerical and arrangement standards for motor vehicle and bicycle parking (see Section 5.1.9, Bicycle Parking) in this Ordinance, the number of spaces required for the use may be determined by a site-specific parking study that is prepared by a qualified transportation planning professional and is approved by the ZA.

(a) Report Requirements

No special parking study shall be considered or approved unless it contains all of the following information:

(i) An analytical study of the actual off-street vehicular parking and loading demands of similar uses recently operating in the vicinity of the location of the proposed use or in another location that is demonstrated to be functionally comparable to the location of the proposed use, including comparisons and references to the relevant provisions of the most recent edition of the Institute of Transportation Engineers (ITE) Parking Generation report (or comparable report approved in advance by the ZA) and a description of when the operation of the proposed use will require the specified amounts of parking each hour of the day and each day of the week.

(ii) Schematic exhibits, drawn to scale and with accompanying written information, showing the specific locations and dimensions of all parking spaces, including any compact car spaces, the use of valet parking, off-lot parking located within a reasonable distance of the site, any use of shared parking, all driveways and drive aisles, all methods of circulation (including bicycle and pedestrian circulation), and the means by which all circulation will be managed.

(iii) Any construction of an "overflow" parking lot, including features such as grid pavers that allow grass to grow within the paver voids, landscaping, and any temporary improvements to be made during

times when the lot is in use, such as accessory buildings, lighting, circulation controls, and drive aisle dividers.

(iv) If the site-specific parking study is used to modify the otherwise applicable parking requirements (see Section 5.1.9, Bicycle Parking) for bicycles or includes Transportation Demand Management techniques, an analysis of the bicycle parking needs of the site shall be included. Such bicycle parking analysis shall be based on the current edition of "Bicycle Parking Guidelines" prepared by the Association of Pedestrian and Bicycle Professionals.

(v) The professional qualifications and experience of the preparer of the study.

(b) Standards for Approval

The site-specific parking study shall only be approved if the ZA determines that it sufficiently satisfies all of the following standards:

(i) The preparation and submittal requirements of subsection (8)(a), above, are fully met.

(ii) The study does not contain any erroneous assumptions nor any computational or analytical mistakes.

(iii) Reductions in bicycle parking from the minimum number that would otherwise be computed under the classifications and formulae set forth in Table 5.1.9, Minimum Number of Bicycle Parking Spaces, shall separately consider short-term and long-term bicycle parking needs and generally shall not reduce the amount of long-term bicycle parking.

(iv) Bicyclists and pedestrians are safely and conveniently accommodated within and through areas that are designated for vehicular parking.

(v) Traffic flows on adjacent public streets will not be impeded if the reduction in parking spaces or alternative parking arrangements proposed in the site-specific study are implemented in lieu of the standardized requirements of Table 5.1.7(D), Minimum Number of Parking Spaces.

(c) Limitations on Approved Site-Specific Parking

(i) Notwithstanding any proposal or recommendation in an approved site-specific study, the approved minimum number of required vehicular parking spaces shall never be less than 50 percent of the minimum number that would otherwise be computed under the classifications and formulae set forth in Table 5.1.7(D), Minimum Number of Parking Spaces.

(ii) The reductions in required parking that might otherwise apply under Section 5.1.2.B, Exemptions, and Section 5.1.6.K, Reduction

for Proximity to Light Rail Transit (LRT), shall not apply to any property for which a special parking study has been approved.

(9) Other Eligible Alternatives

The ZA may authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required by this section, if the applicant submits an alternative parking plan that:

(a) Demonstrates the demand for off-street parking on the site is less than that established by this section because of the site's location, its site design, proximity to transit, or other factors; or

(b) Proposes any other strategy that will effectively reduce parking demand on the site in a way that will do at least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

D. MOTOR VEHICLE PARKING SPACE STANDARDS

(1) Development or a change in use or expansion subject to the requirements of this section shall provide the minimum number of parking spaces in accordance with Table 5.1.7(D), Minimum Number of Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the parking space standards for unlisted uses is provided in Section 2.4.17, Interpretation.

TABLE 5.1.7(D): MINIMUM NUMBER OF PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
CONSERVATION AND OPEN SPACE USES					
Conservation and Open Space Uses	All Uses	Zoning Administrator			
RESIDENTIAL USES					
Household Living Uses	Dwelling, live-work	2 per DU (1 per DU for adaptive reuse of existing buildings)	2 per DU	2 per DU	2 per DU
	Dwelling, manufactured home	1 per manufactured home	1 per manufactured home	1 per manufactured home	1 per manufactured home
	Dwelling, multi-family	1.5 per DU (1 per DU for adaptive reuse of existing buildings)	1.6 per DU (1 per DU for adaptive reuse of existing buildings)	1.75 per DU	1.75 per DU
	Dwelling, single-family detached	2 per DU	2 per DU (No parking required for lots less than 40 feet in width)	2 per DU (No parking required for lots less than 40 feet in width)	2 per DU (No parking required for lots less than 40 feet in width)
	Dwelling, single-family semi-detached	2 per DU	2 per DU	2 per DU	2 per DU
	Dwelling, townhouse	1.5 per DU	1.75 per DU	2.0 per DU	2.0 per DU
	Dwelling, two-family	2 per DU	2 per DU	2.5 per DU	2.5 per DU
Group Living Uses	Assisted housing	0.33 per LU	0.33 per LU	0.33 per LU	0.33 per LU
	Continuing care retirement community	0.5 per DU	0.5 per DU	0.5 per DU	0.5 per DU
	Fraternity or sorority house	2 per BDRM	2 per BDRM	2 per BDRM	2 per BDRM
	Nursing home	0.67 per DU	0.67 per DU	0.67 per DU	0.67 per DU
	Rooming house	1 plus 1 per BDRM	1 plus 1 per BDRM	1 plus 1 per BDRM	1 plus 1 per BDRM
	All other uses	Zoning Administrator			
PUBLIC, CIVIC, AND INSTITUTIONAL USES					
Community Service Uses	Broadcasting studio	1 per 1000 sf	1 per 500 sf	1 per 400 sf	1 per 200 sf
	Day care center, adult	1 plus 1 per 12 attendees	1 plus 1 per 12 attendees	1 plus 1 per 10 attendees	1 plus 1 per 10 attendees
	Day care center, child	1 per 330 sf	1 per 330 sf	1 per 250 sf	1 per 250 sf
	Hiring hall	1 per 65 sf assembly area	1 per 60 sf assembly area	1 per 60 sf assembly area	1 per 60 sf assembly area
	Hospital	1 per 300 sf	1 per 300 sf	1 per 250 sf	1 per 250 sf
	Hospice	1 per 300 sf	1 per 300 sf	1 per 250 sf	1 per 250 sf
	Membership organization	1 per 65 sf assembly area	1 per 60 sf assembly area	1 per 50 sf assembly area	1 per 50 sf assembly area
	Religious institution	1 per 65 sf assembly area	1 per 60 sf assembly area	1 per 50 sf assembly area	1 per 50 sf assembly area
	All other uses	Zoning Administrator			
Transportation and Utility Uses	Airport	N/A	N/A	1 per 500 sf plus 3 per bay	N/A
	Passenger terminal, surface transportation	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	All other uses	Zoning Administrator			

TABLE 5.1.7(D): MINIMUM NUMBER OF PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
COMMERCIAL USES					
Eating and Drinking Uses	After-hours membership establishment	1 per 65 sf assembly area	1 per 60 sf assembly area	1 per 50 sf assembly area	1 per 50 sf assembly area
	Banquet hall	1 per 250 sf enclosed building area	1 per 175 sf enclosed building area	1 per 150 sf enclosed building area	1 per 175 sf enclosed building area
	Catering establishment/ commercial kitchen	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	Nightclub	1 per 250 sf enclosed building area	1 per 175 sf enclosed building area	1 per 150 sf enclosed building area	1 per 175 sf enclosed building area
	Production of craft beverages	1 per 850 sf production area plus 1 per 250 enclosed assembly area	1 per 850 sf production area plus 1 per 175 enclosed assembly area	1 per 850 sf production area plus 1 per 150 enclosed assembly area	1 per 850 sf production area plus 1 per 175 enclosed assembly area
	Restaurant	1 per 250 enclosed assembly area	1 per 175 enclosed assembly area	1 per 150 enclosed assembly area	1 per 175 enclosed assembly area
Recreation Uses	Arena, stadium, or amphitheater	1 per 12 seats *	1 per 6 seats *	1 per 5 seats *	1 per 5 seats *
	Cinema or theater	1 per 12 seats *	1 per 6 seats *	1 per 5 seats *	1 per 5 seats *
	Commercial recreation center	1 per 6 gaming positions *	1 per 3 gaming positions *	1 per 2 gaming positions *	1 per 2 gaming positions *
	Conference or training center	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	Country club	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	Health and fitness facility	1 per 250 sf *	1 per 175 sf *	1 per 150 sf *	1 per 150 sf *
	Marina	0.5 per slip	0.5 per slip	0.5 per slip	0.5 per slip
	Recreation facility, indoor	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	All other uses	Zoning Administrator			
Retail Sales and Service Uses	Animal shelter	1 per 400 sf	1 per 400 sf	1 per 400 sf	1 per 400 sf
	Artist studio/school	1 per 1200 sf	1 per 600 sf	1 per 500 sf	1 per 500 sf
	Convenience store	1 per 300 sf *	1 per 200 sf *	1 per 125 sf *	1 per 125 sf *
	Funeral home or mortuary	1 per 175 sf assembly area	1 per 175 sf assembly area	1 per 150 sf assembly area	1 per 150 sf assembly area
	Kennel	1 per 400 sf	1 per 400 sf	1 per 400 sf	1 per 400 sf
	Novelty store or theater, adult	1 per 600 sf *	1 per 300 sf *	1 per 300 sf *	1 per 300 sf *
	Self-service storage units	3 plus 1 per 100 units	3 plus 1 per 100 units	3 plus 1 per 100 units	3 plus 1 per 100 units
	All other uses	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 *
Vehicle Sales and Service Uses	Automobile repair and maintenance, major	3 per bay	3 per bay	3 per bay	3 per bay
	Automobile repair and maintenance, minor	3 per bay	3 per bay	3 per bay	3 per bay
	Automobile rental	1 customer vehicle space per 500 sf	1 customer vehicle space per 500 sf	1 customer vehicle space per 500 sf	1 customer vehicle space per 500 sf
	Automobile sales	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay
	Automobile salvage yard, indoor or outdoor	N/A	1 per 500 sf	1 per 500 sf	1 per 500 sf
	Automobile storage	N/A	1 per 500 sf	1 per 500 sf	1 per 500 sf
	Automobile tow lot	N/A	1 per 500 sf	1 per 500 sf	1 per 500 sf

TABLE 5.1.7(D): MINIMUM NUMBER OF PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
	Boat building and repair	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay
	Boat dry storage facility	N/A	1 per 1,250 sf	1 per 1,250 sf	1 per 1,250 sf
	Boat sales, rental, service, or repair	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay	1 space per 500 sf, plus 3 per bay
	Car wash	1 per bay	1 per bay	1 per bay	1 per bay
	Commercial fueling depot	Zoning Administrator			
	Commercial vehicle repair and maintenance	1 per 850 sf	1 per 850 sf	1 per 850 sf	1 per 850 sf
	Commercial vehicle sales and rental	1 per 850 sf	1 per 850 sf	1 per 850 sf	1 per 850 sf
	Electric vehicle charging station	Zoning Administrator			
	Gas station	1 per 300 sf *	1 per 200 sf *	1 per 125 sf *	1 per 125 sf *
	Recreational vehicle sale, rental, and maintenance	N/A	1 per 850 sf, plus 3 per bay	1 per 850 sf, plus 3 per bay	1 per 850 sf, plus 3 per bay
	Taxi or limousine service facilities	N/A	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay
	Tire sales and repair	3 per bay	3 per bay	3 per bay	3 per bay
Visitor Accommodation Uses	Bed and breakfast	0.67 per guest room plus resident spaces	1 per guest room plus resident spaces	1 per guest room plus resident spaces	1 per guest room plus resident spaces
	Campground	1 per 600 sf *	1 per 300 sf *	1 per 250 sf (*max. parking =125% of the min. requirement)	1 per 250 sf *
	Hotel or motel	0.5 spaces per 1 lodging unit	0.67 spaces per lodging unit	1 spaces per lodging unit	1.2 spaces per lodging unit
	Inn	0.67 per guest room plus 1 staff space, plus additional parking for any ancillary uses at 50% of the min. requirement	1 per guest room plus 1 staff space, plus additional parking for any ancillary uses at 50% of the min. requirement	1 per guest room plus 1 staff space, plus additional parking for any ancillary uses at 50% of the min. requirement	1 per guest room plus 1 staff space, plus additional parking for any ancillary uses at 50% of the min. requirement
	Short-term rental unit (vacation rental)	0.5 spaces per bedroom	0.67 spaces per bedroom	1 spaces per bedroom	1 space per rental unit up to 3 bedrooms, plus 1.2 spaces for each additional BDRM
INDUSTRIAL USES					
Industrial Uses	Distribution center	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf
	Junkyard or storage yard	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf
	Landfill	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf
	Landscaping contractor's business	1 per 600 sf *	1 per 300 sf *	1 per 250 sf *	1 per 250 sf *
	Recycling collection station	N/A	1 per 900 sf	1 per 900 sf	1 per 900 sf
	Recycling sorting and processing center	N/A	1 per 900 sf	1 per 900 sf	1 per 900 sf
	Ship building and repair	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay	1 per 500 sf plus 3 per bay
	Solid waste processing facility	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf

TABLE 5.1.7(D): MINIMUM NUMBER OF PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
	Solid waste transfer station	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf	1 per 1200 sf
	Trucking terminal	N/A	1 per 2000 sf	1 per 2000 sf	1 per 2000 sf
	Warehouse	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf
	Wholesale establishment	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf	1 per 1250 sf
	All other uses	1 per 850 sf	1 per 850 sf	1 per 850 sf	1 per 850 sf

Notes: sf = square feet BDRM = bedroom DU = dwelling unit LU = living unit
*max. parking = 125% of the min. requirement

(2) An applicant proposing to develop a use that is unlisted in Table 5.1.7(D), Minimum Number of Parking Spaces, shall propose the amount of required parking by one of the three methods outlined in this subsection. On receiving the application proposing to develop a use not expressly listed in Table 5.1.7(D), Minimum Number of Parking Spaces, with the proposed amount of parking, the ZA shall:

(a) Apply the minimum parking space requirement specified in Table 5.1.7(D), Minimum Number of Parking Spaces, for the listed use that is deemed most similar to the proposed use; or

(b) Establish the minimum parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), or the American Planning Association (APA); or

(c) Require the applicant conduct a parking demand study to demonstrate the appropriate minimum parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI, NPA, or APA, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

5.1.8. OFF-STREET LOADING

A. GENERAL STANDARDS

(1) All required off-street loading areas and berths shall be located on the same zoning lot as the use served.

(2) All loading berths which abut a residential zoning district or are visible from a public right-of-way shall be completely screened therefrom by building walls, a solid concrete or masonry wall, or a door designed to be compatible with the principal building that it serves. The screening wall shall not be less than six or more than eight feet in height, and shall comply with the screening requirements in Section 5.4, Screening.

(3) No loading berth shall be located within 30 feet of the nearest point of intersection of any two streets.

(4) Each required loading area or berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, shall be separated from customer and employee parking, and shall be subject to approval by the Director of Public Works.

(5) All open loading areas or berths shall be certified by a design professional as capable of bearing a live load of 200 pounds per square foot.

(6) Space allocated to any loading area shall not be used to satisfy the space requirements for any motor vehicle parking area, or portion thereof.

(7) Central loading facilities may be substituted for loading areas or berths on individual zoning lots, provided that the central loading area complies with the following standards.

(a) Each zoning lot served shall have direct access to the central loading area or berths without crossing streets or alleys at-grade.

(b) The total number of loading areas or berths provided shall meet 75 percent of the minimum requirements herein specified for each of the uses served.

(c) The zoning lot served shall be located no more than 500 feet from the central loading area or berths.

(d) Any tunnel or ramp connecting the central loading area or berths with the zoning lot served shall be a minimum of seven feet in width and have a vertical clearance of not less than seven feet.

(8) Uses for which loading facilities are required but which are located in buildings with less floor area than the minimum prescribed for such loading area shall provide adequate receiving facilities accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

B. DIMENSIONS OF LOADING AREAS OR BERTHS

(1) Short Loading Areas or Berths

(a) Unless otherwise specified, a required short loading area or berth shall be at least ten feet in width and 35 feet in length, exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 15 feet.

(b) Maneuvering aprons for short areas or berths shall be at least 35 feet in length.

(c) Access lanes for short areas or berths shall be 12 feet in width for one-way lanes and 22 feet in width for two-way lanes. Space dedicated for access lanes may also be considered as space for the maneuvering apron.

(2) Long Loading Areas or Berths

(a) Unless otherwise specified, a required long loading area or berth shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.

(b) Maneuvering aprons for long areas or berths shall be at least 60 feet in length.

(c) Access lanes for long loading areas or berths shall be 14 feet in width for one-way lane and 24 feet in width for two-way lanes. Space dedicated for access lanes may also be considered as space for the maneuvering apron.

C. OFF-STREET LOADING AREAS (NUMBER AND SIZE)

Except where established elsewhere in this Ordinance, off-street loading areas shall provide the number and size of loading areas or berths established in Table 5.1.8, Minimum Off-Street Loading Areas (Number and Size).

TABLE 5.1.8: OFF-STREET LOADING AREAS (NUMBER AND SIZE)

PRINCIPAL USE TYPE	GROSS FLOOR AREA (SQUARE FEET) [1]	NUMBER AND SIZE OF LOADING AREAS [2]
RESIDENTIAL USES		
Nursing home Continuing Care Retirement Community	10,000-100,000	1 Short Loading Area
	Greater than 100,000	1 Short Loading Area
PUBLIC, CIVIC, AND INSTITUTIONAL USES		
Hospital, Nursing Home, Educational Facility	10,000-100,000	1 Short Loading Area
	Each additional 100,000	1 Short Loading Area
All Other Public, Civic, and Institutional Uses	10,000-100,000	1 Short Loading Area
	Each additional 100,000 up to 500,000	1 Short Loading Area
COMMERCIAL USES		
Amphitheater, Arena, Stadium, Conference Center	10,000-20,000	1 Short Loading Area
	Greater than 20,000-100,000	1 Short Loading Area
Hotel/Motel	10,000-100,000	1 Short Loading Area
	Each additional 100,000	1 Short Loading Area
Retail Goods Establishment, (wholesale)	5,000-10,000	1 Short Loading Area
Theater	10,000-25,000	1 Short Loading Area
	Each additional 50,000	1 Short Loading Area
All Office Uses	10,000-100,000	1 Short Loading Area
	Each additional 100,000 up to 500,000	1 Short Loading Area
All Other Commercial Uses	10,000-25,000	2 Short Loading Areas
	25,000-40,000	2 Long Loading Areas
	40,000-100,000	3 Long Loading Areas
	Each additional 200,000	1 Long Loading Area
INDUSTRIAL USES		
Manufacturing	5,000-10,000	1 Short Loading Area
	Greater than 10,000-40,000	1 Long Loading Area
Warehouse and Freight Movement	Greater than 40,000-100,000	2 Long Loading Areas + 1 long loading area for each additional 150,000 square feet
Wholesale	10,000-40,000	1 Short Loading Area
	Greater than 40,000-100,000	1 Long Loading Area, 1 Short Loading Area
All Other Industrial Uses	Each additional 100,000 (above 100,000)	1 Long Loading Area

Notes:
[1] Gross floor area refers to buildings or structures on premises.
[2] Loading Area Dimensions:
Short: 10 feet wide x 35 feet deep
Long: 10 feet wide x 35 feet deep

5.1.9. BICYCLE PARKING

A. APPLICABILITY

Development subject to the requirements of this section shall comply with the following bicycle parking requirements, unless exempted in accordance with Section 5.1.9.B, Exemptions.

B. EXEMPTIONS

(1) Long-term bicycle spaces are exempted for any residential use located on land in the D-BC, D-MU, or D-AD districts.

(2) No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.

(3) The following development is also exempted from these bicycle parking standards:

(a) Single-family detached dwellings;

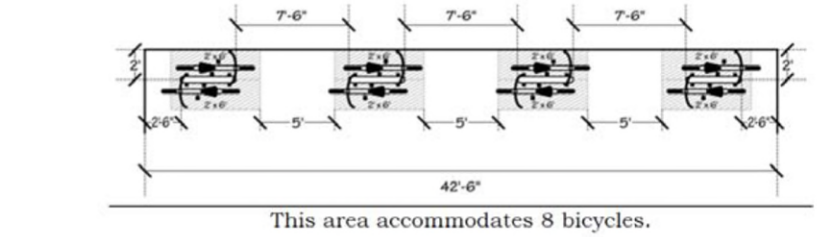
(b) Two-family dwellings; and

(c) A use in the Group Living Use Category (except fraternity or sorority house, rooming house, assisted housing, or dormitory).

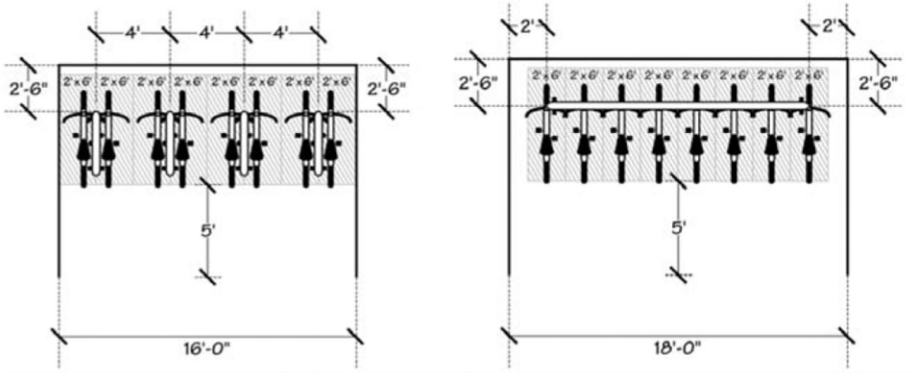
C. GENERAL STANDARDS FOR BICYCLE PARKING

(1) The bicycle parking area shall accommodate the maneuvering standards set forth in the Figure 5.1.9(A), Minimum Maneuverability Standards for Bicycle Parking, or, for bicycle parking provided with vertical space-saving racks, as set forth in Figure 5.1.9(B), Minimum Maneuverability Standards for Vertical Space Saver Racks.

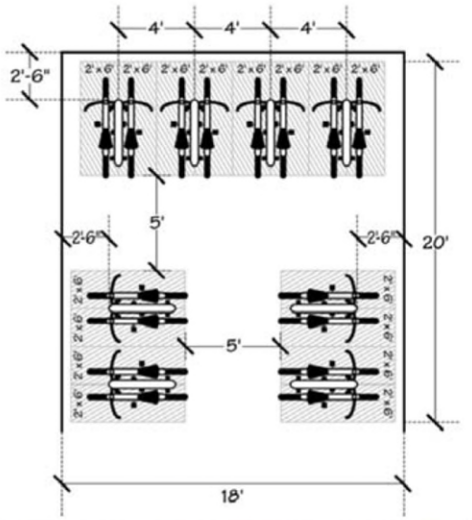
Figure 5.1.9(A): Minimum Maneuverability Standards for Bicycle Parking



This area accommodates 8 bicycles.

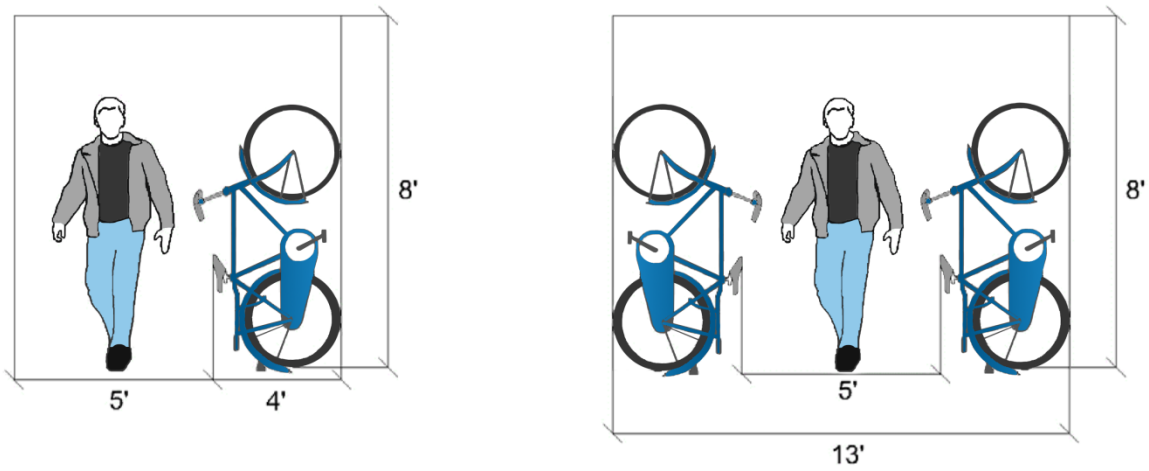


These areas accommodate eight bicycles.



This area accommodates sixteen bicycles.

Figure 5.1.9(B): Minimum Maneuverability Standards for Vertical Space Saver Racks



(2) When in use, each bicycle parking space shall be accessible without moving another parked bicycle.

(3) The maneuvering area provided alongside or behind the bicycle parking spaces may extend into portions of a public right-of-way but not those portions established as a motor vehicle lane, motor vehicle drive aisle, motor vehicle parking space, or any landscaped area.

(4) The surface of the bicycle parking area shall be paved as required in Section 5.1.6.F.

(5) Whenever the bicycle parking area is not visible from either the street or the entrance of the principal building, a sign shall be posted at the entrance of the principal building indicating the location of the bicycle parking.

(6) Locations for bicycle parking spaces required for more than one use on the same zoning lot may be clustered, provided that the total number of required bicycle parking spaces for each use is satisfied and the parking area is located as follows:

(a) For all required short-term bicycle parking, within 150 feet from the main entrance of the principal building for each use on the lot; and

(b) For all required long-term bicycle parking, within 750 feet from the main entrance of the principal building for each use on the lot.

D. STANDARDS FOR SHORT-TERM BICYCLE PARKING

All short-term bicycle parking facilities or racks shall comply with the following construction and location standards.

(1) The facility or rack shall accommodate securing a bicycle using an industry-standard bike lock.

(2) The facility or rack shall be securely anchored to the ground or to a structural element of a building or structure.

(3) Each space on the facility or rack shall be sufficient to accommodate a bicycle at least six feet in length.

(4) The short-term bicycle parking facilities shall be designed and located so they do not block pedestrian circulation systems and pedestrian movements.

(5) The short-term bicycle parking area shall be located within 75 feet of the main entrance to the building as measured along the most direct pedestrian access route.

E. STANDARDS FOR LONG-TERM BICYCLE PARKING

All long-term bicycle parking facilities or racks shall comply with the following construction and location standards.

(1) The facility or rack shall be securely anchored to the ground or to a structural element of a building or structure.

(2) The facility or rack shall accommodate securing a bicycle using an industry-standard bike lock.

(3) Each space on the facility or rack shall be sufficient to accommodate a bicycle at least six feet in length.

(4) The bicycle parking facilities shall be designed and located so they do not block pedestrian circulations systems and pedestrian movements.

(5) The parking area shall be located within 500 feet of the main entrance to the building as measured along the most direct pedestrian access route.

(6) The bicycle parking area shall be constructed with at least one of the following features:

(a) A bicycle locker or similar structure manufactured for the sole purpose of securing and protecting a standard size bicycle from rain, theft and tampering by fully securing the bicycle in a temporary enclosure; or

(b) A secured and dedicated bicycle parking area provided either inside the principal building on the lot, or in a building located elsewhere on the lot, and within 500 feet of a main entrance to the principal building. The secured and dedicated bicycle parking area shall completely protect bicycles from rain with a minimum of eight feet of clearance above the floor or ground, and be improved with a paved surface.

F. BICYCLE COMMUTER SHOWER FACILITIES

Commercial, office, or public, civic, or institutional development greater than 250,000 gross square feet in area located in the Downtown or Traditional Character Districts shall provide the following bicycle commuter shower facilities:

(1) One shower for each gender for every 250,000 gross square feet of area in the buildings; and

(2) The shower facility shall be easily accessible to the bicycle parking area and limited to use by employees or occupants of the building.

G. MINIMUM BICYCLE PARKING STANDARDS

Except where indicated otherwise in this Ordinance, every use shall include the number of bicycle parking spaces indicated under the classifications and formulae set forth in Table 5.1.9, Minimum Number of Bicycle Parking Spaces. If a particular use is not specified on the table, then the number of spaces required shall be established by the ZA based upon similar uses.

H. ALTERNATIVE BICYCLE PARKING PLAN

The ZA may authorize up to a 50 percent reduction in the minimum number of bicycle parking spaces required by this section, if the applicant submits an alternative bicycle parking plan that:

(1) Demonstrates the demand and need for bicycle parking on the site is not what is contemplated in this section because of the site's location, the site design, proximity to transit, or other factors; or

(2) Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

TABLE 5.1.9: MINIMUM NUMBER OF BICYCLE PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
CONSERVATION, OPEN SPACE, AGRICULTURE, AND RESOURCE PROTECTION USES					
Conservation and Open Space Uses	All uses	N/A			
RESIDENTIAL USES					
Household Living Uses	Dwelling, multi-family	1 per 4 dwelling units (75% of min. shall be long-term)	1 per 5 dwelling units (75% of min. shall be long-term)	1 per 6 dwelling units (75% of min. shall be long-term)	1 per 5 dwelling units (75% of min. shall be long-term)
	All Other Uses	N/A			
Group Living Uses	Assisted housing; Dormitory; Fraternity or sorority house; Rooming house	1 per 4 living units (75% of min. shall be long-term)	1 per 5 living units (75% of min. shall be long-term)	1 per 6 living units (75% of min. shall be long-term)	1 per 6 living units (75% of min. shall be long-term)
	All other uses	N/A			
PUBLIC, CIVIC, AND INSTITUTIONAL USES					
Community Service Uses	Broadcasting studio; Cultural facility, museum, or library; Day care center, adult; Day care center, child; Government office; Hiring hall; Hospital	1 per 1,200 gsf (25% of min. shall be long-term)	1 per 1,500 gsf (25% of min. shall be long-term)	1 per 2,000 gsf (25% of min. shall be long-term)	1 per 2,000 gsf (25% of min. shall be long-term)
	College or university; School, vocational or trade	1 per 5,000 gsf (25% of min. shall be long-term)	1 per 8,000 gsf (25% of min. shall be long-term)	1 per 10,000 gsf (25% of min. shall be long-term)	1 per 8,000 gsf (25% of min. shall be long-term)
	Membership organization	1 per 4,000 gsf (10% of min. shall be long-term)	1 per 6,000 gsf (10% of min. shall be long-term)	1 per 8,000 gsf (10% of min. shall be long-term)	1 per 8,000 gsf (10% of min. shall be long-term)
	Religious institution; School, boarding; School, elementary; School, secondary	1 per 1,200 gsf (25% of min. shall be long-term)	1 per 1,500 gsf (25% of min. shall be long-term)	1 per 2,000 gsf (25% of min. shall be long-term)	1 per 1,500 gsf (25% of min. shall be long-term)
	All other uses	N/A			
Transportation and Utility Uses	Airport	N/A	N/A	1 per 12,000 gsf of waiting/ queuing area	1 per 12,000 gsf of waiting/ queuing area
	Heliport; Park and ride facility; Parking facility;	1 per 8,000 gsf of waiting/ queuing area	1 per 10,000 gsf of waiting/ queuing area	1 per 12,000 gsf of waiting/ queuing area	1 per 12,000 gsf of waiting/ queuing area

TABLE 5.1.9: MINIMUM NUMBER OF BICYCLE PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
	Passenger terminal, surface transportation; Terminal, cruise ship				
	All other uses	N/A			
COMMERCIAL USES					
Eating and Drinking Uses	After-hours membership organization	1 per 4,000 gsf (10% of min. shall be long-term)	1 per 6,000 gsf (10% of min. shall be long-term)	1 per 8,000 gsf (10% of min. shall be long-term)	1 per 8,000 gsf (10% of min. shall be long-term)
	Banquet hall; Catering establishment/commercial kitchen	1 per 1,200 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)
	Nightclub; Production of craft beverages; Restaurant	1 per 1,200 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)
Recreation Uses	Amusement park	20 per acre	10 per acre	5 per acre	10 per acre
	Arena, stadium, or amphitheater	1 per 35 seats and 1 space per 2,000 gsf of non-seated assembly area	1 per 40 seats and 1 space per 3,000 gsf of non-seated assembly area	1 per 75 seats and 1 space per 5,000 gsf of non-seated assembly area	1 per 40 seats and 1 space per 5,000 gsf of non-seated assembly area
	Cinema or theater	1 per 35 seats (10% of min. shall be long-term)	1 per 40 seats (10% of min. shall be long-term)	1 per 75 seats (10% of min. shall be long-term)	1 per 40 seats (10% of min. shall be long-term)
	Conference or training center	1 per 35 seats and 1 space per 2,000 gsf of non-seated assembly area	1 per 40 seats and 1 space per 3,000 gsf of non-seated assembly area	1 per 75 seats and 1 space per 5,000 gsf of non-seated assembly area	1 per 75 seats and 1 space per 5,000 gsf of non-seated assembly area
	All other uses	1 per 1,200 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)
Retail Sales and Service Uses	Animal shelter; Kennel	N/A	2 (short-term) and 2(long-term)	2 (short-term) and 2(long-term)	2 (short-term) and 2(long-term)
	Convenience store	1 per 1,200 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)
	Self-service storage units	1 per 40,000 gsf	1 per 40,000 gsf	1 per 50,000 gsf	1 per 50,000 gsf
	Veterinary hospital or clinic	2 (short-term) and 2 (long-term)	2 (short-term) and 2 (long-term)	2 (short-term) and 2 (long-term)	2 (short-term) and 2 (long-term)
	All other uses	1 per 5,000 gsf (10% of min. shall be long-term)	1 per 8,000 gsf (10% of min. shall be long-term)	1 per 10,000 gsf (10% of min. shall be long-term)	1 per 10,000 gsf (10% of min. shall be long-term)
Vehicle Sales and Service Uses	All uses	3 per 20,000 gsf (short-term) and 3 per 20,000 gsf (long-term)	3 per 20,000 gsf (short-term) and 3 per 20,000 gsf (long-term)	3 per 20,000 gsf (short-term) and 3 per 20,000 gsf (long-term)	3 per 20,000 gsf (short-term) and 3 per 20,000 gsf (long-term)
Visitor Accommodation Uses	Bed and breakfast	1 per 1,200 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)	1 per 2,000 gsf (10% of min. shall be long-term)	1 per 1,500 gsf (10% of min. shall be long-term)
	Campground	1 per 5,000 gsf	1 per 10,000 gsf	1 per 20,000 gsf	1 per 20,000 gsf
	Hotel or motel	1 per 20 lodging units (90% of min. shall be long-term)	1 per 30 lodging units (90% of min. shall be long-term)	1 per 40 lodging units (90% of min. shall be long-term)	1 per 30 lodging units (90% of min. shall be long-term)

TABLE 5.1.9: MINIMUM NUMBER OF BICYCLE PARKING SPACES

PRINCIPAL USE CATEGORY	PRINCIPAL USE TYPE	DOWNTOWN CHARACTER DISTRICT	TRADITIONAL CHARACTER DISTRICT	SUBURBAN CHARACTER DISTRICT	COASTAL CHARACTER DISTRICT
	Inn	1 per guest room, plus 1 space per 1,000 gsf of accessory use (10% of min. shall be long-term)	1 per guest room, plus 1 space per 1,000 gsf of accessory use (10% of min. shall be long-term)	1 per guest room, plus 1 space per 1,000 gsf of accessory use (10% of min. shall be long-term)	1 per guest room, plus 1 space per 1,000 gsf of accessory use (10% of min. shall be long-term)
	Short-term rental unit (vacation rental)	N/A			
INDUSTRIAL USES					
Industrial Uses	All uses	1 per 40,000 gsf	1 per 40,000 gsf	1 per 50,000 gsf	1 per 50,000 gsf

Notes: ft. = feet sf = square feet gsf = gross square feet

5.2 LANDSCAPING STANDARDS

5.2.1. PURPOSE

The purpose of this section is to provide for landscape planting. Landscaping standards are intended to:

A. Promote public health and safety and promote resilience;

B. Prevent soil erosion and conserve natural resources;

C. Provide shade;

D. Conserve natural resources; and

E. Enhance the overall appearance of development sites.

5.2.2. APPLICABILITY

A. Any new development shall comply with the standards in this section.

B. Any individual expansion or alteration of a use, if the expansion increases the building's floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's floor area, shall comply with the standards in this section.

C. No Certificate of Occupancy for development subject to the requirements of this section shall be issued by the Building Official until the applicant has installed landscaping in accordance with the landscaping plan approved in accordance with the requirements of this section.

5.2.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for either a conditional rezoning (see 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), Conditional Use Permit (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review or Section 2.4.19, Single-Family Plan Review), or Zoning Certificate (see Section 2.4.14, Zoning Certificate), for sites larger than 10,000 square feet, as appropriate.

5.2.4. LANDSCAPING PLAN

A. LANDSCAPING PLAN SUBMITTAL

A landscaping plan shall be submitted with an application for any development subject to the requirements of this section. The plan shall depict how the proposed development complies with the standards of this section.

B. LANDSCAPING PLAN PREPARATION

(1) A landscaping plan, when required through site plan review, shall be prepared by a Virginia Licensed Landscape Architect, Virginia Certified Landscape Designer, or a Certified Horticulturist or Arborist.

(2) Proposed landscaping and tree canopy requirements per Section 5.6.4.C, Tree Canopy, shall be indicated on the landscaping plan.

(3) A table showing the calculations for all required Equivalent Planting Units (EPUs) as required by this section and the EPUs provided.

(4) Required elements for landscaping plans are set forth in the Procedures Manual.

5.2.5. EQUIVALENT PLANTING UNITS

In order to allow for diversity of design, flexibility of plantings when site constraints prohibit a prescribed landscape design, and to provide credit for existing trees preserved on site, all development shall meet the required landscape standards by planting according to the following EPU calculations.

Equivalent planting units (EPUs) provide for flexibility in planting material. EPUs are credited for new planting and existing vegetation in accordance with Table 5.2.5(A), Equivalent Planting Units. Minimum tree and shrub size for new planting and existing vegetation is established in Table 5.2.5(B), Minimum Tree and Shrub Size. Planting material shall be evergreen or deciduous.

TABLE 5.2.5(A): EQUIVALENT PLANTING UNITS

LANDSCAPING MATERIAL [1] [2]	NEW TREES AND SHRUBS	EXISTING HEALTHY TREES AND SHRUBS		
		6-12 INCH DBH	12-24 INCH DBH	24+ INCH DBH
	EQUIVALENT PLANTING UNITS	EQUIVALENT PLANTING UNITS	EQUIVALENT PLANTING UNITS	EQUIVALENT PLANTING UNITS
Large Tree	5	N/A	N/A	32
Medium Tree	4	N/A	12	N/A
Small Tree	3	4	N/A	N/A
Large Shrub	2	2	N/A	N/A
Medium Shrub	1	1	N/A	N/A
Small Shrub	1	1	N/A	N/A

Notes: DBH = Diameter at Breast Height
[1] See Table 5.2.5(B), Minimum Tree and Shrub Size.
[2] Existing shrubs less than six inches DBH shall be credited 1 EPU.

New and existing tree and shrub types shall be defined by the height, caliper, and canopy diameter per Table 5.2.5(B), Minimum Tree and Shrub Size, below.

TABLE 5.2.5(B): MINIMUM TREE AND SHRUB SIZE				
LANDSCAPING MATERIAL	MINIMUM SIZE AT TIME OF PLANTING		SIZE AT MATURITY	
	HEIGHT	CALIPER	HEIGHT	DBH
Large Tree	8 ft.	2.5 in	20+ ft.	24+ in
Medium Tree	8 ft.	2.5 in	20 ft.	12-24 in
Small Tree	6 ft.	2.5 in	15-20 ft.	6-12 in
Large Shrub	3 ft.	N/A	4 ft.	N/A
Medium Shrub	1.5 ft.	N/A	2-4 ft.	N/A
Small Shrub	1 ft.	N/A	1-2 ft.	N/A
NOTES: in = inches ft. = feet DBH = Diameter at Breast Height				

5.2.6. LANDSCAPING STANDARDS

All development subject to the requirements of this section shall comply with the following standards.

A. FRONT YARD PLANTING REQUIREMENTS

All front yards and all side yards adjacent to the street shall include the following landscaping.

(1) Trees and shrubs shall be provided in accordance with Table 5.2.6, Landscaping Installation and Tree Canopy Standards.

(2) Tree planting standards in Table 5.2.6, Landscaping Installation and Tree Canopy Standards, may be satisfied with existing or planted healthy trees, at maturity, or a combination of both. Tree canopy is defined as the area within a lot that is under tree foliage, only including trees that comply with Table 5.2.5(B), Minimum Tree and Shrub Size.

(3) Building facades fronting on a public right-of-way (ROW) or other public space shall provide a foundation planting in accordance with Table 5.2.6, Landscaping Installation and Tree Canopy Standards. The foundation planting shall be continuous, except as needed for stairs, sidewalks, or building entrances. Foundation plantings shall also comply with the following:

(a) Foundation plantings shall be located no further than 20 feet from a building façade but not within any other landscaping area required by this section (this shall include front facades of buildings located on flag lots); and

(b) In the case of additions to existing structures, the facades of both the addition and the existing structure shall include foundation plantings.

TABLE 5.2.6: LANDSCAPING INSTALLATION AND TREE CANOPY STANDARDS		
LOCATION AND USES		**FRONT/CORNER SIDE YARD PLANTING REQUIREMENTS FOR EACH 25 FEET OF LOT FRONTAGE [1] [2] [3] [5]**
Downtown or Traditional Character District	Multi-family dwellings	Minimum 3-foot foundation planting strip -and- 8 EPUs if 0 - 5 ft. foundation setback 15 EPUs, including 1 tree if 6-10 ft. foundation setback 25 EPUs, including 1 tree if 11-25 ft. foundation setback 30 EPUs, including 2 trees if >25 ft. foundation setback
	Mixed-use and non-residential development	
	Townhouse dwellings	Minimum 3-foot foundation planting strip -and- 1 small, medium, or large tree per dwelling unit
	Two-family dwellings	
	Single-family dwellings	
Suburban or Coastal Character District	Multi-family and townhouse dwellings	Minimum 3-foot foundation planting strip -and- 8 EPUs if 0 - 5 ft. foundation setback 15 EPUs, including 1 tree if 6-10 ft. foundation setback 25 EPUs, including 1 tree if 11-25 ft. foundation setback 30 EPUs, including 2 trees if >25 ft. foundation setback
	Mixed-use and non-residential development	
	Two-family dwellings	Minimum 3-foot foundation planting strip -and- 1 small, medium, or large tree per dwelling unit [4]
	Single-family dwellings	

Notes: ft. = feet EPU = Equivalent planting unit

[1] Calculation of planting requirements shall include equivalent fractions of lot frontage between 25-foot increments.

[2] Standards for Equivalent Planting Units (EPUs) are established in Section 5.2.5, Equivalent Planting Units.

[3] For purposes of this table, setback shall be defined as the distance between the foundation and the lot line.

[4] The ZA may consider the maintenance of an existing medium or large tree located elsewhere on the lot as meeting this requirement.

[5] Calculation of planting requirements must also comply with Section 5.6.4.C, Tree Canopy.

B. PARKING LOT PLANTING STANDARDS

(1) Parking Lot Interior Areas

Parking lots with ten or more spaces shall include one or more interior landscaping islands. Planting areas shall comply with the following standards (see Figure 5.2.6(A), Parking Lot Interior Areas).

(c) Landscaping shall be provided so that all motor vehicle parking spaces are located no more than 50 feet from a tree located within an interior

landscaping island. Trees located outside of interior landscaping islands but within eight feet of the parking lot may be utilized for this purpose if approved by the Department of Recreation, Parks, and Open Space.

(d) Interior landscaping islands shall be no less than 144 square feet in area with a minimum planting area width of eight feet.

(e) For double-stacked parking aisles, interior landscaping islands shall be no less than 288 square feet with a minimum planting area width of eight feet.

(f) Interior landscaping islands shall be planted with no less than one large tree, or a medium size tree if the landscaping island is used as a stormwater management facility. In addition, shrubs equaling no less than three equivalent planting units (EPUs) shall be planted for each 144 square feet of interior landscaping islands.

(g) Shrubs and hedges shall not exceed three feet in height at maturity and shall be located so that vegetation is clear from vehicles and wheel stops.

Figure 5.2.6(A): Parking Lot Interior Areas



(2) Parking Lot Perimeter Areas

Parking lots with four or more spaces shall comply with the following parking lot perimeter standards (see Figure 5.2.6(B), Parking Lot Perimeter Areas).

(a) For parking lot perimeter areas adjacent to another lot:

(i) A perimeter landscaping area not less than six feet in width shall be located between the parking lot (or any paved surfaces) and abutting property lines;

(ii) Each perimeter landscaping area shall be planted with at least one large tree. Perimeter landscaping areas shall be planted with a minimum of 15 EPUs for each 25 linear feet of parking lot area; and

(iii) Where a parking lot abuts a Residential base zoning district, the requirements of Section 5.3, Perimeter Buffers, shall apply, except all landscaping shall be evergreen and any wall shall be constructed of a masonry material that is compatible with the primary structure on the lot.

(b) For parking lot perimeter areas adjacent to a public right-of-way (see Figure 5.2.6(B), Parking Lot Perimeter Areas):

(i) A perimeter landscaping area a minimum of ten feet in depth (exclusive of sidewalks or other walkways) shall be located between the parking lot and the property line. For corner side yards in the C-N district, the landscaping area shall be a minimum of five feet;

(ii) Trees shall be provided so that required perimeter landscape planting areas contain a minimum of five EPUs for each 25 linear feet of parking area;

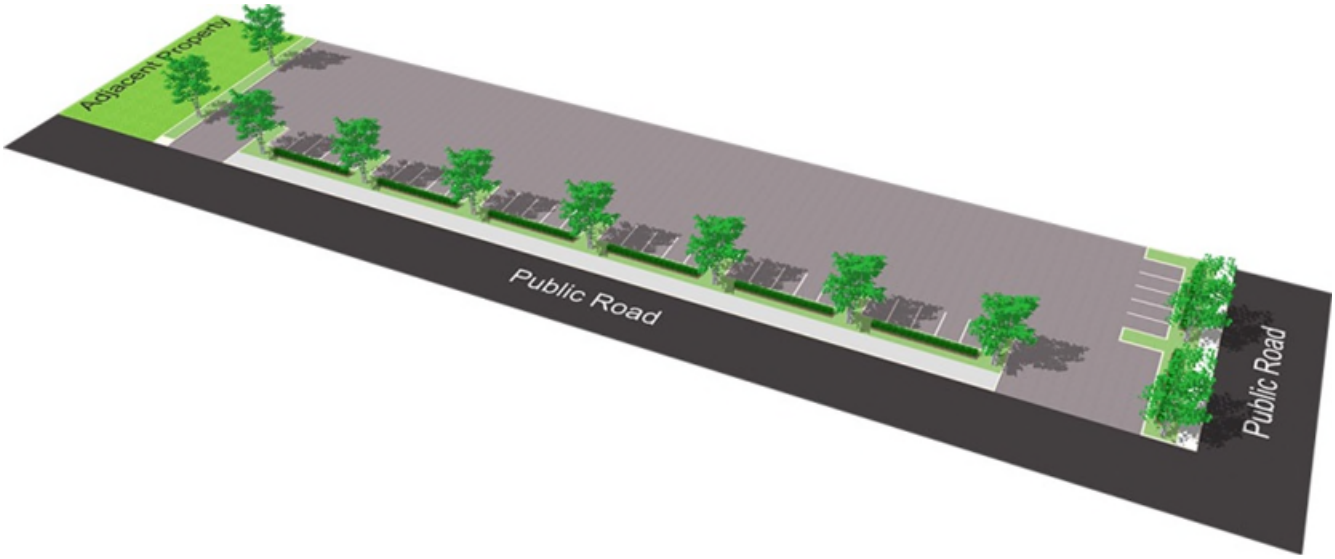
(iii) In addition to trees required in subsection (ii), above, perimeter landscaping planting shall consist of shrubs equaling a minimum of ten EPUs for each 25 feet of parking lot perimeter;

(iv) Evergreen shrubs are preferred; however deciduous shrubs, decorative grasses, and/or perennials may be planted when their usage fulfills the screening standards and enhances the aesthetic quality of the planting design;

(v) Shrubs shall be medium or large shrubs; and

(vi) To ensure that landscaping materials do not constitute a driving hazard, sight distance triangles shall be established at driveways and street intersections.

Figure 5.2.6(B): Parking Lot Perimeter Areas



C. USE-SPECIFIC PLANTING REQUIREMENTS

Additional planting requirements may apply to specific uses, as found in Article 4, Performance Standards, as referenced below:

(1) Specific planting requirements for all vehicle sales and service uses are found in Section 4.2.3.F(7), Standards Applicable to All Vehicle Sales and Service Uses.

(2) Specific planting requirements for drive-through facilities are found in Section 4.3.3.E(1)(h).

D. INSTALLATION

(1) Landscaping Design

(a) Trees and other plant materials may be planted in appropriate clusters or groups and need not be planted in linear or equidistant patterns, in the landscaping areas. Trees shall be spaced a minimum of four feet from the edge of pavement or back of curb. Shrubs planted along sidewalks shall be spaced so that at maturity they do not encroach upon the sidewalk.

(b) Trees and other plant materials shall be mulched with a minimum of two inches of bark mulch or other material commonly used for that purpose.

(2) Landscaping Materials

Landscaping materials shall comply with the following standards at the time of planting.

(a) Plant materials shall be deemed suitable for use in planting by the ZA.

(b) Trees and shrubs planted to comply with the requirements of this section shall be healthy and free of any defects, and shall comply with minimum sizes set forth in Table 5.2.5(B), Minimum Tree and Shrub Size.

(c) When multi-stem trees are used, the sum total caliper of the stems shall meet or exceed the minimum caliper required by Table 5.2.5(B), Minimum Tree and Shrub Size.

(d) Small trees shall only be used in locations that are constrained by overhead utilities or other site constraints that prohibit the use of large or medium trees.

(e) All plant materials shall comply with the minimum specifications and standards described in the current edition of *American Standard for Nursery Stock*. All plant sizes and growth habits shall be based on the current edition of the *Manual of Woody Landscape Plants*.

(f) Plant materials shall not be acceptable if more than 15 percent of the plant is damaged, stressed, or dead.

(g) No plant material listed and identified as an invasive or prohibited species in the Procedures Manual shall be planted.

(3) Surety Bond

(a) At the applicant's option and with the approval of the Department of Recreation, Parks, and Open Space, the land may be occupied prior to the installation of landscaping materials that is required to be installed between the dates of May 15 and September 15 by posting a surety bond in an amount estimated by the ZA for value of landscaping construction that needs to be completed. Upon receipt of assurance documents determined acceptable by the Department of Recreation, Parks and Open Space, the Department will notify the Building Official that the planting standards have been met.

(b) At the next available planting season, the land owner shall undertake the work that needs to be completed. Following successful inspection by the Department of Recreation, Parks and Open Space, the Department will release the bond and notify the ZA that the project is completed.

5.2.7. CREDIT TOWARD OTHER STANDARDS

Landscaping areas and associated vegetation within such areas may be credited toward compliance with the following:

A. Open space set-aside standards, except that parking lot landscaping may not be credited toward open space set-aside standards (see Section 5.5, Open Space Set-Asides);

B. Perimeter buffer standards (see Section 5.3, Perimeter Buffers);

C. Screening standards (see Section 5.4, Screening); and

D. Stormwater management regulations (see Chapter 41.1 of City Code), if they directly support stormwater infiltration or other stormwater management goals.

5.2.8. ALTERNATIVE LANDSCAPING PLAN

A. GENERAL

An alternative landscaping plan may be submitted to the ZA if strict compliance with the standards in this section is impractical. In determining whether the alternative landscaping plan shall be approved, the ZA shall consider whether:

(1) The site involves space limitations or is an unusually shaped lot;

(2) Existing buildings are maintained;

(3) Topography, soil, vegetation, or other physical conditions of the lot are such that full compliance is impossible or impractical;

(4) Compliance with landscaping standards would endanger public safety;

(5) Impact on the environmental quality of the lot and surrounding area will be improved with the proposed alternative landscaping plan; or

(6) Strict compliance with landscaping standards is not practical.

B. REVIEW AND APPROVAL

Alternative landscaping plans shall only be approved by the ZA at the recommendation of the Department of Recreation, Parks, and Open Space.

5.2.9. TIMING FOR INSTALLATION OF REQUIRED LANDSCAPING

A. INSTALLATION BEFORE CERTIFICATE OF OCCUPANCY

All required landscaping shall be installed in accordance with the required planting standards set forth in this section prior to issuance of a Certificate of Occupancy, unless the ZA allows delayed installation in accordance with Section 5.2.9.B, Allowance of Deferred Installation, below.

B. ALLOWANCE OF DEFERRED INSTALLATION

(1) The ZA may, for good cause shown, allow installation of required landscaping to be deferred until after issuance of a Certificate of Occupancy. Circumstances that may warrant an extension include, but are not limited to, the following:

(a) Unusual environmental conditions, such as drought, hurricanes, or over-saturated soil;

(b) The inappropriateness of the current season for planting the approved plant species; or

(c) Utility work occurring in a proposed landscaped area that is incomplete or delayed.

(2) Any allowance of deferred installation shall be conditioned on the required landscaping being installed as soon as practicable after the circumstances warranting deferral cease to exist, but no later than six months after such time, and the provision of a performance guarantee that ensures compliance with this section.

5.2.10. MAINTENANCE

Planting materials required by this Ordinance shall be maintained in perpetuity. The land owners and the land owner's agents shall be responsible for providing, protecting, and maintaining all landscaping in a healthy and growing condition, replacing dead or damaged vegetation, and keeping all landscaping areas free of refuse and debris.

5.3 PERIMETER BUFFERS

5.3.1. PURPOSE

Perimeter buffers provide spacing and landscaping between proposed development and adjoining land or streets, in order to:

A. Mitigate potential negative impacts from development on adjoining lands;

B. Provide a transition between private lands and the public realm;

C. Create an attractive edge along the street for motorists and pedestrians; and

D. Improve stormwater infiltration in certain locations.

5.3.2. APPLICABILITY

A. Any new development shall comply with the standards in this section, unless an alternative landscaping plan is approved in accordance with Section 5.2.8, Alternative Landscaping Plan.

B. Any change of use shall comply with this section to the maximum extent practicable.

C. In addition to the perimeter buffer standards of this section, development might also be required to comply with the buffer standards in Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, if it is located in the CBPA-O district.

5.3.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of either a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), Conditional Use Permit (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review), or Zoning Certificate (see Section 2.4.14, Zoning Certificate), as appropriate.

5.3.4. PERIMETER BUFFER STANDARDS

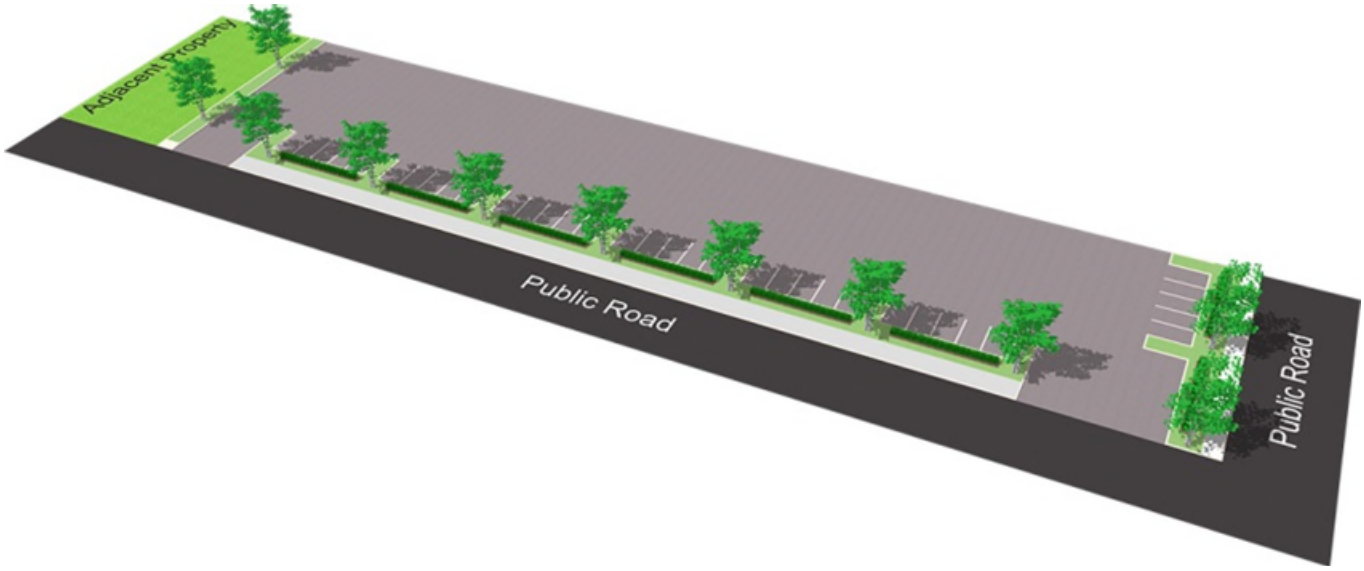
A. BUFFER YARD STANDARDS

(4) When development subject to the requirements of this section is in a zoning district adjacent to a different zoning district, the buffer yard requirement of this section shall apply. The type of required buffer yard is determined by the adjacent zoning district as established in Table 5.3.4(A), Type of Required Buffer Yard. The left-hand column of the table identifies the zoning district in which the development subject to the requirements of this section is located. The adjacent zoning district(s) that require buffer yards, and the

types of buffer yards to be provided, are identified in the columns adjacent to the zoning district.

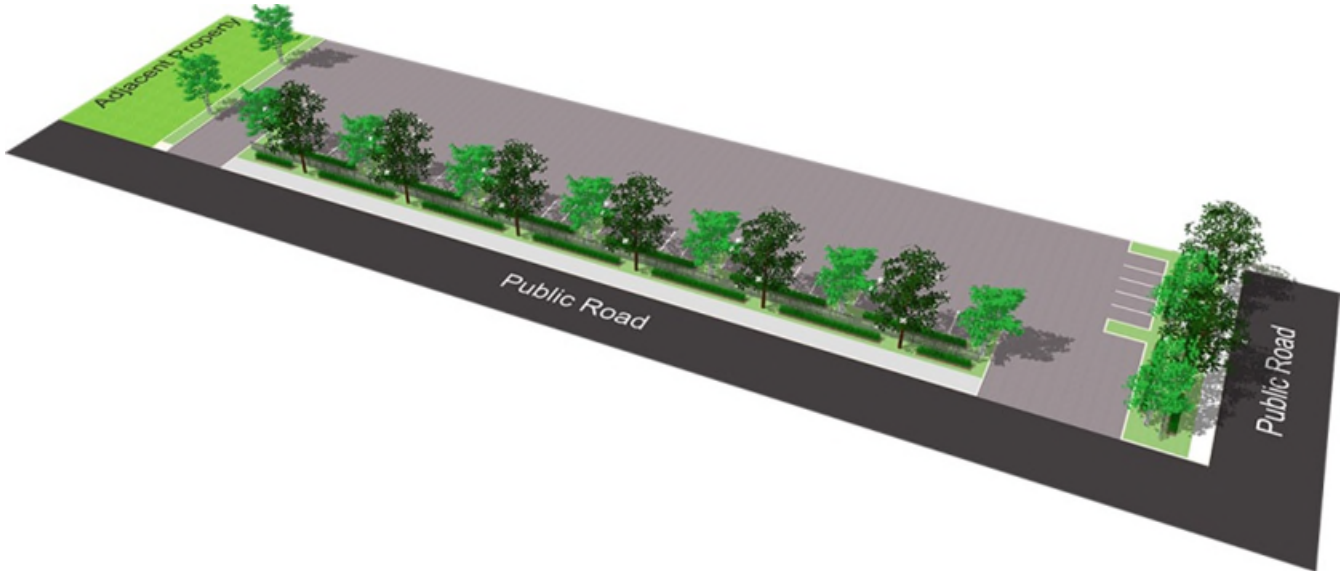
For example, a Type A buffer yard is required if development subject to the requirements of this section is located within the C-C zoning district abutting land located within the C-C zoning district (see Figure 5.3.4(A), Type A Buffer Yard Standards).

Figure 5.3.4(A): Type A Buffer Yard Standards



A Type B buffer yard is required if land subject to the requirements of this section is located within the C-C zoning district abutting land within the MF-NS zoning district (see Figure 5.3.4(B), Type B Buffer Yard Standards).

Figure 5.3.4(B): Type B Buffer Yard Standards



(5) Plantings shall be installed in accordance with Table 5.3.4(B), Standards for Buffer Yard Type.

TABLE 5.3.4(A): TYPE OF REQUIRED BUFFER YARD

ZONING DISTRICT	ABUTTING ZONING DISTRICT							
	SF-2, SF-4, SF-6, SF-10, SF-T, R-C, OSP, RESOURCE	MF-NS, MF-AC, MF-HR, EBH, TOD [1]	O, BC-O, BC-I	C-N, C-C, C-R	ALL INDUSTRIAL DISTRICTS	ALL DOWNTOWN DISTRICTS, G-I, MW, PCO	ALL HC DISTRICTS	IN, IN-C
SF-2, SF-4, SF-6, SF-10, SF-T, R-C, OSP, RESOURCE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MF-NS, MF-AC, MF-HR, EBH, TOD	A	A [2]	A	A	A	N/A	A	A
O, BC-O, BC-I	B	B	A [2]	A	A	N/A	A	A
C-N, C-C, C-R	B	B	A	A [2]	A	N/A	B	A
All Industrial districts	C	C	C	B	N/A	C	C	C
All Downtown districts, G-I, MW	A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

TABLE 5.3.4(A): TYPE OF REQUIRED BUFFER YARD

ZONING DISTRICT	ABUTTING ZONING DISTRICT							
	SF-2, SF-4, SF-6, SF-10, SF-T, R-C, OSP, RESOURCE	MF-NS, MF-AC, MF-HR, EBH, TOD [1]	O, BC-O, BC-I	C-N, C-C, C-R	ALL INDUSTRIAL DISTRICTS	ALL DOWNTOWN DISTRICTS, G-I, MW, PCO	ALL HC DISTRICTS	IN, IN-C
All HC districts	A	A	N/A	N/A	N/A	N/A	N/A	N/A
IN	A	A	A	A	A	N/A	A	A [2]
IN-C	B	B	A	A	A	N/A	A	A [2]

Notes:
[1] Planned Development Districts located in Article 9, Legacy Development Approvals, that reference 5.3, Perimeter Buffers, shall be subject to the same perimeter buffer requirements as the MF-NS Zoning District.
[2] When development subject to the requirements of this section occurs adjacent to a property located in the same zoning district the buffer yard requirement does not apply.

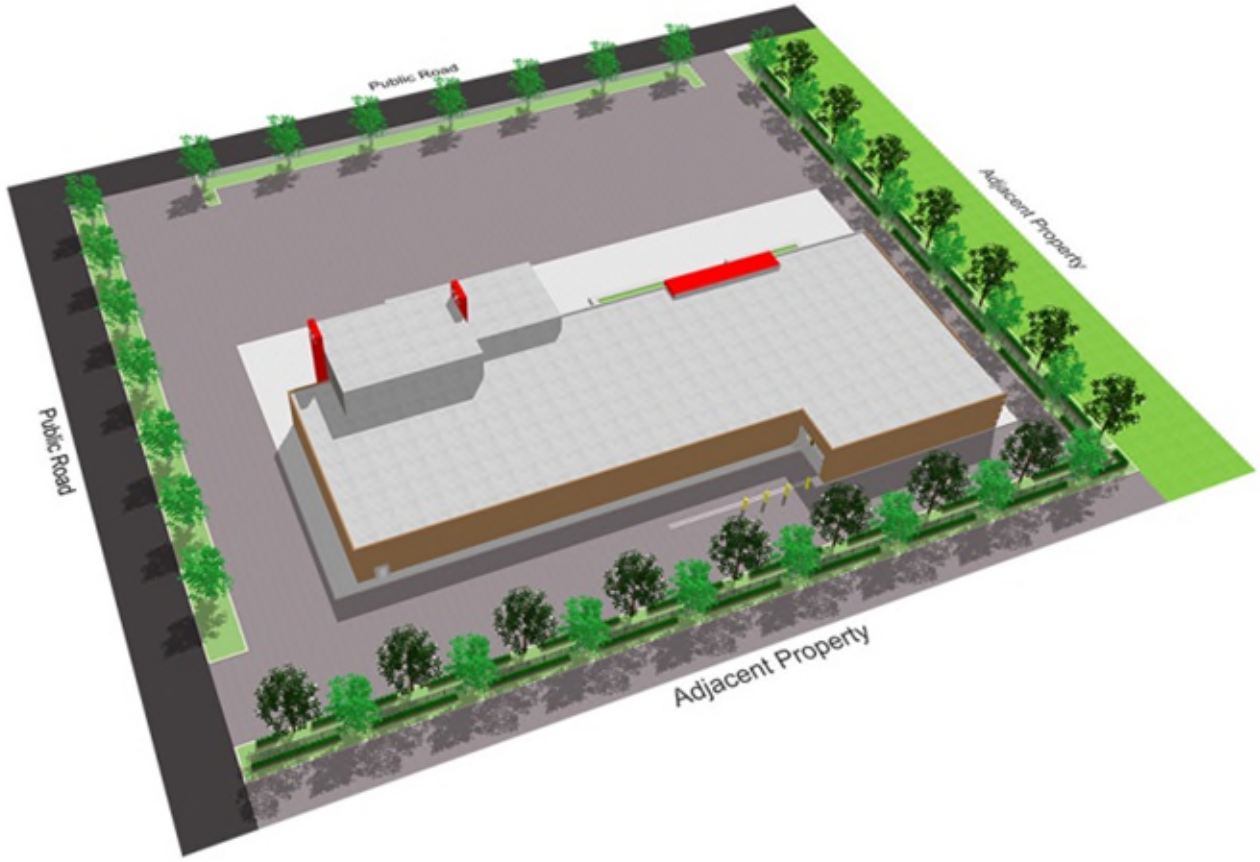
TABLE 5.3.4(B): STANDARDS FOR BUFFER YARD TYPE [1]

BUFFER YARD TYPE	MINIMUM WIDTH	MINIMUM EPU'S	LARGE OR MEDIUM TREES	MEDIUM OR SMALL SHRUBS	FENCES OR WALLS [2]
A	6 ft.	15	1	5	N/A
B	10 ft.	25	2	20	6-8 ft.
C	15 ft.	35	3	20	6-8 ft.

Notes:
[1] Requirements are for each 25 feet or less of lot width.
[2] Fence or wall type shall be opaque.

(6) Buffer yards shall be installed for the entire length of abutting rear property lines and for the length of abutting side property lines behind the required front yard (see Figure 5.3.4(C), Rear and Adjacent Buffer Yard Standards).

Figure 5.3.4(C): Rear and Adjacent Buffer Yard Standards



(7) No active recreation area, storage of materials, parking, or structures, except necessary utility equipment, shall be located within the buffer yard.

(8) For parking areas, a system of wheel stops or curbs shall be located along the edge of all buffer yards.

B. FENCES AND WALLS

(1) Where required by Table 5.3.4(A), Type of Required Buffer Yard, fences and walls shall be constructed with any of the following materials:

(a) Masonry or stone;

(b) Ornamental iron or faux iron (made of aluminum);

(c) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;

(d) Composite materials designed to appear as wood, metal, or masonry;

(e) Chain link; or

(f) Walls clad with substrate material intended to support living vegetation.

(2) Fences and walls shall also comply with standards in Section 5.11, Accessory Structures.

5.3.5. CREDIT TOWARD OTHER STANDARDS

Perimeter and street yard buffer areas, and associated vegetation within such areas, may be credited toward compliance with the following:

D. Landscaping standards (see Section 5.2, Landscaping Standards);

E. Open space Set-Aside standards (see Section 5.5, Open Space Set-Asides); and

F. Screening standards (see Section 5.4, Screening).

5.4 SCREENING

5.4.1. PURPOSE

The purpose of this section is to provide a uniform set of standards for screening external equipment and loading areas from view.

5.4.2. APPLICABILITY

The standards in this section shall apply to the following types of development.

A. Any new development, unless an alternative landscaping plan is approved in accordance with Section 5.2.8, Alternative Landscaping Plan.

B. Any individual expansion or alteration of a use, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), shall comply with the standards of this section.

C. No Certificate of Occupancy for development subject to the requirements of this section shall be issued by the Building Official until the applicant has installed screening in accordance with the requirements of this section.

5.4.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), Conditional Use Permit (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review), or Zoning Certificate (Section 2.4.14, Zoning Certificate), as appropriate.

5.4.4. SCREENING STANDARDS

A. REFUSE CONTAINERS

All development subject to the requirements of this section shall comply with the following standards.

(1) Refuse containers shall be shielded from view by walls (exclusive of that area needed for accessibility for trash removal) that are either constructed of an opaque masonry material compatible with the principal building that they serve, or, where masonry is not a compatible building material, constructed of another material that the ZA determines is architecturally appropriate based on the context of the neighborhood.

(2) Where accessibility is necessary and the trash container is visible from any public right-of-way or residential zoning district, an opaque gate shall be provided.

(3) All walls and gates shall be a minimum of six feet in height. Where such walls are visible from any public right-of-way or residential zoning district, there

shall be sufficient planting of evergreen large shrubs along the exposed wall to provide continuous landscape planting.

B. LOADING DOCKS

Walls installed for screening of loading dock areas (see Section 5.1.8, Off-street Loading) shall include a planted strip at the base of the wall a minimum of four feet in width and shall be planted with evergreen large shrubs the entire length of the wall.

5.4.5. CREDIT TOWARD OTHER STANDARDS

Screening areas, and associated vegetation within such areas, may be credited toward compliance with the following:

A. Landscaping standards (see Section 5.2, Landscaping Standards);

B. Open space Set-Aside standards (see Section 5.5, Open Space Set-Asides); and

C. Perimeter buffer standards (see Section 5.3, Perimeter Buffers).

5.5 OPEN SPACE SET-ASIDES

5.5.1. PURPOSE

The purpose of these open space set-aside standards are to ensure that development contributes to the provision of common open space in ways that protect natural areas, and provide lands for the use and enjoyment of the development's residents, employees, or users. Standards are intended to:

A. Preserve and protect natural areas and features;

B. Mitigate adverse impacts from development such as noise, glare, and heat;

C. Improve aesthetic quality;

D. Provide opportunities for passive and active recreation;

E. Improve stormwater infiltration in certain locations; and

F. Protect water quality and reduce flooding.

5.5.2. APPLICABILITY

The following types of development shall comply with the standards in this section.

A. Any new development, unless an alternative landscaping plan is approved in accordance with Section 5.2.8, Alternative Landscaping Plan.

B. Any change of use other than single-family detached.

5.5.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of either a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), Conditional Use Permit (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review), or Zoning Certificate (Section 2.4.14, Zoning Certificate), as appropriate.

5.5.4. OPEN SPACE STANDARDS

A. AMOUNT OF OPEN SPACE SET-ASIDES REQUIRED

Development subject to this section shall provide the minimum amount of open space set-asides identified in Table 5.5.4(A), Required Open Space Set-Asides, based on the character district in which they are located and their use.

TABLE 5.5.4(A)5.5.4.A: REQUIRED OPEN SPACE SET-ASIDES				
LOCATION AND USE		**OPEN SPACE SET-ASIDE (PERCENT OF LOT AREA) [1]**	**MAXIMUM IMPERVIOUS OPEN SPACE (PERCENT OF OPEN SPACE SET-ASIDE)**	**MINIMUM ACTIVE RECREATIONAL SPACE (PERCENT OF OPEN SPACE SET-ASIDE)**
Downtown Character District	Multi-family dwellings	10	90	0
	Mixed-use and non-residential development	10		
	Townhouse and single-family semi-detached dwellings	Open set-aside area shall be 10 feet wide by six feet deep per dwelling unit		
	Two-family dwellings	10		
Traditional Character District	Multi-family dwellings	15	30	15
	Mixed-use and non-residential development	10		
	Townhouse and single-family semi-detached dwellings	Open set-aside area shall be 10 feet wide by six feet deep per dwelling unit		
	Two-family dwellings	15		
Suburban Character District	Multi-family, townhouse, and single-family semi-detached dwellings	20	35	20
	Mixed-use and non-residential development	15		
	Two-family dwellings	20		
Coastal Character District	Multi-family, townhouse, and single-family semi-detached dwellings	20	25	15

TABLE 5.5.4(A)5.5.4.A: REQUIRED OPEN SPACE SET-ASIDES				
LOCATION AND USE		**OPEN SPACE SET-ASIDE (PERCENT OF LOT AREA) [1]**	**MAXIMUM IMPERVIOUS OPEN SPACE (PERCENT OF OPEN SPACE SET-ASIDE)**	**MINIMUM ACTIVE RECREATIONAL SPACE (PERCENT OF OPEN SPACE SET-ASIDE)**
	Mixed-use and non-residential development	15		
	Two-family dwellings	20		
Notes: [1] Unless a different requirement is specified by the intensity and dimensional standards of a base zoning district or overlay zoning district.				

B. LANDS COUNTED AS OPEN SPACE SET-ASIDES

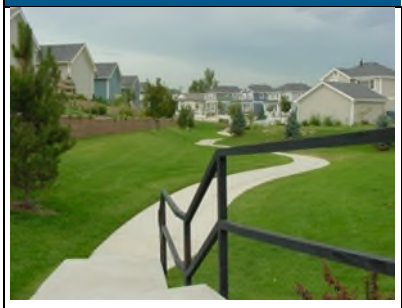
The features and areas identified in Table 5.5.4(B): Lands Counted as Open Space Set-Asides, shall be credited toward compliance with the required open space set-aside standards of this section. They are listed generally in the order of priority.

TABLE 5.5.4(B): LANDS COUNTED AS OPEN SPACE SET-ASIDES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	**DESCRIPTION**	**DESIGN AND MAINTENANCE REQUIREMENTS**
Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines)		
	Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas.	• Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See tree protection standards (Section 5.6, Tree Protection)
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area.	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

TABLE 5.5.4(B): LANDS COUNTED AS OPEN SPACE SET-ASIDES

AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Stormwater Management Devices		
	Up to 75 percent of land area occupied by stormwater management devices (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.	• To qualify, stormwater management devices shall support passive recreation uses by providing access and pedestrian elements such as paths and benches. Examples of other elements that may make stormwater management devices a site amenity include but are not limited to gentle slopes, vegetative landscaping, fountains or other visible water circulation devices, and low fencing.
Formal Plantings and Gardens		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures, as well as roof gardens.	• Formal plantings and gardens shall have at least one direct access to a building, or to street, bikeway, or walkway accessible to the public or the development's occupants and users. • Such features shall be oriented to surrounding development.
Squares, Forecourts, Plazas, and Outdoor Dining Areas [1]		
	Squares, forecourts, plazas, and outdoor dining areas that provide gathering places or active and passive recreational opportunities.	• Squares, forecourts, plazas, and outdoor dining areas shall be at least 200 square feet, but no more than one acre, in area. • Such features shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. • Surrounding principal buildings shall be oriented toward the square, forecourt, plaza, or outdoor dining area where possible.
Public Access Easements		
	Public access easements that are available for passive recreational activities such as walking, running, and biking.	• Such public access easements shall include at least one direct and signed access from a street, bikeway, or walkway accessible to the public or the development's occupants and users.
Required Buffer and Landscape Areas		

TABLE 5.5.4(B): LANDS COUNTED AS OPEN SPACE SET-ASIDES

AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
	All areas occupied by required perimeter and street yard buffers, and landscaping, except landscaped area within parking lots.	• See perimeter buffer standards (Section 5.3, Perimeter Buffers) and landscaping standards (Section 5.2, Landscaping Standards).

Notes:
[1] Open space set-asides in these areas shall only be counted for mixed-use and non-residential development, and all uses in the Downtown Character District.

C. LANDS NOT COUNTED AS REQUIRED OPEN SPACE SET-ASIDES

The following areas shall not be allowed as open space set-aside areas:

(1) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

(2) Open parking areas and driveways;

(3) Land covered by structures, unless designated for active recreational uses;

(4) Designated outdoor storage areas;

(5) Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating); and

(6) Parking lot interior landscape planting islands.

D. MULTI-FAMILY DWELLINGS

In addition to the standards in Section 5.5.4.A, Amount of Open Space Set-Asides Required, and Section 5.5.4.E, Ownership, Management, and Maintenance of Open Space Set-Asides, multi-family development shall comply with the following standards, unless the development is an adaptive re-use of an existing building.

(1) General

(a) Open space set-asides shall not be narrower than 15 feet;

(b) Except for floodplains, flood hazard areas and wetlands, all land identified as open space set-asides shall be contiguous to the maximum extent practicable. Non-contiguous areas shall be connected by a walking path of no less than five feet in width or a multi-use path of no less than nine feet in width;

(c) Open space set-asides shall be located so that at least 95 percent of the residential units are within a 500-foot walking distance of designated open space, not including paths;

(d) Up to 75 percent of the required open space set-asides may be exempted from the requirements of subsection (b), above, if the ZA determines the area is within a CBPA-O buffer as set forth in Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay; and

(e) The amount of impervious surface within open space set-asides required by this section shall be limited in accordance with Table 5.5.4(A), Required Open Space Set-Asides.

(2) Active Recreation Areas

Active recreational space shall include uses such as ballfields, tennis or basketball courts, playgrounds, swimming pools, or similar facilities.

E. OWNERSHIP, MANAGEMENT, AND MAINTENANCE OF OPEN SPACE SET-ASIDES

(1) All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, easements, or other legal instruments that ensure continued use of the land for its intended purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

(2) Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this section and the development approval or permit shall be a violation of this Ordinance.

5.5.5. CREDIT TOWARD OTHER STANDARDS

Open space set-asides and associated vegetation may be credited toward compliance with the following:

A. Landscaping standards (see Section 5.2, Landscaping Standards);

B. Perimeter buffer standards (see Section 5.3, Perimeter Buffers);

C. Screening standards (see Section 5.4, Screening); and

D. Stormwater management regulations (see Chapter 41.1 of City Code) if the set-asides directly support stormwater infiltration and other stormwater management goals.

5.6 TREE PRESERVATION, PROTECTION, AND REPLACEMENT

5.6.1. PURPOSE STATEMENT

The City of Norfolk adopted *A Green Infrastructure Plan for Norfolk: Building Resilient Communities* as part of *plaNorfolk2030* to help the city become more resilient and to design the coastal community of the future. Tree canopy is a key measure of the city's green infrastructure, as trees absorb and clean stormwater, clean particulate matter and volatile organic chemicals (VOCs) from the air, support wildlife and pollinators, shade the city, reduce energy bills, and add beauty. This plan includes a goals of establishing and maintaining a minimum aggregate tree canopy of 30% to recognize these benefits, as well as promote a biophilic approach to protecting public health and safety in general. This section is intended to implement that goal through the authority granted by § 15.2-961 of the *Code of Virginia* and supplement the tree preservation requirements set forth in Chapter 45 of City Code.

5.6.2. APPLICABILITY

This section applies to new development that may potentially cause adverse impacts to:

A. Existing trees on City-owned property or within the right-of-way; or

B. Existing or proposed trees on properties being developed or redeveloped anywhere in the City. For tree preservation, protection, and replacement standards in Resource Protection Areas (RPAs) or Intensely Developed Areas (IDAs) in the CBPA-O district, see Section 3.9.6: Chesapeake Bay Preservation Area Overlay.

5.6.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a either a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District, conditional use (see Section 2.4.8, Conditional Use Permit), certificate of appropriateness (see Section 2.4.10, Certificate of Appropriateness), site plan (see Section 2.4.18, Site Plan Review, or Section 2.4.19, Single-Family Plan Review), or Zoning Certificate (Section 2.4.14, Zoning Certificate), as appropriate.

5.6.4. TREE PROTECTION, PRESERVATION, AND REPLACEMENT STANDARDS

A. GENERAL

The preservation of naturally existing healthy landscape plants, especially trees, and the naturally occurring topography in which those plants are living is preferred to re-planting landscape materials after development.

B. TREE PRESERVATION INCENTIVE

To promote the city's goal of establishing and maintaining a minimum aggregate tree canopy of 30%, trees preserved during development whose root protection zone is protected in accordance with this section may be credited toward landscaping standards set forth in Section 5.2, Landscaping Standards if they also comply with the following standards.

(1) Preserved trees shall be in a healthy and attractive condition.

(2) Trees identified for preservation shall be clearly noted on the site survey and site plans and include the extent of the critical root zone which may be approximated by using the dripline of the trees plus five feet (5').

(3) The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits, protection markings on trees, and protective fences or barriers and for ensuring that they are observed.

(4) Where grade changes in excess of four inches (4") from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be properly installed around the dripline of the tree and shall be subject to inspection by staff of the City of Norfolk.

(5) Have been recommended in writing by the staff of the City of Norfolk, a registered design professional, or an International Society of Arboriculture (ISA)-certified arborist for preservation.

(6) Preserved trees may be used for credit toward requirements in Table 5.2.6, Landscaping Installation and Tree Canopy Standards.

(7) Calculation of credits for preserved trees shall be allocated in accordance with Table 5.2.5(B), Minimum Tree and Shrub Size. Eligible types of trees include:

(a) Deciduous trees; or

(b) Evergreen trees.

(8) At least 85 percent of the root protection zone shall remain undisturbed, and must remain in healthy condition, as determined by the ZA, throughout construction.

(9) Trees whose root protection zone falls outside of the protected area (the 15 percent of the root protection zone that is not protected) but are within larger groups of trees shall not count toward any landscaping standards, but shall be left in place unless they are diseased or otherwise hazardous to the integrity of the buffer or the development.

(10) Existing trees to be preserved shall be clearly marked with brightly colored, non-fading plastic flagging tape and shall be protected in accordance with the standards in Section 5.6.4.D, Tree Protection During Construction.

C. TREE CANOPY

(1) To promote the city's goal of establishing and maintaining a minimum aggregate tree canopy of 30%, the site plan for any new development or substantial improvement shall include a Tree Canopy Plan depicting replacement or addition of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided on-site in the following zoning districts:

(a) In all Commercial and Industrial Base Zoning Districts, the MW, EBH, G-1, TOD-C and TOD-S Districts, not less than a 10% tree canopy on the site.

(b) In all Downtown Base Zoning Districts, not less than a 10% tree canopy, provided that the canopy of street trees not less than 10 years old located in the public right-of-way immediately adjacent to the property shall be included in the computation.

(c) In all Institutional Districts, not less than 10% tree canopy across the entirety of the site.

(d) On lots that are greater than 5,500 square feet in area that are located in a SF-2, SF-4, SF-6, SF-10, SF-T, or R-C District, not less than 20% tree canopy on the site.

(e) Not less than 15% tree canopy shall be required on the site on lots that are either:

(i) Greater than 3.750 square feet but not greater than 5,500 square feet in area that are located in a SF-2, SF-4, SF-6, SF-10, SF-T, or R-C District; or

(ii) Located in an MF-NS or MF-AC district.

(f) On all lots located in a residential zoning district that do not fall within the dimensional and zoning district parameters of subsections (d) and (e), above, not less than 10% tree canopy on the site.

(g) In the Historic and Cultural Conservation Districts, not less than 15% tree canopy on the site except where the provisions of an approved Certificate of Appropriateness prohibit the addition or preservation of trees in order to comply with applicable guidelines for the historic district.

(h) For any cemetery, no less than 10% tree canopy on the site.

(2) Tree Canopy Replacement standards may be satisfied with existing or planted healthy trees, at maturity, or a combination of both.

(3) Computing Canopy of Existing Trees

When computing the canopy of existing trees, the following limitations shall apply:

(a) In any case where the trunk of the tree is located entirely, or partially within the boundaries of the subject site, any portion of the canopy area that falls outside the boundaries of the subject site shall nevertheless be included in the total amount of canopy, and the area of the existing site shall remain unchanged.

(b) In any case where the trunk of the tree is located entirely outside of the boundaries of the subject site, only the portion of the canopy area that falls inside the boundaries of the subject site shall be included in the total amount of canopy.

(c) In any case where tree canopy exists underneath a larger tree canopy coverage, only the outermost perimeter of the combined canopy shall be included in the total amount of canopy.

(d) When using the canopy of existing trees to satisfy the requirements of subsection (1) above, all development shall:

(i) Utilize the values contained in Table 5.6.4, Estimated Tree Canopy at 20 Years, below; or

(ii) Clearly depict the total canopy coverage applicable to the subject site on a site survey or site plan as part of the Tree Canopy Plan.

(4) Tree Canopy Plan

(a) Tree Canopy Plan Submittal

(iii) A tree canopy plan shall be submitted with an application for any development subject to the requirements of this section. The plan shall depict how the proposed development complies with the standards of this Ordinance.

(iv) The tree canopy plan may be prepared on a separate document or may be incorporated as part of a site survey or site plan submitted for the proposed development, so long as all elements related to tree canopy requirements are shown.

(b) Tree Canopy Plan Preparation

(i) A tree canopy plan shall be prepared by a registered design professional or an International Society of Arboriculture (ISA)-certified arborist.

(ii) Proposed tree planting and preservation shall be indicated on the tree canopy plan.

(iii) The tree canopy plan shall include the extent of the critical root zone for any trees identified for preservation, which may be approximated by locating an area that is five (5) feet farther from the trunk of the tree than the dripline.

(iv) If the tree canopy plan includes the planting of non-native tree species, either the Department of Recreation Parks and Open

Space or an International Society of Arboriculture (ISA)-certified arborist may certify that the proposed trees will satisfy the canopy standards after 20 years as required herein.

(v) No tree installed as part of the tree canopy plan shall consist of any invasive species or any prohibited plant species, as listed and identified in the Procedures Manual.

(vi) Required elements to be shown on a compliant tree canopy plan, including approved tree species, are set forth in the Procedures Manual. In determining estimated tree canopy at 20 years for each tree species listed in the Procedures Manual, the values in Table 5.6.4, Estimated Tree Canopy at 20 Years, below shall be used, unless an alternative method is expressly permitted in this section:

TABLE 5.6.4: ESTIMATED TREE CANOPY AT 20 YEARS [1]

LANDSCAPING MATERIAL	ESTIMATED TREE CANOPY AT 20 YEARS
Existing, Healthy Large Trees	630 sq. ft.
Existing, Healthy Medium Trees	350 sq. ft.
New Native Large Tree	394 sq. ft.
New Native Medium Tree	219 sq. ft.
New Native Small Tree	63 sq. ft.
New Large Tree	315 sq. ft.
New Medium Tree	175 sq. ft.
New Small Tree	50 sq. ft.

Notes:
[1] The values in this table may only be utilized if the trunk of the tree is located entirely, or partially within the boundaries of the subject site.

(5) In the event that a tree designated for preservation in accordance with Chapter 45 of City Code, is destroyed by any abnormal and identifiable event or a natural disaster or other act of God or is significantly damaged during construction, the tree shall be replaced in accordance with Table 5.2.5(A), Equivalent Planting Units, and Table 5.2.5(B), Minimum Tree and Shrub Size within one (1) year of the loss.

(6) An alternative tree canopy plan may be submitted to the ZA if strict compliance with the standards in this section is impractical. In determining whether compliance is impractical and the alternative plan shall be approved, the ZA may consult the Department of Recreation, Parks, and Open Space or an International Society of Arboriculture (ISA)-certified arborist, and shall consider whether:

(a) The site involves space limitations or is an unusually shaped lot;

(b) Existing buildings will or must remain;

(c) Topography, soil, vegetation, or other physical conditions;

(d) Any easements that may prevent or inhibit trees;

(e) Conflicts with any provision of Section 3.6, Historic and Cultural Conservation Base Zoning Districts or Section 3.9.8, HO: Historic Overlay;

(f) Conflicts with any provision of Section 3.9.5, ASO/AICUZ: Airport Safety, Air Installation Compatibility Use Zone, and Noise Zone Overlays;

(g) Conflicts with any provision of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay; or

(h) Conflicts with any provision of Section 3.9.7, FPCH-O: Flood Plain/Coastal Hazard Overlay.

(7) Installation

Trees and associated plant materials required by this section shall be installed in accordance with the relevant provisions of Section 5.2.6.D, Installation.

D. TREE PROTECTION DURING CONSTRUCTION

To protect trees during construction, the tree protection practices set out in the most recent version of the Virginia Erosion and Sediment Control Handbook are recommended. At a minimum, the following shall apply:

(1) Protective tree fencing shall be installed, at a minimum, to the edge of the dripline and along the outer edge of and completely surrounding the root protection zone of all trees marked for retention, prior to any land disturbance;

(2) Protective tree fencing shall be indicated on required plans at either the surveyed drip line of the protected trees or at a radius of one foot per one inch of tree diameter;

(3) The protective tree fencing shall not be installed inside the tree's root protection zone unless otherwise specified by the ZA;

(4) All grading and construction equipment, construction material, supplies, and vehicles shall remain outside the protective tree fencing;

(5) The protective tree fencing shall remain in place and in good repair until project completion; and

(6) Storage of any material within the root protection zone and the protective tree fencing is prohibited.

(7) The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and ensuring that they are observed.

E. TREE MAINTENANCE

(1) Topping or pollarding of trees is prohibited.

(2) Removal of a healthy, undamaged tree on City-owned property or within the public right-of-way is not permitted without prior approval by the Department of Recreation, Parks, and Open Space.

(3) Limbs of mature trees located within parking lots shall be pruned up to a minimum height of five feet.

(4) Trees preserved or planted to meet the requirements of this section shall be tended and maintained in a healthy growing condition at all times, replaced when necessary due to disease or damage, and kept free from accumulation of litter and debris.

F. CREDIT TOWARD OTHER STANDARDS

All development undertaken that satisfies the tree preservation, protection, and replacement standards under this section may be credited toward compliance with the following:

(1) Open space set-aside standards, except that parking lot landscaping may not be credited toward open space set-aside standards (see Section 5.5. Open Space Set-Asides);

(2) Perimeter buffer standards (see Section 5.3. Perimeter Buffers);

(3) Screening standards (see Section 5.4. Screening); and

(4) Stormwater management regulations (see Chapter 41.1 of City Code), if they directly support stormwater infiltration or other stormwater management goals.

G. EXEMPTIONS

(1) The following shall be exempt from the tree replacement or planting requirements under this section:

(a) Property improved with a school;

(b) Playing fields and other non-wooded recreation areas; and

(c) Beaches.

5.7 SIGNS

5.7.1. LEGISLATIVE STATEMENT AND FINDINGS

A. PURPOSE STATEMENT

The purpose of this section is to:

(1) Promote and protect the public health, safety and welfare of the inhabitants of the city;

(2) Enhance opportunities for visual communication, including promoting legibility of such communications;

(3) Preserve property values;

(4) Create a more attractive economic and business climate within the city;

(5) Enhance and protect the physical appearance of all areas of the city;

(6) Reduce the distractions, obstructions and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs;

(7) Enable customers, motorists, visitors, residents, and other persons moving through the public spaces of the city to be able to identify destinations and locations; and

(8) Ensure that the right to free speech is protected.

B. FINDINGS

In conjunction with the adoption of the purposes set forth above and the regulations in this section, the City Council makes all of the following findings:

(1) Unlike oral speech, signs may cause harm by taking up space, obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The City has a substantial and compelling interest in all of the purposes set forth above and has a substantial and compelling interest in regulating signs in such a way that the harms caused by signs might be reduced and mitigated.

(2) Regulation of the size, height, number and spacing of signs throughout the city is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the

orderly and reasonable display of advertising and other messages for the benefit of all persons in the city.

(3) These regulations do not apply to every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(4) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(5) Some signage has a single targeted function that makes identifying such signs by description impossible without referring to the function. For instance, an off-premises sign is one that contains a message related to a business, product, service, entertainment or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected. Because such a sign can be misleading if mistaken for a sign that identifies where the referred-to business, product, service, entertainment or attraction is located, it is essential to public safety and public welfare to regulate off-premises signs. Whenever a sign is described, in part, by referring to the function it serves, the provisions of this section that limit such a sign are designed to be neutral with respect to the content of the speech appearing on it.

(6) These regulations are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any messages that might appear on them.

5.7.2. APPLICABILITY

The regulations of this section shall govern and control the location, erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of any sign within the city. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. These regulations dictate the display, location and physical characteristics of signs subject to the procedures of this section. The regulations of this section shall be in addition to any applicable provisions of the Virginia Outdoor Advertising Act, 1950 Virginia Code Annotated § 33.1-351, *et seq*. (1984 Repl. Vol & 1989 Supp.), and the Uniform Statewide Building Code applicable to the construction and maintenance of signs. The regulations of this section do not apply to property owned by the city and used for public purposes, by the Commonwealth of Virginia or any governmental body created by the Commonwealth, or by the United States.

5.7.3. DEFINITION OF TERMS

For the purposes of this section, signs and their features and characteristics shall be defined and classified as follows:

A-FRAME SIGN
A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shape structure which tapers from a wide base to a narrow top.

AWNING
A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy.

AWNING SIGN
A sign that is mounted or painted on or attached to an awning (see Figure 5.7.3(A), Awning Sign).

Figure 5.7.3(A): Awning Sign



BANNER
A sign constructed of plastic or fabric of any kind that is attached to supports, a framework, or a flat surface.

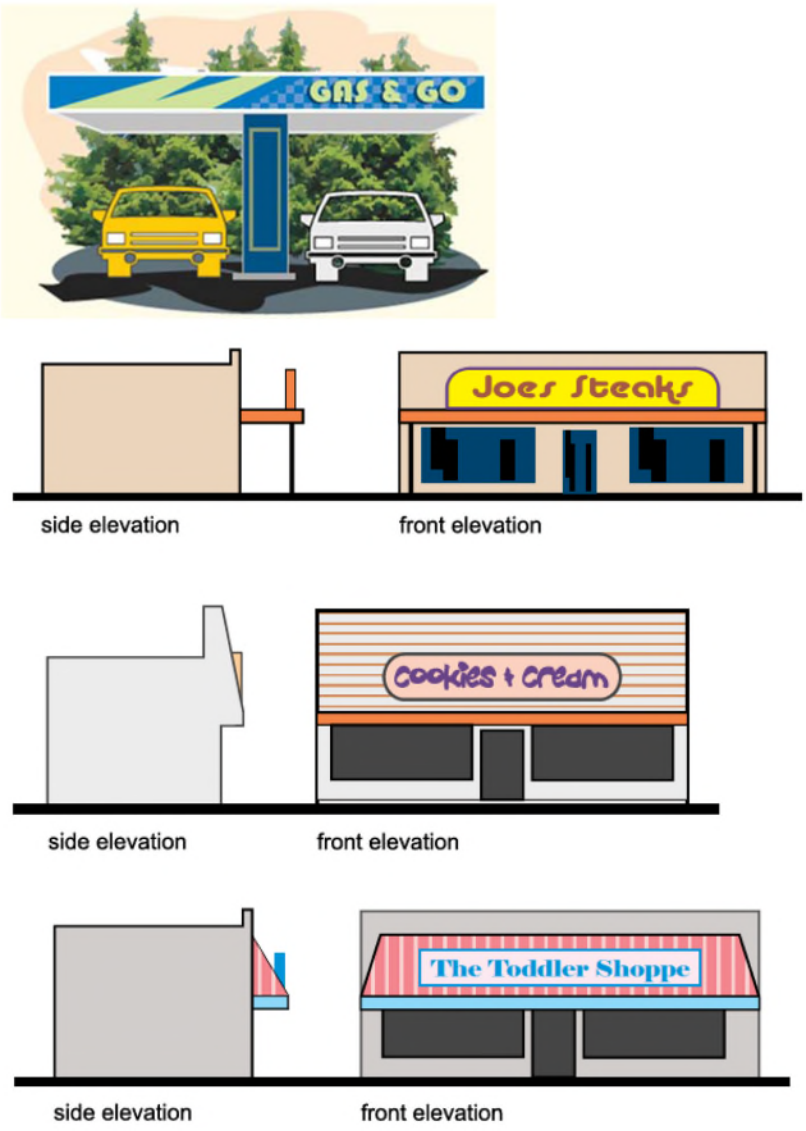
BILLBOARD
See "outdoor advertising sign."

BUILDING FRONTAGE
See Section 8.3.2, Terms Defined.

CANOPY
A structure, other than an awning, made of cloth, metal, or other material which may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.

CANOPY SIGN
A sign that is painted on, printed on, or attached to a canopy (see Figure 5.7.3(B), Canopy Sign).

Figure 5.7.3(B): Canopy Sign



FEATHER SIGN
A lightweight sign mounted along one edge on a single, vertical, flexible pole the shape of which may resemble a sail, bow, or teardrop.

FLAG SIGN
Any generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

FLASHING SIGN
A sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern.

FREESTANDING SIGN
Any sign placed upon or supported by the ground independently of any other structure, including a pole, monument or ground sign.

GAS PUMP SIGN
A sign affixed to a gasoline pump.

GROUND SIGN
A freestanding sign, other than a monument or pole sign, placed upon or supported by the ground independently of any other structure.

ILLUMINATED SIGN
A sign with artificial light projecting through the face or portions of the face or directly shining on the face.

INFLATABLE SIGN
An inflated, nonporous sign filled with air or other gas that does not move, flutter, or undulate and is mounted to a structure, cord, cable or rod or staked to the ground.

INTERSTATE HIGHWAY SYSTEM
See Section 8.3.2, Terms Defined.

LOT FRONTAGE
See Section 8.3.2, Terms Defined.

MAINTAIN
See Section 8.3.2, Terms Defined.

MARQUEE
Any fixed hood, other than a canopy or awning, supported solely by the building to which it is attached that projects from the building and extends beyond the building wall. The location of any marquee shall be restricted to the main entrance to a building.

MARQUEE SIGN
A sign attached to or hung from a marquee.

MONUMENT SIGN
A freestanding sign mounted or affixed to a freestanding base or pedestal secured permanently to the ground and not attached to a building or any other structure, but not including a ground sign. (see Figure 5.7.3(C), Monument Sign).

Figure 5.7.3(C): Monument Sign



NONCONFORMING SIGN
Any sign which was lawfully erected in compliance with the applicable regulations of this Ordinance prior to October 27, 2015 and which fails to conform to the current standards or restrictions, the use of which has not been discontinued for longer than two years.

OFF-PREMISES SIGN
A sign which directs attention to a business, product, service, entertainment or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.

OUTDOOR ADVERTISING SIGN
A sign structure providing displays or display space for general advertising and not primarily or necessarily for advertising related to the premises on which erected or to nearby premises. Such signs, commonly referred to as "billboards," are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease. Outdoor advertising signs may contain light emitting diode (LED) electronic displays which comply with state and federal law. Specific regulations for outdoor advertising signs are found in Section 5.7.8, Outdoor Advertising Signs.

PENNANT
Any generally rectangular or triangular sign attached only along one side, not affixed to a flagpole, and designed to flap in the wind.

POLE SIGN
A freestanding sign erected and maintained on a freestanding mast or pole secured permanently to the ground and not attached to a building or any other structure, but not including a ground sign (see Figure 5.7.3(D), Pole Sign).

Figure 5.7.3(D): Pole Sign



PORTABLE SIGN

Any sign designed and intended to be transported or movable, including but not limited to:

1. Signs with wheels or with wheels removed.
2. Signs with chassis or support constructed without wheels.
3. Signs designed to be transported by trailer, wheels or boat.
4. Signs converted to or constructed as A-frame signs.
5. Signs attached temporarily to the ground, structures or other signs.
6. Signs mounted on a motor vehicle or boat for advertising purposes parked off the public right-of-way or shore, except when the motor vehicle or boat is being used in the normal, routine operations of the business.

PREMISES

See Section 8.3.2, Terms Defined.

PRIMARY HIGHWAY SYSTEM

See Section 8.3.2, Terms Defined.

PROJECTING SIGN

A sign other than a wall, awning, canopy or marquee sign that is wholly or partially dependent upon a building for support and that projects more than 15 inches from such building (see Figure 5.7.3(E), Projecting Sign).

Figure 5.7.3(E): Projecting Sign



PUBLIC SERVICE MESSAGE BOARD

Any sign having a conspicuous and intermittent variation in illumination, message, color, or pattern powered by electricity and which displays different copy changes on the same lamp bank or message

facility and installed on land owned by the city or any other governmental entity established by the Commonwealth of Virginia.

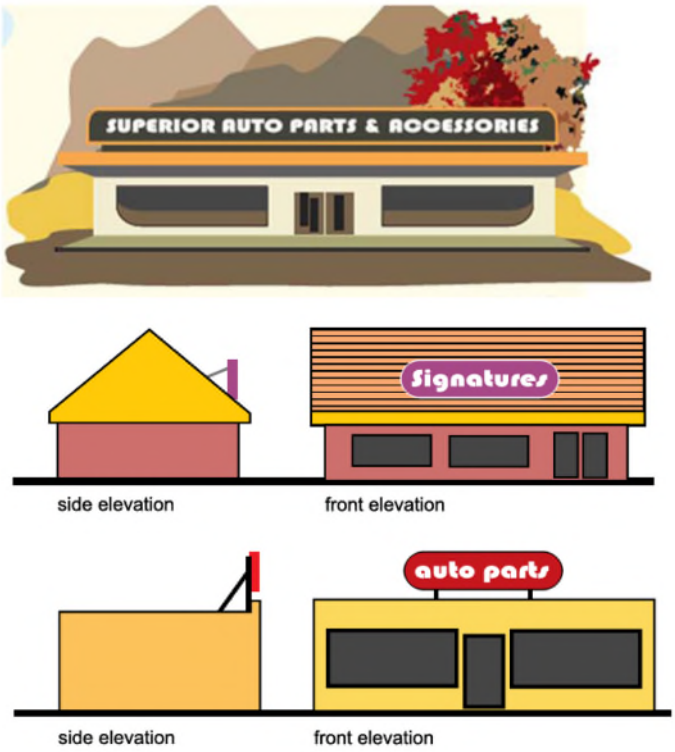
ROOFLINE

See Section 8.3.2, Terms Defined.

ROOF SIGN

A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof (See Figure 5.7.3(F), Roof Sign).

Figure 5.7.3(F): Roof Sign



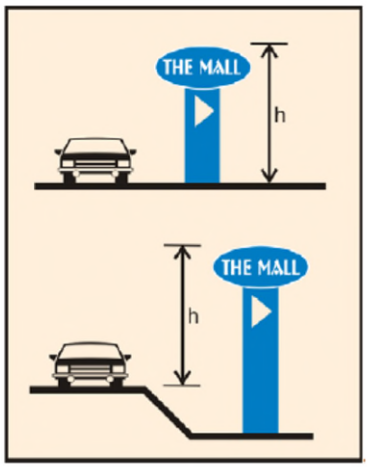
SIGN FACE

That part of the sign which is or can be used for visual representation or communication. The term includes any background or surrounding material, panel, trim or ornamentation, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which it is placed. The term does not include any portion of the support structure for the sign, provided that no representation or message is placed or displayed on or designed as part of the support structure.

SIGN HEIGHT

The distance from the highest point of a sign to the finished elevation of the road providing principal access to the site on which the sign is located as measured from the bottom of the curb or edge of pavement (see Figure 5.7.3(G), Sign Height).

Figure 5.7.3(G): Sign Height



TEMPORARY SIGN

A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

VENDING MACHINE SIGN

Any sign fastened to or painted on a vending machine.

VISIBLE

In the context of a sign, capable of being seen such that the message is legible or comprehensible without visual aid by a person of normal acuity.

WALL SIGN

A sign fastened to the window or wall of a building or structure in such a manner that the window or wall becomes the supporting structure for, or forms the background surface of, the sign or a sign painted directly on the wall of the structure (see Figure 5.7.3(H), Wall Sign).

Figure 5.7.3(H): Wall Sign



WINDOW SIGN

A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure including but not limited to window paintings, applied graphics, and signs located inside a building but visible primarily from the outside of the building.

WINDOW SIGN, PERMANENT

Any window sign designed to withstand fading, chipping or peeling over time that is not constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material.

WINDOW SIGN, TEMPORARY

Any window sign that is composed of ink, paint or other applied product which is not designed to withstand fading, chipping or peeling over time or that is constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate.

YARD SIGN

A temporary sign placed upon or supported by the ground independently of any other structure, but not including any A-frame sign.

5.7.4. GENERAL STANDARDS

A. CLASSIFICATION OF SIGN TYPES

Table 5.7.4, Classification of Sign Types, describes and classifies each of the sign types defined in this section which meet more than one definition.

TABLE 5.7.4: CLASSIFICATION OF SIGN TYPES [1]

FREESTANDING SIGN	TEMPORARY SIGN	WALL SIGN
Billboard/Outdoor advertising sign	Banner	Awning sign
Monument sign	Flag sign	Canopy sign
Pole sign	Inflatable sign	Marquee sign
Ground sign	Pennant	Projecting sign
Public service message board (when freestanding) [2]	Feather sign	Public service message board (when fastened to wall) [2]
	Portable sign (including A-frame signs)	Permanent window sign
	Yard sign	
	Temporary window sign	

NOTES:

[1] Depending on available technology, many of the sign types identified in this table may also be definable as flashing signs or illuminated signs

[2] These signs are also classified as flashing signs and as illuminated signs

B. SIGN MEASUREMENTS

(1) Determination of Sign Face Area

The area of a sign face shall be determined by computing the entire area within a single geometric form that completely encloses the sign face. This form is defined by the extreme limits of lettering, representations, emblems or other figures together with all surrounding material, color, lighting, trim or ornamentation that either form the integral part of the display or differentiate the sign from the background where it is placed. (see Figure 5.7.4(A), Sign Area and Figure 5.7.4(B), Sign Area).

Figure 5.7.4(A): Sign Area

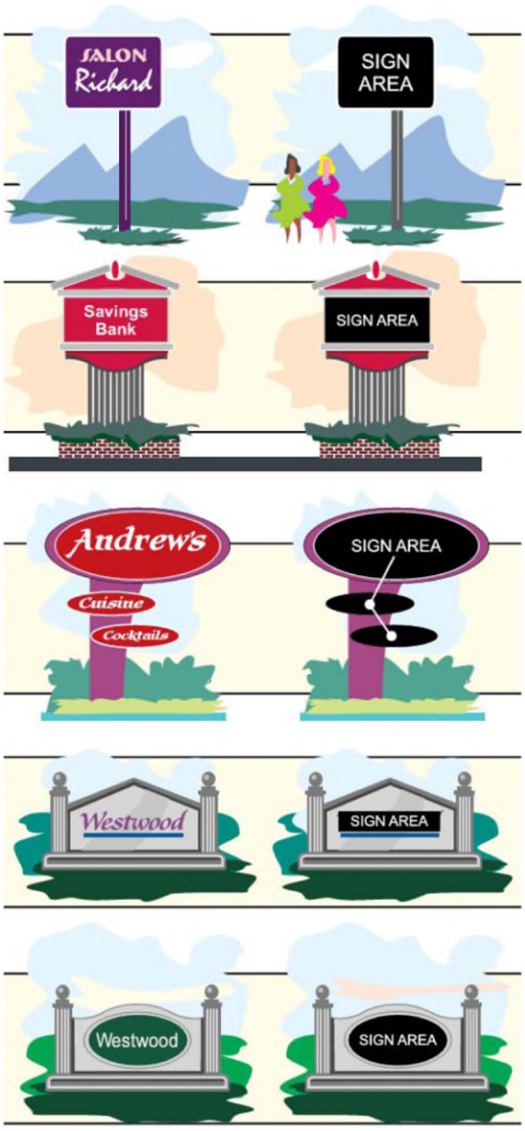
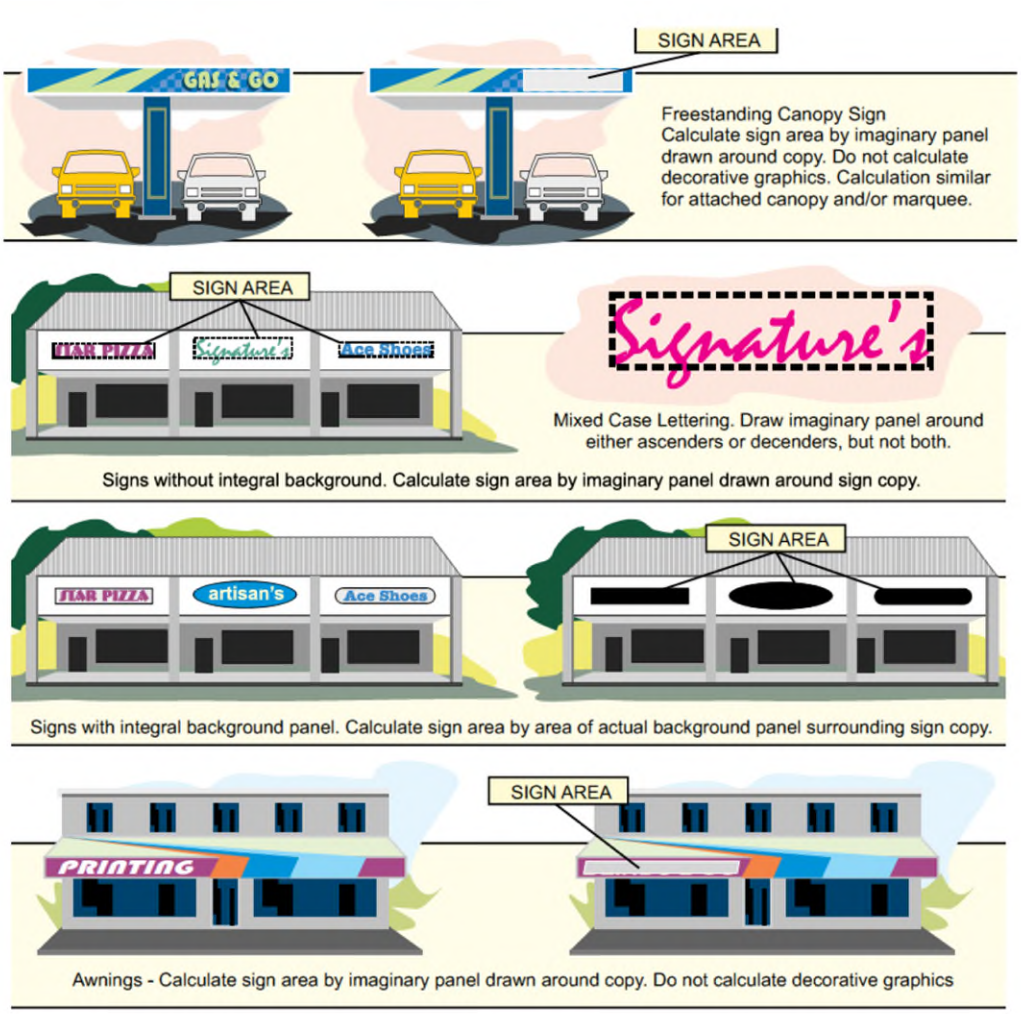


Figure 5.7.4(B): Sign Area



(2) Number of Sign Faces for Marquee Signs and Projecting Signs

Any marquee sign or projecting sign which is oriented to the building upon which it is mounted at an angle less than 45 degrees shall be deemed to have one sign face. Otherwise, it shall be deemed to have two sign faces.

(3) Area of Sign with More Than One Face

For all signs with more than one face, the sign area shall be computed as including 100 percent of the area of all sign faces.

(4) Sign Location

Signs shall be located facing the street, lot line, or building frontage from which the allotment is computed.

(5) Sign Allocation Based on Building Frontage or Façade

For all signs which have the allowable area allocated based on dimensions derived from the dimension of building frontage or façade area, no accessory building shall be only considered when computing the allocation.

C. TRAFFIC AND ACCESS SAFETY

(1) Confusion with Traffic Signals

No sign shall be maintained at any location which obstructs, impairs, obscures, interferes with the view of, or is confused with, any traffic control sign or devices regardless of whether or not it meets other size, location and setback requirements of this section. Nor shall any sign interfere with, mislead or confuse traffic flow. A sign's position, size, shape, color and illumination, but not its content, shall be considered when making such a determination.

(2) Obstruction of Sight Distance Triangles Prohibited

No sign, nor any part of a sign other than a supporting pole or brace no greater than 18 inches in width or diameter shall be located lower than nine feet from grade within the area of any sight distance triangle as defined in Section 8.3, Definitions and Rules of Measurement. No required landscaping located in the sight distance triangle shall be greater than 24 inches in height.

(3) Obstruction of Accessways

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required accessway to or from a building or site.

D. ILLUMINATION

(1) Design of Light Source

All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

(2) Location of Light Source

No receptacle or device housing a permitted light source which is attached to the sign itself shall protrude more than 15 inches from the face of the sign or building to which it is attached (no more than 60 inches for outdoor advertising signs). If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than 12 inches and must be fully screened from view by landscaping material.

(3) Level of Illumination and Mitigation of Glare

In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens.

(a) Mitigation of Glare Generally

Whenever an artificial light source is used to illuminate a sign, such source shall be located, shielded and directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.

(b) Mitigation of Glare Adjacent to Residential Areas

An illuminated sign on a lot abutting or situated in a location within 100 feet of a residential zoning district shall be so designed, located, shielded, and directed so as to prevent the casting of direct light upon adjacent residential properties.

E. LANDSCAPING

The following regulations apply to any sign which is required by the provisions of this section to have landscaping installed around it.

(1) Location

The sign shall by situated in the center of the landscape area.

(2) Materials and Maintenance

All landscape areas shall consist of continuous plantings of species approved by the city's Department of Recreation, Parks and Open Space. Plantings shall be free of disease, maintained in a healthy condition, and promptly replaced in the event that they die.

(3) No Interference with Traffic Safety

All landscaping shall be located so as not to obstruct motorist's view of vehicles moving within a parking area or entering and exiting a driveway or right-of-way and to not protrude into any sight distance triangle as defined in Section 8.3, Definitions and Rules of Measurement.

(4) Ground Lights

Whenever lighting is used to illuminate a sign, low, evergreen shrubs shall be planted in order to screen the light fixtures from view from any right-of-way.

F. SIGNS IN PUBLIC PLACES

Installation of any sign on public property is governed by Chapter 42-10(b) of the City Code. Signs installed in a public right-of-way or installed on public property for a public purpose are not governed by the regulations of this section.

G. SIGN MAINTENANCE

The owner of a sign and the owner of the premises on which any sign is located shall be jointly and severally liable to maintain every sign, including its illumination sources, in compliance with this section and all applicable laws, in a safe and secure condition, in a neat and orderly condition, and in good, working order at all times, and to prevent the development of any rust, corrosion, rot or other deterioration in either the physical appearance or the safety of every sign.

5.7.5. GENERAL REQUIREMENTS

A. PROHIBITED SIGNS

Except where specifically permitted by the regulations of the applicable zoning district or overlay district or by an Alternative Signage Conditional Use (see Section 5.7.9.C, Alternative Signage Conditional Use), all of the following signs are prohibited in all zoning districts:

(1) A sign not expressly permitted under the regulations of this section or other applicable provision of this Ordinance;

(2) A sign that moves or gives the appearance of moving and any sign which flutters, undulates, swings, rotates, oscillates or otherwise moves by natural or artificial means, including any pennant but excluding flag signs displayed in compliance with the provisions of this section;

(3) A flashing sign, except for a public service message board or an outdoor advertising sign displayed in compliance with the provisions of this section;

(4) A sign which is false or misleading such that it creates a threat to vehicular, bicycle, or pedestrian safety;

(5) A portable sign, but not including an A-frame sign displayed in compliance with the provisions of this section;

(6) An awning sign or canopy sign that projects vertically above or below or horizontally beyond the physical dimensions of the awning or canopy upon which it is affixed;

(7) An off-premises sign except for an outdoor advertising sign or a public service message board displayed in compliance with the provisions of this section;

(8) A sign which is structurally unsafe or hazardous;

(9) A sign located on a zoning lot where no principal use exists, except for a temporary sign located on a lot being offered for sale or lease at the time of application for the Sign Certificate;

(10) A feather sign; and

(11) A temporary sign that is still on display after the shorter of either of the following:

(a) The time for removal that was indicated in the application for the Sign Certificate which authorized it; and

(b) Three months after the date it was first displayed.

B. SIGN CERTIFICATE REQUIRED

(1) General Rule

Except as specified below, no sign shall be erected, enlarged, expanded, reconstructed, relocated or maintained on private or public property unless a Sign Certificate shall have been issued by the ZA evidencing the compliance of such sign with the provisions of this Ordinance, including the payment of any registration fee required under this section, and with all applicable provision of the Building Code pursuant to Chapter 11.1 of the City Code.

(2) Special Rule for Billboards

In addition to the certificate required herein, a state permit issued by the Virginia Department of Transportation may also be required for outdoor advertising signs located within 660 feet of highways that are part of the interstate or primary highway systems.

(3) Exemptions

Notwithstanding the general rule set forth in subsection (1), above, the following signs and sign-related activities shall be exempt from the Sign Certificate requirement to the extent indicated. Except where indicated in this subsection, such signs shall also not be counted towards the maximum sign allotment allowed for the applicable use or premises.

(a) Routine Maintenance

Routine sign maintenance or changing of lettering or parts of signs designed to be regularly changed, including sign face changes.

(b) Illegible Signs

Any wall sign, window sign, or temporary sign located within five feet of a building the physical attributes of which do not provide for the differentiation of words, letters, figures, designs, symbols or logos by an observer with typical visual acuity situated in a public place, a public right-of-way, or any parking area or right-of-way open to use by the general public.

(c) Uniform Signage

Any sign erected in compliance with the provisions and standards of the Manual of Uniform Traffic Control Devices.

(d) Pavement Markings

Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

(e) Notice Signs

Signs posted by or required to be posted by a governmental entity in compliance with a provision of federal, state, or local law located on a premises where an activity that necessitates the posting of such signage is or may be occurring.

(f) Flag Signs

All flag signs shall be counted towards the maximum sign allotment allowed for the applicable use or premises.

(g) Single-Family and Two-Family Residential Uses

Any sign located on property with a single-family dwelling, two-family dwelling, semi-detached dwelling, or townhouse residential use and which complies with the applicable limitations of Section 5.7.7, Permitted Signs. All such signs shall be counted towards the maximum sign allotment allowed for the applicable use or premises.

(h) Window Signs

(i) Vending Machine Signs

(j) Gas Pump Signs

(k) Interior Signs

Any signs in the interior of a building not directed so as to be seen from outside the building.

C. REGISTRATION FEE

(1) General Rule

Except as specified below, a registration fee shall be paid in relation to the issuance of any certificate required by the provisions of this section.

(2) Exemption from Registration Fee

Any sign already in existence as of October 15, 1991, is exempt from the registration fee, even though a Sign Certificate is still required and such signs are still counted as part of a premises' or use's total allowable sign allotment.

D. REPLACEMENT AND REMOVAL REQUIREMENTS

(1) Replacement and Removal of Sign Faces When Not in Use

In the event that a use has ceased operating on the site for a period of six months, all related sign faces shall be removed. The face of any sign that conforms to all zoning regulations that apply and that can be reused shall be replaced with a blank, white face until use of the building or premises has resumed.

(2) Nonconforming Signs

In the event that a legally established nonconforming sign, other than a sign that has been designated as a Norfolk Historic Landmark in accordance with the applicable provisions of Section 2.4.3, Zoning Map Amendment, is damaged or destroyed to an extent exceeding 50 percent of the sign's replacement cost (as determined by the ZA), such nonconforming sign shall be either removed or replaced by a sign which conforms in all respects with the standards required by this section. Any non-conforming sign, including any associated supporting structure, which has not been used for a period of two years shall be removed. The owner of the property shall be responsible for compliance with this requirement.

(3) Incomplete Construction

Wherever the construction or installation of a sign has been commenced but has not been completed within a reasonable time and where no building permit related to the installation remains valid and unexpired, the portions of the sign that have been constructed or installed shall be removed.

E. SUBSTITUTION OF MESSAGES

A noncommercial message may be substituted, in whole or in part, for any other message displayed on any sign which conforms to this section without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice. Furthermore, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.

5.7.6. SPECIFIC SIGN CONSTRUCTION, INSTALLATION, AND DESIGN STANDARDS

A. FREESTANDING SIGNS

The following requirements shall apply to all freestanding signs with the exception of outdoor advertising signs:

(1) Location

(a) The sign shall be set back no less than five feet from any existing public right-of-way except in a Historic and Cultural Conservation District.

(b) In any Historic and Cultural Conservation District, the sign shall only be located in the front yard.

(2) Sign Faces

Each sign shall be limited to no more than two sign faces.

(3) Landscaping

A square, rectangular, oval, or circular area of ground shall be landscaped in accordance with Section 5.7.4.E, Landscaping. The landscaped area shall be

no less than either the area of the largest face of the sign or an area extending three feet from every portion of the sign's pedestal or base, whichever is greater.

B. WINDOW SIGNS

No more than 30 percent of the window and glass door area may be obscured by window signs such that the interior of the building cannot be readily seen from a public place, public right-of-way, or parking area.

C. CERTAIN SIGNS AFFIXED TO BUILDING FEATURES

Any flag sign affixed to a building or any sign affixed to an awning, canopy, or marquee shall be elevated as follows:

(1) Awning Sign

The lowest portion of the protruding building feature shall be at least seven and one-half feet above grade.

(2) Canopy Sign or Marquee Sign

The lowest portion of the protruding building feature shall be at least eight and one-half feet above grade.

(3) Flag Signs Affixed to a Building

The lowest portion of the pole shall be at least eight and one-half feet above grade.

D. A-FRAME SIGNS

No A-frame sign shall exceed four feet in height or six square feet per sign face.

5.7.7. PERMITTED SIGNS

A. GENERAL RULE

All signs that are permissible in conjunction with the use on the premises and in accordance with the zoning district and character district in which the sign is to be located are indicated on Table 5.7.7(A), Permanent Signage, and Table 5.7.7(B), Temporary Signage.

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
SIGNS PERMITTED IN RESIDENTIAL DISTRICTS						
SF-2, SF-4, SF-6, SF-10, SF-T, R-C, MF-NS, MF-AC, MF-HR, Residential Uses in PD Districts	Single-Family, Two-Family, Semi-Detached Dwelling and individual Townhouse units	Maximum area (per sign face): 2 sq. ft. Maximum number: 1 per dwelling unit	Maximum area (per sign face): 2 sq. ft. Maximum height: 4 ft. Maximum number: 1 per dwelling unit Minimum distance from property line: 6 ft.	Not Permitted	Not Permitted	No sign oriented to the waterfront shall be permitted except one unlighted sign not exceeding five feet in sign surface area
	Multi-Family, Townhouse developments, and Uses not otherwise noted	Maximum area (per sign face): 8 sq. ft. Maximum area (total of all signs): 32 sq. ft. Maximum number: 1 per 50 ft. of building frontage Maximum area (per sign face): 8 sq. ft.	Maximum area (per sign face): 32 sq. ft. Maximum height: 8 ft. Maximum number: <100 ft. lot frontage: 0 ≥100 ft. lot frontage: 1 Minimum distance from right-of-way line: 5 ft.	Not Permitted	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
SIGNS PERMITTED IN COMMERCIAL DISTRICTS						
C-N, C-C, C-R, Commercial Uses in PD Districts	Any Use	Maximum area (total of all signs facing a public street): <32 ft. building frontage: 32 sq. ft. >32 ft. building frontage: 1 sq. ft. per linear ft. of building frontage	Maximum area (per sign face): <100 ft. lot frontage: 0 sq. ft. 100—200 ft. lot frontage: 32 sq. ft. >200 ft. lot frontage: 75 sq. ft. Maximum height: 12 ft. or 16 ft. if set back 20 ft. from public right-of-way Maximum number: <100 ft. lot frontage: 0 100—200 ft. lot frontage: 1 >200 ft. lot frontage: 1 plus 1 for each additional 200 ft. lot frontage	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance	

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
			Minimum distance from right-of-way line: 5 ft. Shopping centers with >40,000 sq. ft. of building area may have 1 additional sign located at the entrance to the center with a maximum area of 50 sq. ft. and a maximum height of 12 ft. or 16 ft. if set back 20 ft. from the public right-of-way		Located elsewhere on the lot: No maximum	
SIGNS PERMITTED IN INDUSTRIAL DISTRICTS						
I-L, I-G, I-W, I-DW	Any Use	Maximum area (total of all signs facing a public street): <32 ft. building frontage: 32 sq. ft. >32 ft. building frontage: 1 sq. ft. per linear foot of frontage	Maximum area (per sign face): <100 ft. lot frontage: 0 sq. ft. 100—200 ft. lot frontage: 32 sq. ft. >200 ft. lot frontage: 75 sq. ft. Maximum height: 12 ft. Maximum number: <100 ft. lot frontage: 0 100—400 ft. lot frontage: 1 >400 ft. lot frontage: 1 plus 1 for each additional 400 ft. lot frontage Minimum distance from right-of-way line: 5 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
SIGNS PERMITTED IN THE BC-O, BC-I, AND O ZONING DISTRICTS						
BC-O, BC-I	Any Use	Maximum area (total of all signs): <32 ft. building frontage: 16 sq. ft. >32 ft. building frontage: ½ sq. ft. per linear foot of frontage	Maximum area (per sign face): 50 sq. ft. Maximum height: 12 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft.	

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
			Maximum number: 2 Minimum distance from right-of-way line: 25 ft.		Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
O	Any Use	Maximum area (total of all signs): <20 ft. above grade: 16 sq. ft. or 1 sq. ft. per linear ft. of building frontage, whichever is greater ≥20 ft. above grade: 2% of façade, up to 100 sq. ft. Maximum number: <20 ft. above grade: No maximum ≥20 ft. above grade and less than 100 ft. lot frontage lot frontage: 1 ≥20 ft. above grade and more than 100 ft. lot frontage lot frontage: 2	Maximum area (per sign face): 50 sq. ft. Maximum height: 12 ft. Maximum number: 2 Minimum distance from right-of-way line: 25 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
SIGNS PERMITTED IN THE DOWNTOWN DISTRICTS AND GRANBY / MONTICELLO CORRIDOR MIXED-USE DISTRICT						
All Downtown Districts, G-1	Any Use	Maximum area (per building facade): <20 ft. above grade: 1.5 sq. ft. per linear foot of lot frontage ≥20 ft. above grade: 100 sq. ft. or 2% of façade, up to 600 sq. ft.	Maximum area: Located on Boush Street, Brambleton Avenue, Monticello Avenue (north of Virginia Beach Boulevard), St. Paul's Boulevard, Virginia Beach Boulevard, or Waterside Drive: 100 sq. ft. Located on any other street: 24 sq. ft. Maximum height: 12 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft.	

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
		Maximum number: <20 ft. above grade: No maximum ≥20 ft. above grade: 1 plus 1 if façade length >100 ft.	Maximum number: 1		Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
		At least 50% of signs ≥20 ft. above grade shall be located in the uppermost 20% of the building façade	Minimum distance from right-of-way line: 5 ft.			
SIGNS PERMITTED IN THE HISTORIC AND CULTURAL CONSERVATION DISTRICTS						
HC-G1, HC-G2, HC-WF1, HC-WF2, HC-EF	Any Residential Use	Maximum area (per sign face): 8 sq. ft. per 50 ft. of lot frontage, up to 32 sq. ft.	Not permitted	Not permitted	Not permitted	
		Maximum number: 1				
HC-G2, HC-G3	Permitted Nonconforming Commercial Uses	Maximum area (per building frontage): Facing the public street on which the principal access is located: 1 sq. ft. per linear ft. of building frontage Facing a public street not containing the principal access: ½ sq. ft. per linear ft. of building frontage	Maximum area: 8 sq. ft.	Not permitted	Not permitted	Total of all signs shall not exceed 32 sq. ft.
		Maximum area (total of all signs): 32 sq. ft.	Maximum number: 1			
HC-WF1, HC-WF2, HC-EF	Commercial Uses	Maximum area (per building frontage): Facing the public street on which the principal access is located: 1 sq. ft. per linear ft. of building frontage	Maximum area: 8 sq. ft.	Not permitted	Not permitted	Total of all signs shall not exceed 32 sq. ft.
		Facing a public street not containing the principal access: ½ sq. ft. per linear ft. of building frontage	Maximum height: 6 ft.			
		Maximum area (total of all signs): 32 sq. ft.	Maximum number: 1			

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
	Conforming Commercial Uses in Buildings >35 ft. in Height	Maximum area (per building frontage): 100 sq. ft. or 2% of the building façade Maximum number: 1, if building frontage >50 ft.	Not permitted	Not permitted	Not permitted	
SIGNS PERMITTED IN THE SPECIAL PURPOSE DISTRICTS						
IN	Any Use	Maximum area (per sign face): Located at the principal building entrance: 24 sq. ft. Located elsewhere on the building: 1 sq. ft. per linear ft. of building frontage Maximum number: Located at the principal building entrance: 1 Located elsewhere on the building: 1 per building frontage	Maximum area (per sign face): 32 sq. ft. Maximum height: 8 ft. Maximum number: 1, monument style only Minimum distance from right-of-way line: 5 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
IN-C, OSP	Any Use	Maximum area (per sign face): <20 ft. above grade: 1.5 sq. ft. per linear foot of lot frontage ≥20 ft. above grade: 100 sq. ft. or 2% of façade, up to 300 sq. ft. Maximum number: <20 ft. above grade: No maximum ≥20 ft. above grade: 1 plus 1 for each additional 200 ft. of façade length	Maximum area (per sign face): 48 sq. ft. Maximum height: 12 ft. or 16 ft. if set back 20 ft. from public right-of-way Maximum number: Located at a principal entrance to the campus: 1 per entrance, may be lighted Minimum distance from right-of-way line: 5 ft.	Maximum area (total of all signs): 0.5 sq. ft. per linear ft. of frontage	Maximum area (per sign face): 9 sq. ft. Maximum height: 4 ft. Maximum number: Located at a vehicular entrance to the site: 1 per entrance Located elsewhere on the lot: No maximum	
A	Any Use	See Norfolk International Airport Localized Alternative Sign Overlay (Section 9.2.1)				
MW	Any Use	See MW: Monarch Way (Section 3.7.9)				

TABLE 5.7.7(A): PERMANENT SIGNAGE

ZONING DISTRICT	LAND USE	WALL SIGNS	FREESTANDING SIGNS	ACCESSORY BUILDING / STRUCTURE SIGNS	GROUND SIGNS	OTHER LIMITATIONS
EBH	Any Use	See EBH: East Beach Harbor (Section 3.7.10)				
TOD	Any Use	See TOD: Transit-Oriented Development (Section 3.7.11)				

Notes: ft. = feet sq. ft. = square feet

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA--TIONS
SIGNS PERMITTED IN RESIDENTIAL DISTRICTS							
SF-2, SF-4, SF-6, SF-10, SF-T, R-C MF-NS, MF-AC, MF-HR, Residential Uses in PD Districts	Single-Family, Two-Family, Semi-Detached Dwelling and Townhouse	Maximum area: 24 sq. ft. (total of all signs) 12 sq. ft. (any one sign)	Maximum area (per banner): 8 sq. ft.	Maximum area (total of all flags): 24 sq. ft. Minimum height (wall mounted): 8 ft. Maximum height (ground): Equal to distance from nearest property line Maximum number: No limit	Not permitted	3 months	No Sign Certificate required
		Maximum number: No limit	Maximum number: 1 per dwelling unit				
	Multi-Family, Uses not otherwise noted	Maximum area: 48 sq. ft.	Maximum area (per banner): 32 sq. ft.	Maximum area (total of all signs): 24 sq. ft.	Maximum Number: 1 per zoning lot	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	A-frame signs shall be located within 10 feet of a

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA--TIONS
				Minimum height (wall mounted): 8 ft.			pedestrian entrance
		Maximum number: No limit	Maximum number: 1 per street frontage	Maximum height (ground): Equal to distance from nearest property line		A-Frame signs: must be removed while business is closed and during severe weather events	
				Maximum number: No limit			
SIGNS PERMITTED IN COMMERCIAL DISTRICTS							
C-N, TOD	Any Use	Maximum area (total of all signs): 60 sq. ft.	Maximum area (per banner): 16 sq. ft.	Maximum area (per flag): 24 sq. ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	Banner signs shall be located within 20 ft. of a pedestrian entrance
				Minimum height (wall mounted): 8 ft.			
		Maximum number: 1 per street frontage	Maximum number: 1 per business	Maximum height (ground): Equal to distance from nearest property line		A-Frame signs: must be removed while business is closed and during severe weather events	
				Maximum number: 2			
C-C, C-R	Any Use	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 24 sq. ft.	Maximum area (per flag): 24 sq. ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	50% of banner signs shall be located within 20 ft. of a pedestrian entrance; A-frame signs shall be
				Minimum height (wall mounted): 8 ft.			

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA--TIONS
		Maximum number: 1 per 50 ft. of lot frontage	Maximum number: 1 per 50 ft. of lot frontage	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	located within 10 feet of a pedestrian entrance
SIGNS PERMITTED IN INDUSTRIAL DISTRICTS AND THE BC-O, BC-I AND O ZONING DISTRICTS							
I-L, I-G, I-W, I-DW, BC-O, BC-I, O	Any Use	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 24 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 1 per street frontage	Maximum number: 1 per business	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	
SIGNS PERMITTED IN THE DOWNTOWN DISTRICTS AND GRANBY / MONTICELLO CORRIDOR MIXED-USE DISTRICT							
All Downtown Districts, G-1	Any Use (except as listed below)	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 16 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 1 per street frontage	Maximum number: 1 per business	Maximum height (ground): Equal to distance from nearest property line		A-Frame signs: must be removed while business is closed and during severe weather events	

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA-TIONS
				Maximum number: 2			
	Museum, Amphitheater, Arena, Stadium, Library, Theaters, Educational Facility, College/University, Conference Center, Governmental Operations (non-industrial)	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 200 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard signs: 6 times per year per sign, limited to 20 days each Banner signs ≤32 square feet: 6 times per year per sign, limited to 20 days each Banner signs >32 square feet: 3 months	A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 1 per street frontage	Maximum number: 3 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	
SIGNS PERMITTED IN HISTORIC CONSERVATION DISTRICTS (UNLESS NOTED IN DISTRICT REGULATIONS)							
HC-G1, HC-G2, HC-G3, HC-WF1, HC-WF2, HC-EF	Residential Uses	Maximum area: 16 sq. ft. (total of all signs) 8 sq. ft. (any one sign)	Maximum area (per banner): 8 sq. ft.	Maximum area (total of all flags): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Not permitted	3 months	No Sign Certificate required; Certificate of Appropriate not required
		Maximum number: No limit	Maximum number: 1 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: No limit			

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA-- TIONS
	Commercial, Uses not otherwise noted	Maximum area (total of all signs): 24 sq. ft.	Maximum area (per banner): 16 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	Certificate of Appropriateness not required; A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 2 per zoning lot	Maximum number: 1 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	
HC-EF	Studio, Arts in buildings >35 feet in height	Maximum area (total of all signs): 24 sq. ft.	Maximum area (per banner): 200 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard signs: 6 times per year per sign, limited to 20 days each Banner signs ≤32 square feet: 6 times per year per sign, limited to 20 days each Banner signs >32 square feet: 3 months	Certificate of Appropriateness not required; A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 2 per zoning lot	Maximum number: 3 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	
SIGNS PERMITTED IN THE SPECIAL PURPOSE DISTRICTS							
All (except as listed below)	Any Non-Residential Use	Maximum area (total of all signs): 60 sq. ft.	Maximum area (per banner): 24 sq. ft.	Maximum area (per flag): 24 sq. ft.	Maximum Number: 1 per business	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	Banner signs shall be located within 20 ft. of a

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA--TIONS
				Minimum height (wall mounted): 8 ft.			pedestrian entrance
		Maximum number: No limit	Maximum number: 1 per business	Maximum height (ground): Equal to distance from nearest property line			
				Maximum number: 2			
	Residential Uses	Maximum area (total of all signs): 48 sq. ft.	Maximum area (per banner): 32 sq. ft.	Maximum area (total of all flags): 24 sq. ft.	Not permitted	Yard and Banner signs: 6 times per year per sign, limited to 20 days each	A-frame signs shall be located within 10 feet of a pedestrian entrance
				Minimum height (wall mounted): 8 ft.			
		Maximum number: No limit	Maximum number: 1 per street frontage	Maximum height (ground): Equal to distance from nearest property line			
				Maximum number: 2			
IN	Any Use	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 200 sq. ft.	Maximum area (per flag): 24 sq. ft.	Maximum Number: 1 per zoning lot	Yard signs: 6 times per year per sign, limited to 20 days each Banner signs ≤32 square feet: 6 times per year per sign, limited to 20 days each Banner signs >32 square feet: 3 months	A-frame signs shall be located within 10 feet of a pedestrian entrance
				Minimum height (wall mounted): 8 ft.			

TABLE 5.7.7(B): TEMPORARY SIGNAGE

ZONING DISTRICT	LAND USE	YARD SIGNS	BANNERS	FLAG SIGNS	A-FRAME SIGNS	DURATION LIMITATIONS	OTHER LIMITA-- TIONS
		Maximum number: 2 per zoning lot	Maximum number: 2 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	
IN-C, OSP	Any Use	Maximum area (per sign): 60 sq. ft.	Maximum area (per banner): 400 sq. ft.	Maximum area (per flag): 24 sq. ft. Minimum height (wall mounted): 8 ft.	Maximum Number: 1 per business	Yard signs: 6 times per year per sign, limited to 20 days each Banner signs ≤32 square feet: 6 times per year per sign, limited to 20 days each Banner signs >32 square feet: 3 months	A-frame signs shall be located within 10 feet of a pedestrian entrance
		Maximum number: 3 per zoning lot	Maximum number: 2 per zoning lot	Maximum height (ground): Equal to distance from nearest property line Maximum number: 2		A-Frame signs: must be removed while business is closed and during severe weather events	

Notes: ft. = feet sq. ft. = square feet

B. SPECIAL RULES FOR CERTAIN USES AND DISTRICTS

In addition to any signs allowed under the general rule set forth above, the following signs are also permissible.

(1) Alternative Signage

Any sign permitted by an Alternative Signage Conditional Use, as set forth in Section 5.7.9.C, Alternative Signage Conditional Use, or other applicable provision of the Ordinance.

(2) Billboards

Any outdoor advertising sign that complies with the provisions of Section 5.7.8, Outdoor Advertising Signs.

(3) Real Estate Sales

On real property with a single-family detached, single-family semi-detached, two-family or townhouse use which is being offered for sale or lease at the time of application for a sign permit, one yard sign limited to a maximum height of four feet and a maximum area of eight square feet.

(4) Inflatable Signs

On a premises located in a Commercial base zoning district, or in the PD districts, one inflatable sign mounted to either the roof of a building or the ground, limited to one per business, and displayed no more than four times per year and for no longer than seven consecutive days.

(5) Temporary Window Signs

On a premises located in any district other than a Residential district, Industrial district, or the O, BC-I, or BC-O zoning districts, temporary window signs, subject to the location and area limitations set forth in Section 0, Window Signs, and displayed for no longer than three months.

(6) A-frame Signs

(7) Commercial Drive-throughs

On a premises where a commercial drive-through use is located, two freestanding signs for each drive-through lane and which are illegible from all public rights-of-way, limited to a maximum height of 10 feet and a maximum area of 32 square feet per sign face.

C. ALL OTHER SIGNS PROHIBITED

No Sign Certificate shall be issued unless the proposed sign is permissible under either the general rule or special rule set forth in this section, above, and complies with all other applicable requirements of this Ordinance.

5.7.8. OUTDOOR ADVERTISING SIGNS

The following standards and requirements shall apply to all outdoor advertising signs:

A. CONDITIONAL USE PERMIT REQUIRED

A Conditional Use Permit must be obtained, pursuant to the Conditional Use Permit procedures of Section 2.4.8, Conditional Use Permit, prior to undertaking any of the following activities:

(1) The installation of a new outdoor advertising sign.

(2) Except for an outdoor advertising sign which is adjacent to and facing I-64, I-264, or I-564, any of the following alterations:

(a) Changing the technology of the sign face, including a conversion to an LED electronic display to the maximum size permitted by Section 5.7.8.D, Sign Area and Faces.

(b) Increasing the surface area of the sign to the maximum permitted by Section 5.7.8.D, Sign Area and Faces.

(c) Increasing the height of the sign to the maximum permitted by Section 5.7.8.B, Maximum Height.

(3) The replacement of an outdoor advertising sign on the same zoning lot, subject to the following requirements:

(a) All features of the replacement sign conform to the requirements of Article 5, Development Standards; and

(b) The owner of the outdoor advertising sign consents, in writing, to the application for the Conditional Use Permit.

(4) The replacement of an existing, ground-mounted, nonconforming outdoor advertising sign on the same zoning lot, subject to the following requirements:

(a) No feature of the replacement sign shall be nonconforming to a greater extent than the existing sign;

(b) The existing sign shall be removed prior to the completion of construction of the replacement sign;

(c) Landscaping shall be installed around the replacement sign in accordance with subsection F, below; and

(d) The owner of the outdoor advertising sign consents, in writing, to the application for the Conditional Use Permit.

B. MAXIMUM HEIGHT

(1) Facing an Interstate Highway

No outdoor advertising sign adjacent to and facing an interstate highway shall exceed 45 feet in height at its highest point, measured from the grade of the interstate highway at the point of its nearest proximity to the sign.

(2) Not a Highway Other than an Interstate Highway

No outdoor advertising sign adjacent to and facing any other highway or street shall exceed 35 feet in height at its highest point, measured from the grade of the highway or street at the point of its nearest proximity to the sign.

C. LOCATION

(1) Outdoor advertising signs may only be authorized to be located in the C-N, C-C, C-R, I-L, and I-G districts.

(2) No outdoor advertising sign shall be erected upon the roof of any building, attached to any building, or painted or posted on any building.

(3) No outdoor advertising signs shall be setback less than 20 feet from any public right-of-way.

(4) No outdoor advertising sign shall be oriented to be viewed from any waterway or body of water within or surrounding the city.

D. SIGN AREA AND FACES

(1) No outdoor advertising sign in the C-C and C-R districts shall have a surface area exceeding 450 square feet per sign face. No outdoor advertising sign shall have more than two sign faces.

(2) No outdoor advertising sign in the I-L and I-G districts shall have a surface area exceeding 750 square feet per face. No outdoor advertising sign shall have more than two sign faces.

E. SEPARATION REQUIREMENTS

(1) No outdoor advertising sign shall be less than 500 feet from any other outdoor advertising sign located on the same side of the same street except as may be expressly authorized by a Conditional Use Permit authorizing the construction of a sign replacing an existing, ground-mounted, nonconforming outdoor advertising sign on the same zoning lot.

(2) At street intersections, no outdoor advertising sign shall be located less than 500 feet from any other outdoor advertising sign as measured along consecutive or intersecting street right-of-way lines.

(3) No outdoor advertising sign shall be located within 200 feet of any right-of-way of any underpass, overpass, bridge or tunnel or any plaza serving such facility.

(4) No outdoor advertising sign shall be located less than 300 feet from a residential zoning district boundary fronting on both sides of the same street right-of-way.

F. LANDSCAPING

A square, rectangular, oval, or circular area of ground no less than 20 percent of the area of one face of the sign shall be landscaped in accordance with Section 5.7.4.E, Landscaping.

G. RESTRICTED AREAS

Outdoor advertising signs are prohibited from being erected facing certain streets or portions thereof which have been designated by City Council. In such designations, City Council may consider any or all of the following factors:

(1) Promotion of highway safety;

(2) Convenience and enjoyment of public travel;

(3) Protection of pedestrians;

(4) Attraction of tourism;

(5) Preservation and enhancement of property values;

(6) Public health, safety and general welfare;

(7) Protection of major public and/or private investments that have previously been, or currently are being, made to improve environmental quality and community appearance; and

(8) Objectives for neighborhood revitalization and community improvement in plans and programs adopted by City Council.

H. DESIGNATED STREETS

Based on the criteria stated above, the following streets or portions of streets have been designated by City Council as streets where outdoor advertising signs are prohibited:

(1) Admiral Taussig Boulevard;

(2) International Terminal Boulevard;

(3) Hampton Boulevard;

(4) Ocean View Avenue and Shore Drive from the Hampton Roads Bridge Tunnel to the Virginia Beach city line;

(5) Brambleton Avenue from Hampton Boulevard to Interstate 264;

(6) Northampton Boulevard from the city Limit to Military Highway;

(7) Interstate 264 from the city limit line for a distance of 3,000 feet into the city;

(8) Downtown tunnel for a distance of 3,000 feet from the point where the tunnel crosses the shoreline entering the city;

(9) Midtown tunnel for a distance of 3,000 feet from the point where the tunnel crosses the shoreline entering the city;

(10) Virginia Beach Boulevard from the city limit for a distance of 3,000 feet into the city;

(11) Church Street;

(12) Granby Street;

(13) St. Paul's Boulevard; and

(14) Waterside Drive/Boush Street.

5.7.9. APPLICATIONS AND THE PERMITTING PROCESS

A. APPLICATION REQUIREMENTS

Applications for a Sign Certificate shall be submitted to the ZA on forms provided by the Department of City Planning and Codes Administration.

(1) Permanent Signs

For all signs other than temporary signs, every application shall include:

(a) The street name and street number of the building or the site on which the sign is to be erected;

(b) Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;

(c) An existing conditions inventory drawn to approximate scale indicating the proposed location of the sign(s), an outline of the principal building(s), the locations and dimensions of all existing signs on the site, landscaping, and the location of any traffic signs or signals near or adjacent to the site;

(d) Two scaled drawings of the plans and specifications of the sign to be erected or affixed. Such details shall include accurate dimensions, materials, layout of the copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the dimensions and location of the proposed wall signs shall also be included;

(e) Current photographs of the street sides of the premises in question, showing all existing signs on the premises. For proposed wall signs a photograph of the entire facade of the building on which the sign is to be erected;

(f) Applications for permits for outdoor advertising signs, in addition to the above information, shall contain a survey showing at least the following: the location of all outdoor advertising signs within 500 feet on both sides of the street; all structures on the site; all adjoining residential zoning districts; and all setbacks and side or rear yards applicable in the zoning district;

(g) A landscaping agreement for freestanding signs (on a form provided by the ZA) on which the property owner or authorized agent agrees to install and maintain the required landscaping. Timing of initial installation may be based on appropriate planting seasons and shall be indicated on the agreement;

(h) A registration fee, as provided for in the Procedures Manual, unless exempt under Section 5.7.5.B(3), Exemptions; and

(i) Other information as the ZA may require to determine full compliance with this section and other applicable regulations.

(2) Temporary Signs

For all temporary signs, every application shall include:

(a) Two scaled drawings of the plans and specifications of the temporary sign to be erected including dimensions, installation method, and any other certifications as required by the Virginia Uniform Statewide Building Code;

(b) Current photographs of the site and location of where the temporary sign will be located;

(c) A written scope of when the temporary sign will be installed and when it will be removed;

(d) Other information as the ZA may require to determine full compliance with this section and other applicable regulations; and

(e) A registration fee as provided for in the Procedures Manual.

B. REVIEW AND APPROVAL

(1) Review by ZA

Upon the filing of an application for a Sign Certificate, the ZA shall examine the plans, specifications and other data submitted, and may, if deemed necessary, inspect the premises upon which the proposed sign is to be erected.

(2) Issuance of Sign Certificate

If the proposed sign is in compliance with standards contained in this section and all other applicable provisions in this Ordinance, the ZA shall issue a Sign Certificate for the proposed sign. In the event that the application for a Sign Certificate has neither been approved nor denied before the period of time set forth below, then the certificate shall be deemed to have been issued at the end of this period:

(a) For any sign which is required to obtain a Certificate of Appropriateness pursuant to Section 2.4.10, Certificate of Appropriateness, 90 days;

(b) For any outdoor advertising sign, 120 days; and

(c) For any other sign, 60 days.

(3) Failure to Commence Work

If the work authorized pursuant to a Sign Certificate has not been commenced within six months after the date of issuance, the Sign Certificate shall become void. Prior to the ending of the sixth-month period, upon written request by the applicant, the ZA, if it is determined that the Sign Certificate is still valid, may extend by three months the date by which all work must be completed. At the discretion of the ZA, further extensions may be granted.

C. ALTERNATIVE SIGNAGE CONDITIONAL USE

(1) Eligibility

Large scale land uses with common design elements (such as a shopping center, an office park, a special district such as the airport, or large institutions such as a university or medical center with multiple buildings on a campus) may apply for a Conditional Use Permit to authorize alternative signage pertaining only to a particular center or campus, in lieu of the sign regulations that would otherwise be required under this section.

(2) Approval and Amendment Process

Application, consideration, and approval or denial of an Alternative Signage Conditional Use and any subsequent amendments to an approval shall conform to and be governed by the procedures set forth in 2.4.68, Conditional Use Permit.

5.7.10. ENFORCEMENT

A. PRIVATE SIGNAGE AGREEMENTS

Nothing in this section shall prevent any persons from establishing, by deed restrictions or private agreement, sign regulations which are more stringent than those set forth in this section. Such private agreements shall not be enforced by the city.

B. VIOLATIONS

(1) Failure to Obtain Required Registration or Permits

Any person who erects, reconstructs or moves any sign for which a Sign Certificate is required after October 27, 2015, shall be deemed a violation of this Ordinance subject to the procedures and penalties described in Article 7: Enforcement. In addition, any person responsible for a sign which falls within the prohibitions of Section 5.7.5.A, Prohibited Signs, or the removal requirements of Section 5.7.5.D, Replacement and Removal Requirements, and who fails to remove such sign shall be in violation of this Ordinance and subject to the procedures and penalties described in Article 7: Enforcement.

(2) Continuing Violations

Each day that a violation continues shall be deemed a separate offense.

C. PENALTIES FOR VIOLATIONS

Penalties shall be imposed pursuant to Section 7.6, Remedies and Penalties.

5.8 EXTERIOR LIGHTING

5.8.1. PURPOSE AND INTENT

The purpose and intent of this section is to regulate exterior lighting to:

A. Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

B. Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;

C. Curtail light pollution, reduce sky glow, and preserve the nighttime environment for the enjoyment of residents and visitors;

D. Conserve energy and resources to the greatest extent possible; and

E. Provide security for persons and land through the use of crime prevention through environmental design (CPTED) principles.

5.8.2. APPLICABILITY

A. GENERAL

Unless exempted in accordance with subsection B, below, the standards of this section apply to:

(1) All new development in the city;

(2) Any individual expansion or alteration of a building existing prior to March 1, 2018 if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations); and

(3) Any time a building (electrical) permit is required by the city.

B. EXEMPTIONS

The following types of lighting are exempted from the standards of this section:

(1) Lighting exempt under Commonwealth or federal law;

(2) FAA-mandated lighting associated with a utility tower or airport;

(3) Lighting for public monuments and statuary;

(4) Lighting for public art;

(5) Lighting solely for signage (see Section 5.7, Signs);

(6) Lighting for outdoor recreational uses such as ball diamonds, football fields, other playing fields, tennis courts and similar uses, provided that:

(a) Light poles are not more than 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they may be taller;

(b) Maximum illumination at the property line is not brighter than two foot-candles; and

(c) Exterior lighting is extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.

(7) Temporary lighting for circuses, fairs, carnivals, theatrical, and other performance areas-provided such lighting is discontinued upon completion of the performance;

(8) Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

(9) Temporary lighting for emergency situations-provided such lighting is discontinued upon abatement of the emergency situation;

(10) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

(11) Underwater lighting in swimming pools, fountains, and other water features; and

(12) Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way.

5.8.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for either a planned development (see Section 2.4.5, Planned Development District), conditional use (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Site Plan Review or Section 2.4.19, Single-Family Plan Review), Zoning Certificate (see Section 2.4.14, Zoning Certificate), or building (electrical) permit (see Chapter 11.1 of City Code), as appropriate.

5.8.4. LIGHTING PLAN

To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of a development application, unless deemed unnecessary by the ZA.

5.8.5. PROHIBITED LIGHTING

The following exterior lighting is prohibited:

A. Light fixtures that imitate an official highway or traffic control light or sign;

B. Light fixtures in the direct line of vision with any traffic control light or sign;

C. Searchlights, except when used by Commonwealth, Federal, or local authorities, or where they are used to illuminate alleys, parking garages and working (maintenance) areas, if they are shielded and aimed so that they do not result in

lighting on any adjacent lot or public right-of-way exceeding two foot-candles; and

D. Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights. Light sources shall be color-correct types such as halogen, LED, or metal halide.

5.8.6. GENERAL STANDARDS FOR EXTERIOR LIGHTING

Development subject to this section shall comply with the following standards.

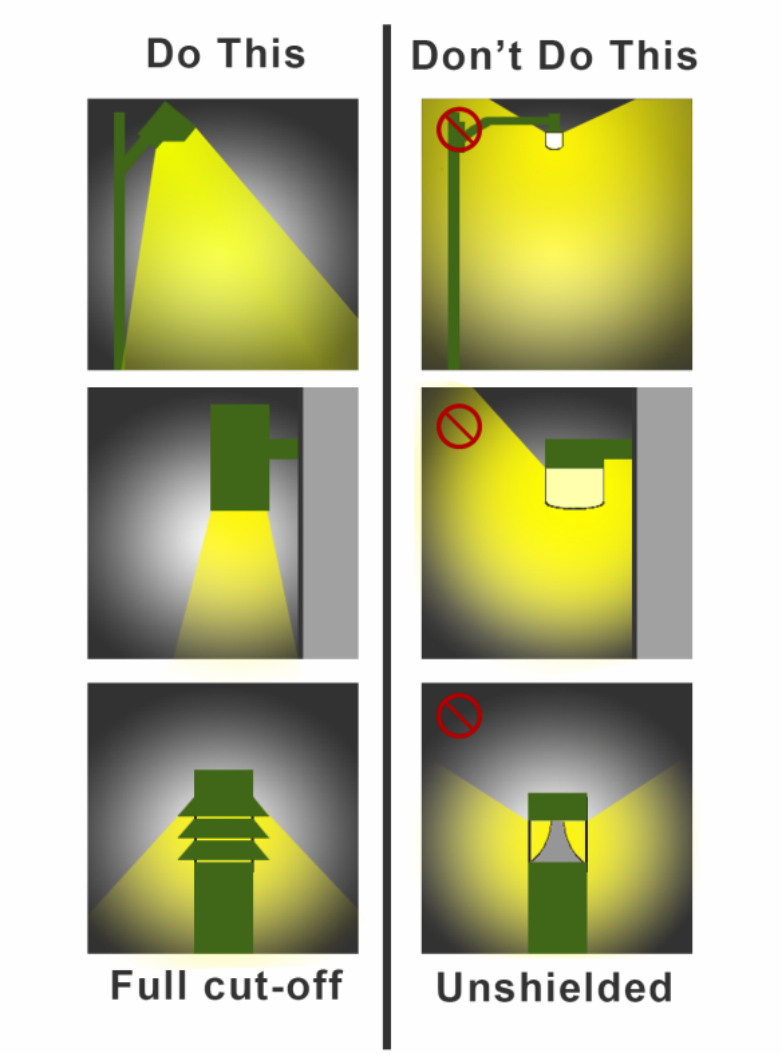
A. HOURS OF ILLUMINATION

Public, civic, and institutional uses, commercial uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this paragraph, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

B. SHIELDING WITH FULL CUT-OFF FIXTURES

All exterior lights, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 5.8.6(A), Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

Figure 5.8.6(A): Full Cut-off Fixtures

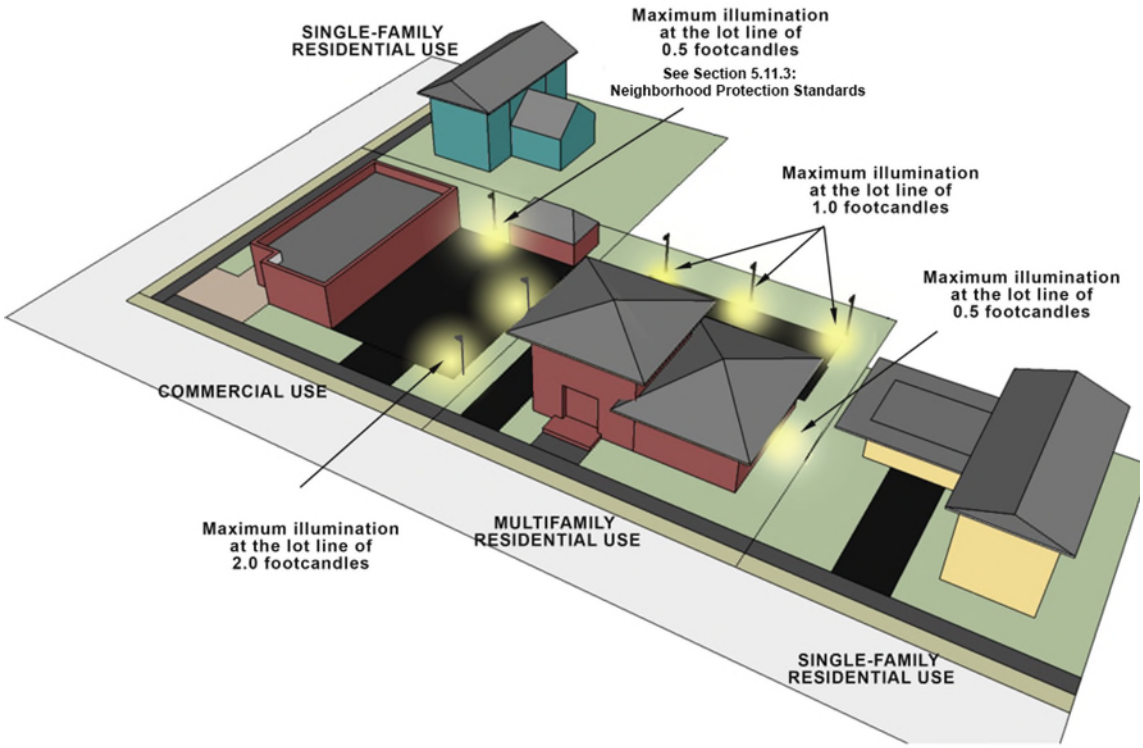


C. MAXIMUM ILLUMINATION LEVELS

(1) All exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot-candles at ground level at a lot line shall not exceed the standards in Table 5.8.6(A), Maximum Illumination Levels, and Figure 5.8.6(B), Maximum Illumination Levels.

TABLE 5.8.6(A): MAXIMUM ILLUMINATION LEVELS	
TYPE OF USE ABUTTING A LOT LINE	**MAXIMUM ILLUMINATION LEVEL AT LOT LINE (FOOT-CANDLES)**
Residential uses, conservation, open space, agriculture, and resource protection uses (except multi-family, townhouse, and all uses in the Group Living use category)	0.5
Multi-family, townhouse, all Group Living uses and the Public, Civic, and Institutional use classification	1.0
Commercial or mixed uses, and land in the Commercial and Downtown base zoning districts	2.0
Land in the Industrial base zoning districts	3.0
Parking facilities (when a stand-alone use)	2.5
NOTES: in = inches ft. = feet	

Figure 5.8.6(B): Maximum Illumination Levels



(2) All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.

D. MAXIMUM HEIGHT

(1) Except as established in subsection (2), below, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5.8.6(B), Maximum Height for Exterior Lighting.

TABLE 5.8.6(B): MAXIMUM HEIGHT FOR EXTERIOR LIGHTING

BASE ZONING DISTRICT	MAXIMUM HEIGHT
Residential	16 feet
Historic and Cultural Conservation and Special Purpose	20 feet
Commercial, Downtown, and Industrial	30 feet
Within 100 feet of a Residential base zoning district	16 feet

NOTES: in = inches ft. = feet

(2) Lighting poles for athletic fields shall not exceed 95 feet in height.

(3) Light fixtures in parking lot interior landscape islands shall not exceed 15 feet in height.

E. DISPERSAL OF LIGHT ON THE SITE

All exterior lighting on a site shall be adequately located and dispersed to ensure it does not result in excessive shadows or light islands.

5.8.7. LIGHTING DESIGN STANDARDS FOR SPECIFIC USES AND SITE FEATURES

In addition to complying with all applicable standards in Section 5.8.6, General Standards for Exterior Lighting, the specific uses and site features identified in this subsection shall comply with the standards established for that type of use or site feature.

A. SPORTS AND PERFORMANCE VENUES

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

B. WALL PACK LIGHTS

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).

C. PEDESTRIAN LIGHTING

Pedestrian light fixtures shall comply with the following:

(1) Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.

(2) Light poles shall not be higher than 16 feet above grade and shall be placed a maximum of 100 feet apart.

(3) Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 5.8.7, Examples of Pedestrian Bollard Lamps).

Figure 5.8.7: Examples of Pedestrian Bollard Lamps



D. DECORATIVE LANDSCAPING AND LIGHTING

Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

E. CANOPIES

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

(4) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

(5) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

F. AWNINGS

Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

5.8.8. MEASUREMENT

A. GENERAL

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

B. LIGHT METER CALIBRATED WITHIN TWO YEARS

Measurements shall be taken with a light meter that has been calibrated within two years.

5.8.9. EXEMPTIONS FOR A SECURITY PLAN

A. Government facilities, parks, public safety, and other development may submit a security plan to the ZA proposing exterior lighting that deviates from the standards in this section. The ZA shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that:

(1) The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;

(2) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; and

(3) The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

B. If the ZA finds the applicant fails to demonstrate compliance with subsection A, above, the security plan shall be disapproved.

5.9 FORM STANDARDS

5.9.1. PURPOSE

The purpose and intent of these form standards are to:

A. Establish a minimum level of development quality for new development in the City of Norfolk;

B. Promote greater compatibility between different uses;

C. Encourage the establishment of a stronger sense of place;

D. Limit the impacts of automobile-oriented development in certain character districts;

E. Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land; and

F. Improve the appearance of the city generally.

5.9.2. APPLICABILITY

A. GENERAL

Unless exempted in accordance with subsection B, below, the standards identified in this section shall apply to all development as identified in Section 5.9.3, Single-Family Detached Dwellings Form Standards, Section 5.9.4, Multi-Family Form Standards, and Section 5.9.5, Non-Residential and Mixed-Use Form Standards.

B. EXEMPTIONS

Development exempt from these standards includes the following:

(1) Adaptive re-uses of buildings designated Historic Landmark;

(2) Development in an HC or HO district that is determined by the ARB to be appropriate for the location and the district; and

(3) Any other development that is determined by the ARB to be architecturally appropriate in the context of the neighborhood, within the following limitations:

(a) For the single-family detached dwellings form standards, the ARB may exempt development from complying with any form standard in Table 5.9.3, Single-Family Detached Dwellings Form Standards, except those found in Component 3, Ground Floor Height. For Component 4, Garage Location, garages shall not exceed 16 feet in horizontal width.

(b) For the multi-family and non-residential and mixed-use form standards, the ARB may exempt development from complying with any form

standard in either Table 5.9.4, Multi-Family Form Standards, or Table 5.9.5, Non-Residential and Mixed-Use Form Standards.

(4) Single-family detached dwellings, on lots of at least 10,000 sq. ft. and a minimum of 35 ft. setback except those found in Component 3, Ground Floor Height.

(5) Work that does not alter a street-facing façade of an existing nonconforming structure per the regulations of Section 6.3.1.A(1)(a).

5.9.3. SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS

A. PURPOSE

The purpose and intent of these single-family form standards are to:

(1) Establish a minimum level of development quality for detached single-family dwellings;

(2) Promote greater compatibility between detached single-family dwellings and other allowable uses in the Traditional and Coastal Character Districts; and

(3) Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

B. APPLICABILITY

The standards identified in Table 5.9.3, Single-Family Detached Dwellings Form Standards, shall apply to all new detached single-family dwellings in in the Traditional, Coastal, and Suburban Character Districts, and in the Downtown and Historic zoning districts, unless stated otherwise in this section. These standards shall also apply to two-family dwellings, where individual units are detached.

C. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Section 2.4.5), site plan review (Section 2.4.18), single-family plan review (Section 2.4.19) or Zoning Certificate (Section 2.4.14), as appropriate.

D. FORM STANDARDS

TABLE 5.9.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS

A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Component 1: Building Orientation and Configuration				
If located on an improved street, the primary entrance shall face the street.	NA	A	A	N/A
If located on a lot fronting the water, the primary entrance may face the water.	NA	A, if not on an improved street	A	A, if not on an improved street

TABLE 5.9.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS				
A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY				
STANDARD	**CHARACTER DISTRICT**			
	DOWNTOWN	**TRADITIONAL**	**COASTAL**	**SUBURBAN**
Any building façade facing a public street shall have window or door openings.	NA	A	A	A
All building façades shall have window or door openings.	NA	A	A	NA
Component 2: Front Porches				
A front porch shall be installed with the dimensions established.	NA	At least 48 sq. ft. with 6 ft. minimum dimension	At least 48 sq. ft. with 6 ft. minimum dimension	At least 16 sq. ft. with 4 ft. minimum dimension
A front porch shall be installed in the location established.	NA	50% of the covered area of the porch shall project beyond the front façade	50% of the covered area of the porch shall project beyond the front façade	50% of the covered area of the porch shall project beyond the front façade
A second-floor deck may be substituted in place of the front porch provided it meets the minimum dimensions established.	NA	NA	A	NA



Figure 5.9.3(A): Example of Covered Entryway

Component 3: Ground Floor Height				
The ground story finished floor shall be elevated above the highest existing grade adjacent to the front façade of the structure (subject to requirements of FPCH-O district).	NA	Minimum 24 inches	Minimum 24 inches	Minimum 16 inches

TABLE 5.9.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN

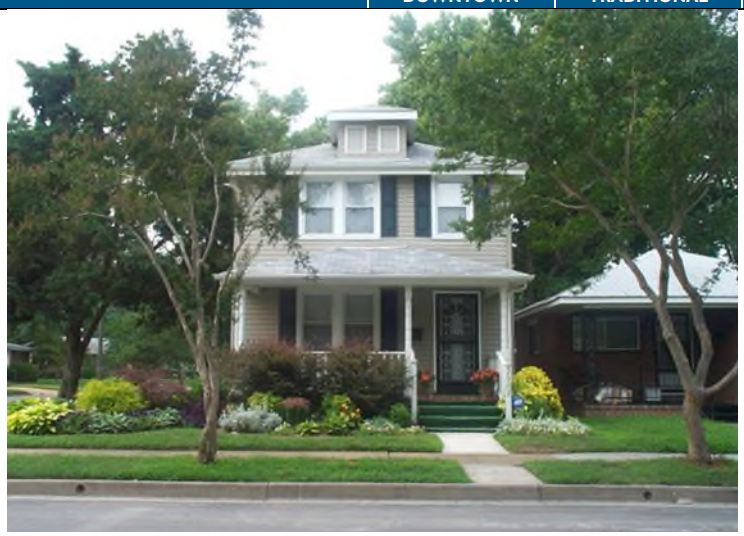


Figure 5.9.3(B): Example of Raised Ground Story Elevation

Component 4: Garage Location

The front façade of any attached garage shall be set back from the front façade of the building.	NA	At least 5 ft. [1]	At least 5 ft. [1]	Not project beyond front façade [1] [2]
The front façade of any attached, side-loading garage shall have window or door openings.	NA	A	A	A
The total horizontal length of the garage doors facing the street, for any attached garage, shall not exceed the length established.	NA	8 ft.	16 ft.	16 ft.
The front façade of any detached garage shall be set back from the front façade of the building.	NA	At least 6 ft.	Not project beyond the front façade	Not project beyond the front façade



Figure 5.9.3(C): Example of Detached Garage with Similar Form

Notes:

[1] Only applies to an attached garage with doors located on the front façade

[2] An attached garage, with a door no more than 8 feet wide, may project up to three feet beyond the front façade of a building if an architectural porch-like feature is installed above the garage door

5.9.4. MULTI-FAMILY FORM STANDARDS

A. PURPOSE

The purpose and intent of these multi-family form standards are to:

(1) Establish a minimum level of development quality for multi-family, townhouse, and duplex residential development;

(2) Promote greater compatibility between multi-family, townhouse, and duplex residential development and other allowable uses; and

(3) Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

B. APPLICABILITY

(1) General

Unless exempted in accordance with subsection (2), below, the standards in Table 5.9.4, Multi-Family Form Standards shall apply to:

(a) All new multi-family, townhouse, and duplex development in the Downtown, Traditional, Coastal, and Suburban Character Districts, except in the Downtown and Historic Zoning Districts, and unless stated otherwise in this section.

(b) Any expansion or alteration of an existing multi-family, townhouse, and duplex development except in the Downtown Zoning Districts, if the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area.

(2) Exemptions

The standards in this section shall not apply to any dwellings located above a non-residential use.

C. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Section 2.4.5), site plan review (Section 2.4.18), or Zoning Certificate (Section 2.4.14), as appropriate.

D. FORM STANDARDS

TABLE 5.9.4: MULTI-FAMILY FORM STANDARDS				
A = STANDARD APPLIES	NA = STANDARD DOES NOT APPLY			
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Component 1: Building Orientation and Configuration				

TABLE 5.9.4: MULTI-FAMILY FORM STANDARDS

A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY

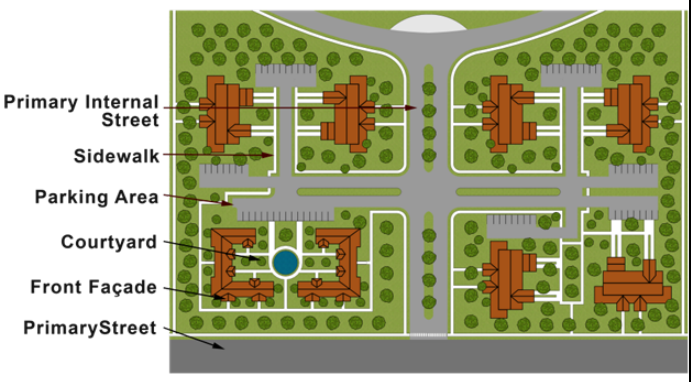
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Single Building Development - the primary entrance of a single-building development shall face the street.	A			
Multi-Building Development - shall create a street edge if along multiple streets, and be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists.	A [1]	A		
 *Figure 5.9.4(A): Building Entrances for Single Building Development*	 *Figure 5.9.4(B): Building Entrances for Multi Building Development*			
Component 2: Building Facades				
Any wall facing a public street shall not be blank, but shall have window or door openings.	A			
Façades that face a public street shall incorporate wall offsets, in the form of projections or recesses in the façade plane of at least two-foot depth, as follows:	NA	At least every 40 feet of frontage	At least every 60 feet of frontage	At least every 60 feet of frontage
For townhouse, single-family semi-detached, and two-family dwellings, a covered entryway with a 4 ft. minimum dimension shall be provided at the primary entrance.	A			

TABLE 5.9.4: MULTI-FAMILY FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
 *Figure 5.9.4(C): Wall Offsets*				
Component 3: Roofs				
Minimum and maximum roof slope for buildings up to five stories in height with sloping roofs shall be as follows: [2]	Between 6:12 and 12:12			Between 3:12 and 12:12
For buildings with sloped roofs at least 80 feet in length, sloped roofs on principal buildings shall include two or more different sloping roof planes.	A			NA
For multi-family buildings and townhome buildings with flat roofs at least 80 feet in length, flat roofs shall be concealed by parapet walls.	A			
All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be screened from view from any public right of way.	A			
 *Figure 5.9.4(D): Example of Parapets on Flat Roofs*	 *Figure 5.9.4(E): Example of Variation in Roof Slopes*			
Component 4: Ground Floor Height				
The minimum ground story finished floor elevation for dwelling units shall be as follows:	3 ft.			1 ft.

TABLE 5.9.4: MULTI-FAMILY FORM STANDARDS				
A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY				
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Component 5: Parking Location				
Location of parking areas shall comply with the standards in Section 5.1.7.A, Locational Standards.				
Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways.	A			
Parking shall be allowed under a multi-family building on the first floor/ground level, but if parking is on the first floor, it shall be screened from the public street by the front building façade. The front façade screening the parking shall be of the same material, finish and color as the remainder of the building façade.	A			

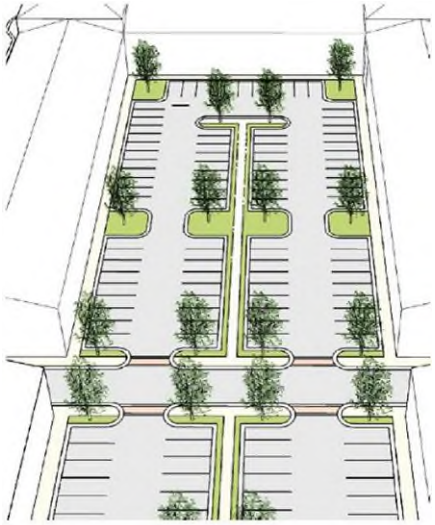


Figure 5.9.4(F): Example of Organization of a Large Parking Lot

Component 6: Garage Location				
Multi-Family Buildings				
Detached garages or carports shall be located to the side or rear of the building(s) containing the dwellings. [3]	A			
Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in the section in this Table titled Building Facades.	A			
Garages shall not project beyond the front facade of the multi-family building.	A			

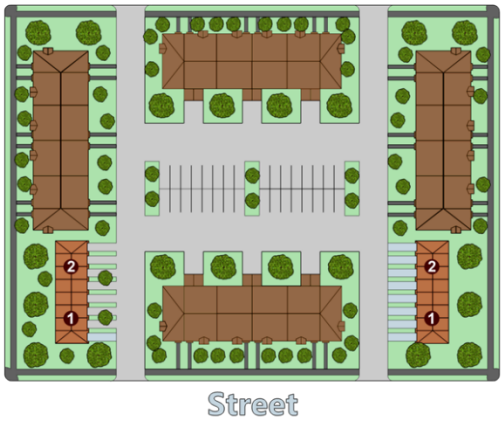
TABLE 5.9.4: MULTI-FAMILY FORM STANDARDS				
A = STANDARD APPLIES	NA = STANDARD DOES NOT APPLY			
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
	1. Detached garage located to the side or rear 2. Freestanding garage visible from the public street shall be oriented perpendicular to the street			

Figure 5.9.4(G): Multi-Building Orientation of Detached Garages or Carports

Notes:
[1] For the Downtown Character District, all buildings and primary building entrances shall be oriented to a street.
[2] Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features no wider than twelve feet.
[3] Structured parking is exempt from this requirement.

5.9.5. NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A. PURPOSE

The purpose and intent of these non-residential and mixed-use form standards are to ensure a minimum quality of form that is consistent with the character and desired form for certain types of non-residential and mixed-use development in the Downtown, Traditional, Coastal, and Suburban character districts, in a way that results in greater predictability during the development review process. More specifically, the purposes of this section are to:

(1) Encourage the establishment of a stronger sense of place with vibrant non-residential and mixed-use development;

(2) Encourage a more pedestrian-friendly environment through attention to human-scale form and site features that limit large, bulky buildings;

(3) Foster greater compatibility between adjacent residential and non-residential and mixed-use development;

(4) Limit the impacts of automobile-oriented development in certain Character districts; and

(5) Improve the appearance of the city generally.

B. APPLICABILITY

The standards in Table 5.9.5, Non-Residential and Mixed-Use Form Standards, shall apply to:

(1) All new non-residential and mixed-use development, except for industrial development, in the Downtown, Traditional Coastal and Suburban character districts, but not including development in the Downtown zoning districts or subject to an exemption identified elsewhere in this section.

(2) For new, non-residential development proposed in a building originally constructed for industrial use, only the requirements of Component 5, Fenestration/Transparency, shall apply.

(3) Any expansion or alteration of an existing non-residential or mixed-use development, except in the Downtown zoning districts and except for industrial development, if the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area.

C. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for a planned development (Section 2.4.5), site plan review (Section 2.4.18), or Zoning Certificate (Section 2.4.14), as appropriate.

D. FORM STANDARDS

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Component 1: Building Orientation and Configuration				
The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front a street, a courtyard, or plaza.	A			
All buildings with 100 feet or more frontage on a street shall have at least one pedestrian entrance onto a street for every 100 feet of frontage on the street.	A			NA
All building frontages that face a street shall be multi-story or, if single story, shall be at least 20 feet in height.	A			NA
Single-Building Development				
All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.	A			
Multi-Building Development				
Developments composed of multiple buildings totaling 100,000 or more square feet of floor area shall be configured to:				
• Break up the site into a series of smaller "blocks,"	NA			A

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
• Frame the corner of an adjacent street intersection or entry point to the development,	A			
• Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate.	NA			A
The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.	A			

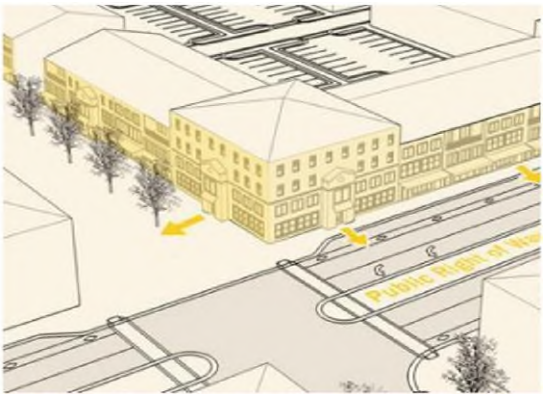


Figure 5.9.5(A). Building Orientation

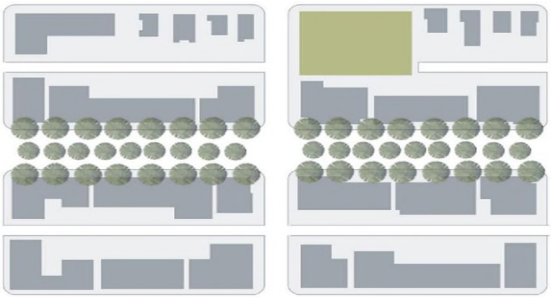


Figure 5.9.5(B). Breaking Up Sites into a Series of Smaller Blocks

Component 2: Outparcel Development	
Outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings, to the maximum extent practicable.	A
Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as seating areas, gathering spaces, and pedestrian connections.	A

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

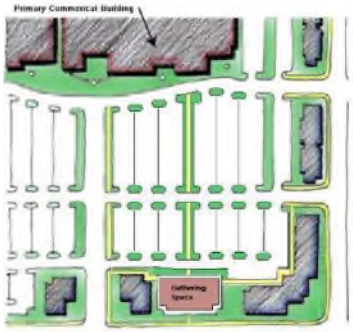
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
 *Figure 5.9.5(C). Outparcel Development*				
Component 3: General Building Form				
Buildings of three or more stories shall include a clearly recognizable base, middle, and top on their front facades configured in accordance with the following standards:				
• Building bases shall incorporate one or more of the following that distinguish the building base from the remainder of the façade: o Thicker walls, ledges, and/or sills; and o Change in materials.		A		NA
• Building tops shall include one or more of following features that distinguish the building top from the remainder of the facade: o Three-dimensional cornice treatments o Sloping roofs with overhangs and brackets; o Stepped parapets; or o Aligned openings and articulations (see Figure 5.9.5(D), Building Form with Base, Middle, and Top).	 *Figure 5.9.5(D). Building Form with Base, Middle, and Top*	A		NA
Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.		A		
Component 4: Façade Articulation				
Street-facing front building façades that are greater than 80 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced as follows:		NA	Every 40 feet	

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

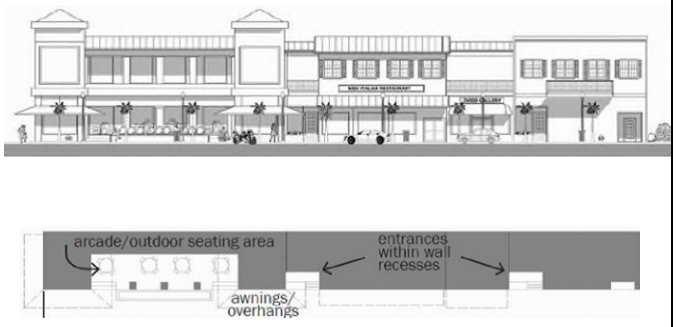
STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
The following alternatives can be used alone or in combination as an alternative to the required front façade offsets: • Changes in material that follows the same dimensional standards as the offset requirements; • Columns or pilasters at least 8 inches deep, 8 inches wide, and 80 percent of the façade's height; or • Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall.	NA	A		
The street-facing side façades of buildings shall be articulated with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping at least six feet in height.	A		NA	
Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and detail on all sides of the building as well as exterior materials that are compatible with the primary building in the development.	A			NA
 *Figure 5.9.5(E). Consistent Facade Treatments for Outbuildings*	 *Figure 5.9.5(F). Example of Façade Articulation*			
Component 5: Fenestration/Transparency				
Minimum percentages of the street-facing façade area of the ground-level floor of buildings shall be occupied by windows or doorways that comply with the following minimum fenestration requirements.	50		35	
Minimum percentages of the street-facing façade area of floors above the ground-level floor of buildings, as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor, as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor, shall be occupied by windows or doorways that comply with the following minimum fenestration requirements:	30		20	

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN

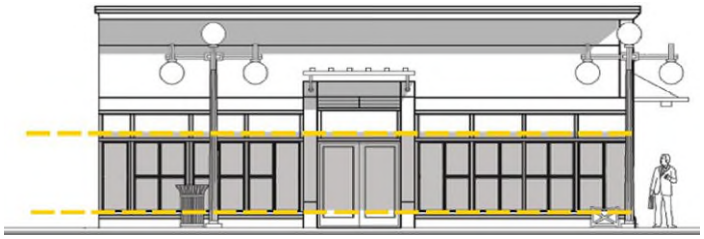


Figure 5.9.5(G). Example of First Floor Fenestration

Component 6: Roofs

Any principal building greater than 10,000 square feet in area with a sloped roof, shall include two or more different sloping roof planes, each with a minimum pitch, as follows:	3:12 to 2:12	NA
Any principal building greater than 10,000 square feet in area with a flat roof shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.	A	NA
Alternative roof forms or pitches are allowed for small roof sections over porches, entryways, or similar features.	A	NA
All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.	A	

Component 7: Parking Location

Location of parking areas shall comply with the standards in Section 5.1.7.A, Locational Standards.	
Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways designed to appear as streets.	A

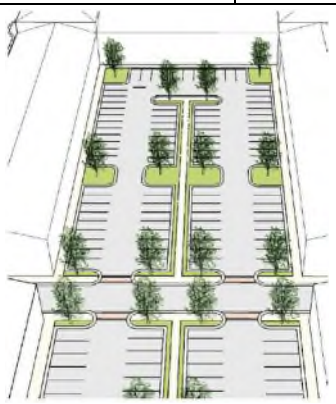


Figure 5.9.5(H). Example of Organization of a Large Parking Lot

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
Component 8: Loading, Service, and Equipment Areas				
Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas.	A			
Outdoor storage areas shall be fully screened from adjacent streets and detached single-family dwellings.	A			
Areas associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.	A			
Component 9: Form Standards for Large Retail Buildings				
Single-tenant buildings that have a gross floor area of 50,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities ("large retail buildings") shall also comply with the following sections of this table.				
Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following: • Canopies or porticos above the entrance; • Roof overhangs above the entrance; • Entry recesses or projections; • Arcades that are physically integrated with the entrance; • Raised corniced parapets above the entrance; • Gabled roof forms or arches above the entrance; • Outdoor patios or plazas adjacent to the entrance; • Display windows that are directly adjacent to the entrance; or • Integral planters or wing walls that incorporate landscaped areas or seating areas.	A			
To reduce their perceived mass and scale, buildings shall incorporate two or more of the following features on each façade facing a street: • Variations in roof form and parapet heights; • Pronounced wall offsets that are at least two feet deep; • Distinct changes in texture and color of wall surfaces; • Ground level arcades and second floor galleries or balconies; • Protected and recessed entries; and • Vertical accents or focal points.	A			
Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern.	A			
Location of parking areas shall comply with the standards in Section 5.1.7.A, Locational Standards.				
Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or access ways designed to appear as streets.	A			

TABLE 5.9.5: NON-RESIDENTIAL AND MIXED-USE FORM STANDARDS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD	CHARACTER DISTRICT			
	DOWNTOWN	TRADITIONAL	COASTAL	SUBURBAN
 *Figure 5.9.5(I). Large Retail Building Entrances and Massing*				

1. Distinctive entry feature
2. Street-facing facades articulated with offsets
3. Raised cornice parapets
4. Side walls not facing a street and over 30 feet long shall be articulated

5.10 NEIGHBORHOOD PROTECTION

5.10.1. PURPOSE AND INTENT

The purpose of these neighborhood protection standards is to provide a proper transition and ensure compatibility between single-family detached, single-family semi-detached, or two-family dwellings, vacant lands in the single-family residential zoning districts, and other more intense forms of development. More specifically, it is the intent of these standards to:

A. Provide effective transitions between single-family detached, single-family semi-detached, or two-family dwellings and vacant lands in the single-family residential zoning districts, and more intense uses;

B. Protect the character of existing neighborhoods consisting of primarily single-family detached, single-family semi-detached, or two-family dwellings from potentially-adverse impacts resulting from more intense and incompatible adjacent forms of development;

C. Limit the excessive consumption of available land though the utilization of large vegetated buffers in favor of development form and design treatments; and

D. Establish and maintain vibrant pedestrian-oriented areas where differing uses can operate in close proximity to one another.

5.10.2. APPLICABILITY

A. GENERAL

(1) Unless exempted in accordance with subsection B, below, these standards apply to:

(a) New multi-family, non-residential, and mixed-use development when located on land adjacent to, or across a street or alley from, existing single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in the single-family residential zoning districts (SF-2, SF-4, SF-6, SF-10, and SF-T districts).

(b) Any expansion or alteration of an existing multi-family, non-residential, or mixed-use development located on land abutting or across a local street or alley from existing single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential zoning district, where the expansion increases the development's floor area by 50 percent or more, or the alteration involves 50 percent or more of the development's floor area.

(2) For the purposes of this section:

(a) "Multi-family" shall include the following:

(i) Live/work dwellings;

(ii) Multi-family dwellings; and

(iii) Townhouse dwellings.

(b) "Non-residential development" shall include the following:

(i) Uses in the Commercial Uses and Industrial Uses classifications,

(ii) Uses in the Public, Civic, and Institutional Uses classification (except college or university; cultural facility, museum, or library; government office; school, boarding; school, elementary; school, secondary; school, vocational or trade; and religious institution); and

(iii) Uses in the Group Living Uses category.

B. EXEMPTIONS

Uses exempt from these standards (see Figure 5.10.2, Applicability of Neighborhood Protection Standards) include the following:

(1) Adaptive re-uses of buildings designated Historic Landmark;

(2) Any building that obtains approval from the ARB where the ARB finds the building to be architecturally appropriate in the context of the neighborhood;

(3) Multi-family, non-residential, and mixed-use development adjacent to a single-family detached, single-family semi-detached, or two-family dwelling located on a lot within a Downtown or Industrial district;

(4) Multi-family, non-residential, and mixed-use development located on lots separated from single-family residential development by a street with four or more lanes or a right-of-way of greater than 100 feet; and

(5) The following Community Service uses:

(a) College or university;

(b) Cultural facility, museum, or library;

(c) Government office;

(d) School, boarding;

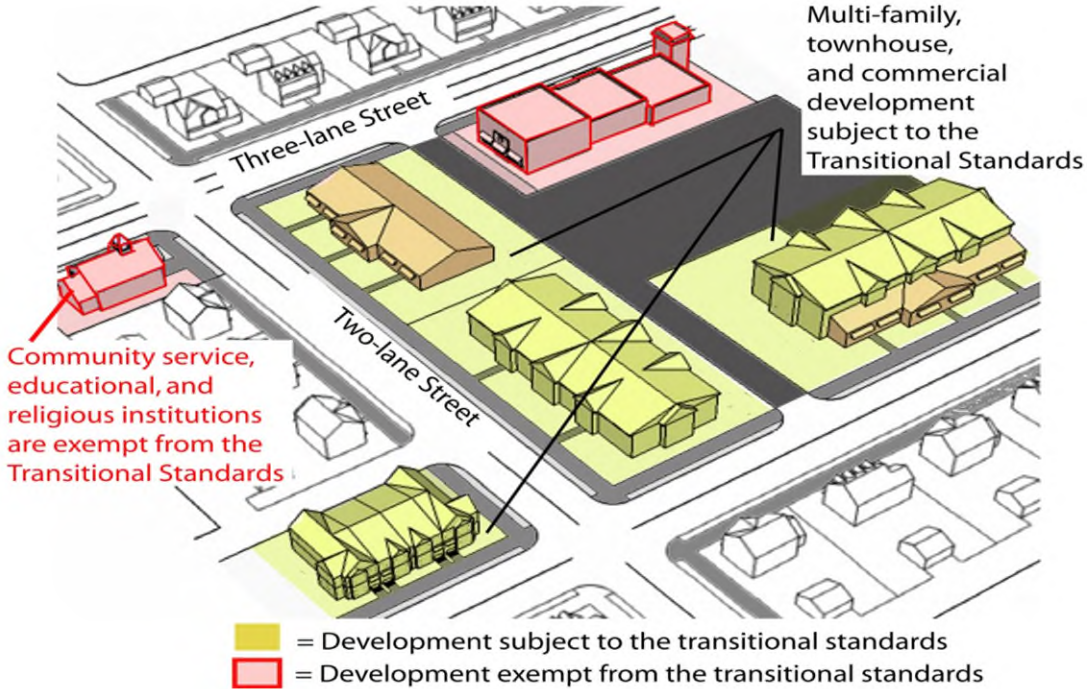
(e) School, elementary;

(f) School, secondary;

(g) School, vocational or trade; and;

(h) Religious institution.

Figure 5.10.2: Applicability of Neighborhood Protection Standards



C. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for either a conditional rezoning (see Section 2.4.4, Conditional Rezoning). planned development (see Section 2.4.5, Planned Development District), Conditional Use Permit (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Major Site Plan, or Section 2.4.19, Minor Site Plan), or Zoning Certificate (see Section 2.4.14, Zoning Certificate), as appropriate.

D. CONFLICT

In the case of conflict between these neighborhood protection standards and other standards in this Ordinance, these neighborhood protection standards shall control, unless the other standard is in a Pedestrian Commercial Overlay zoning district.

5.10.3. NEIGHBORHOOD PROTECTION STANDARDS

A. BUILDING HEIGHT/SETBACKS

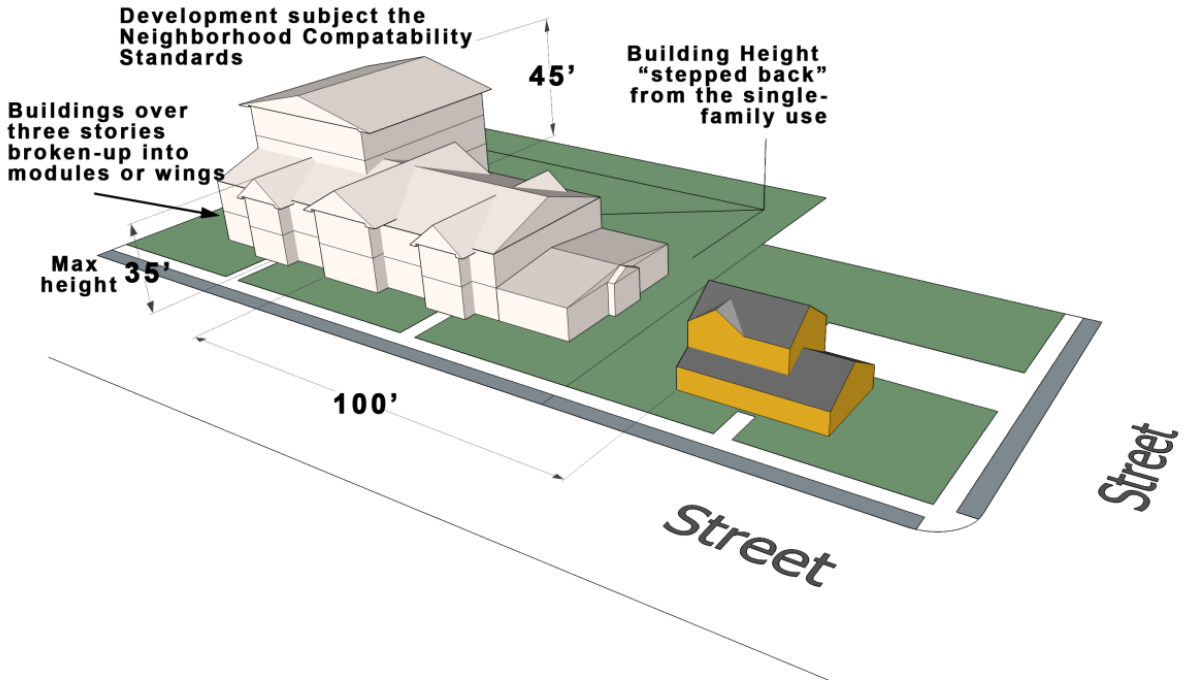
(1) Building setbacks shall be consistent with other buildings on the block face and across the street to maintain a consistent plane or edge of buildings along public frontages, or if the majority of the land on the block face is vacant the setbacks for the zoning districts in which the buildings are located. Building setbacks shall vary no more than ten percent of adjacent buildings setbacks.

(2) Building height shall not exceed the maximum height established in Table 5.10.3(A), Maximum Height in Neighborhood Protection Areas.

TABLE 5.10.3(A): MAXIMUM HEIGHT IN NEIGHBORHOOD PROTECTION AREAS	
DISTANCE FROM SINGLE-FAMILY DETACHED, SINGLE-FAMILY SEMI-DETACHED, AND TWO-FAMILY DWELLING [1]	**MAXIMUM HEIGHT**
Less than 100 feet	Lessor of: 3 stories or 35 feet
100 to 150 feet	Lessor of: 4 stories or 45 feet
NOTES: [1] All minimum zoning district setbacks shall apply.	

(3) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district (see Figure 5.10.3(A), Building Height Modulation).

Figure 5.10.3(A): Building Height Modulation



B. BUILDING ORIENTATION

Buildings shall be oriented towards the street from which they derive their street address.

C. BUILDING FORM

(1) Buildings shall:

(a) Use a similar roof type (pitch, form, and materials) to adjacent single-family detached, single-family semi-detached, or two-family dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;

(b) If within 100 feet of a lot on which a single-family detached, single-family semi-detached, or two-family dwelling is located, or vacant lands in a single-family residential district, maintain a pitched roof;

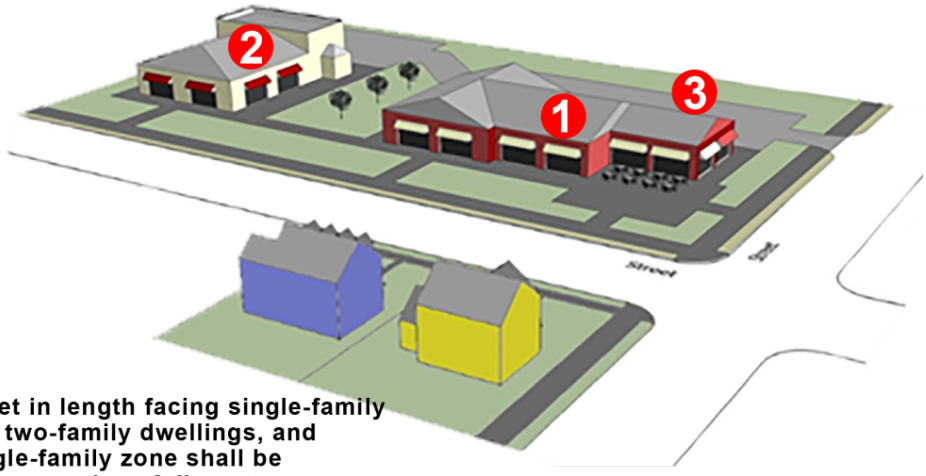
(c) Configure all roof-mounted equipment to screen its view from adjacent streets and single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district;

(d) Use similarly sized and patterned (depth, distance, and form) wall offsets and other building articulations found on adjacent single-family detached, single-family semi-detached, and two-family dwellings; and

(e) Ensure porches, balconies, and outdoor activity areas do not face adjacent single-family detached, single-family semi-detached, and two-family dwellings, and vacant lands in a single-family residential district.

(2) Retail building facades that face single-family detached, single-family semi-detached, and two-family dwellings and vacant lands in a single-family residential district shall appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total facade width of the building (see Figure 5.10.3(B), Compatible Building Massing).

Figure 5.10.3(B): Compatible Building Massing



1. **Buildings over 50 feet in length facing single-family detached dwellings, two-family dwellings, and vacant land in a single-family zone shall be designed to appear as a series of discrete storefronts.**

2. **Use of similarly-sized and patterned wall off-sets and building articulations found on adjacent single-family and two-family detached dwellings.**

3. **Pitched roof within 100 feet of single-family dwellings, two-family dwellings, and vacant land in single-family districts.**

D. TRANSPARENCY

Building facades across the street from single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district, shall comply with the standards in Table 5.10.3(B), Transparency Standards.

TABLE 5.10.3(B): TRANSPARENCY STANDARDS

BUILDING STORY	MINIMUM FAÇADE AREA TO BE TRANSPARENT (PERCENT) [1] [2] [3]
1st Floor	35
2nd Floor	20
3rd or Higher Floor	20

NOTES:
[1] The facade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories.
[2] Facades abutting sidewalks, plazas, gathering areas, or other pedestrian areas shall incorporate transparent features.
[3] The first two feet of facade area closest to the grade are not required to be transparent and shall be excluded from the façade area calculation

E. MULTI-BUILDING PLACEMENT

For multi-building development that includes varying use and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to the abutting single-family

detached, single-family semi-detached, or two family dwellings, or vacant lands in a single-family residential district.

F. OFF-STREET PARKING

(1) The total amount of off-street parking shall not exceed 1.1 times the required minimum specified in Table 5.1.7(D), Minimum Number of Parking Spaces, and may be reduced through an alternative parking plan (see Section 5.1.7.C, Alternative Parking) that demonstrates such reduction will not have an adverse impact on the adjacent single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district.

(2) When required, off-street parking shall be established in one or more of the following locations, listed in priority order in Table 5.10.3(C), Priority Order for Location of Off-Street Parking.

TABLE 5.10.3(C): PRIORITY ORDER FOR LOCATION OF OFF-STREET PARKING

PRIORITY ORDER	
1.	Adjacent to off-street parking lots serving non-residential development on abutting lots
2.	Adjacent to lot lines abutting non-residential development
3.	Adjacent to lot lines abutting mixed-use development
4.	Within a lot's corner side yard
5.	Behind the building
6.	In front of the building
7.	Adjacent to lot lines abutting single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district

(3) Off-street parking areas shall be screened with a Type B buffer as per Section 5.3.4, Perimeter Buffer Standards.

(4) The facade of any parking structure facing adjacent single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district, shall be configured to appear as an articulated or landscaped building wall, to soften its visual impact.

G. OTHER SITE FEATURES

(1) Loading, Service, and Refuse Collection Areas

Loading, service, and refuse collection areas shall be:

(a) Located behind or to the sides of buildings away from adjacent single-family detached, single-family semi-detached, or two family dwellings, or vacant lands in a single-family residential district, and screened with

walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network; or

(b) Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district.

(2) Drive-Through Facilities

(a) In no instance shall a pick-up window be located on a building façade that faces a single-family detached, single-family semi-detached, or two-family dwelling, or adjacent vacant lands in a single-family residential district.

(b) Order boxes associated with a drive through or pick-up window shall be at least 100 feet from a lot containing a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district.

(3) Exterior Lighting

Exterior lighting shall have a maximum height of 15 feet and illumination that does not exceed 0.5 foot candles at the lot line, if within 50 feet of a lot containing a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district. Exterior lighting shall have a maximum height of 18 feet if within between 50 and 150 feet of such lot or lands (and illumination that does not exceed 0.5 foot candles at the lot line).

(4) Signage Standards

(a) To the maximum extent practicable, signage shall be located a minimum of 50 feet from lot lines shared with a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district.

(b) Within 50 feet of lot lines shared with a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district, the maximum sign copy area for signs shall be reduced by 25 percent.

(c) Signage within 20 feet of a lot line shared with a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district, shall be limited to ground signage.

(5) Open Space Set-Asides

(d) Open space set-asides shall be located between a proposed development and an adjacent single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district, to the maximum extent practicable.

(e) Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 50 feet from any lot line shared with a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district.

(6) Natural Features

Natural features such as existing vegetation, streams, wetlands, and other such features shall be used as transitions, where possible. Where such natural features are protected and preserved as transitions, pedestrian connections to adjoining uses are strongly encouraged.

(7) Utilities

All utilities serving individual buildings or developments shall be located underground.

H. OPERATIONAL STANDARDS

Development subject to these standards shall:

(1) Prohibit outdoor dining or other outdoor activities within 150 feet of a single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district, except where:

(a) There is a building between the outdoor activities and the single-family detached, single-family semi-detached, or two-family dwelling, or vacant lands in a single-family residential district; or

(b) The outdoor dining is closed by 9:00 p.m. unless later hours are approved by Conditional Use Permit.

(2) Limit trash collection or other service functions to only between the hours of 7:00 a.m. and 7:00 p.m.; and

(3) Extinguish amplified music, singing, or other forms of noise audible at lot lines shared with single-family detached, single-family semi-detached, or two-family dwellings, or vacant lands in a single-family residential district, after 10:00 p.m. Sunday through Thursday nights, and 12:00 a.m. Friday and Saturday nights.

5.11 ACCESSORY STRUCTURES

5.11.1. PURPOSE AND INTENT

The purpose and intent of these accessory structures provisions is to establish standards for the development of accessory structures.

5.11.2. APPLICABILITY

These standards apply to the development of all, unless stated otherwise in this section.

5.11.3. GENERAL

The following standards apply to all accessory structures:

A. Accessory structures are permitted in any zoning district in connection with any principal use lawfully existing within such district provided that such accessory structures conform to all applicable requirements of this ordinance.

B. No accessory structure shall impede the access to or function of a parking lot (off-street parking area).

C. Unless otherwise specified, no accessory structure shall be located in a required front yard or corner lot side yard.

D. Unless otherwise specified, an accessory structure shall comply with the minimum setback standards and structure height limits applicable in the zoning district where the structure is located.

E. Plumbing fixtures, except one toilet and one sink, are prohibited in an accessory structure, unless as part of an accessory dwelling unit in accordance with Section 4.3.3.E(1)(a), Accessory Dwelling Unit.

F. Exterior stairways on an accessory structure are prohibited.

G. An accessory structure shall comply with the standards in Table 5.11.3: Dimensional Standards for Accessory Structures. In the event that there is a conflict between the standards in Table 5.11.3, and any performance standard, the performance standard shall control.

TABLE 5.11.3: DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES

Lot coverage, max. (%)	20 [1]
Front Yard Setback, min. (ft.)	Same as principal use [2]
Corner Side Yard Setback, min. (ft.)	Same as principal use, accessory structures not permitted in setback
Side Yard Setback, min. (ft.)	3, or the side yard setback as required by the district if the majority of the building is outside

TABLE 5.11.3: DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES		
		the rear yard required by the district [3] [4]
Rear Yard Setback, min. (ft.)		3 [3] [4]
Rear Yard Setback (adjacent to the street), min. (ft.)		Same as the corner side yard setback as required by the district
Building Height, max. (ft.)	Accessory to residential use	14 [5] [6]
	Accessory to non-residential use	35 [7]

Notes:

[1] An accessory structure located in the required rear yard setback area (for the principal structure) shall not occupy more than 50 percent of the total required rear yard setback area.

[2] Signs, flags, fountains, sculptures, and similar structures may be located within the front setback.

[3] The standard shall be five feet if adjacent to an alley that is wider than 20 feet.

[4] Buildings with masonry party walls on adjoining properties may be built to the side or rear lot line.

[5] If the structure is located not less than 15 feet from a side or rear lot line, maximum height shall be 20 feet.

[6] No dormer shall exceed 50 percent of the surface area of the roof face, as measured by the width of either roof face.

[7] The standard does not apply to satellite dishes and communication towers, provided they comply with applicable federal standards.

5.11.4. RESERVED

5.11.5. AMATEUR HAM RADIO ANTENNA

An amateur radio antenna shall comply with the following standards:

A. The antenna shall not exceed a height of 90 feet above grade.

B. An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure.

C. A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line.

D. The ZA shall waive or approve a deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.

5.11.6. FENCES AND WALLS

Fences and walls shall comply under the following standards:

A. GENERAL STANDARDS

(1) Fences and walls may be located anywhere on private land including the property line between two or more parcels of land held in private ownership.

(2) Fences and walls may be located within any required yard.

(3) Fences located within utility easements shall receive written authorization from the easement holder or the city, as appropriate. The city shall not be

responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.

(4) A fence or wall shall not be installed so it blocks or diverts a natural drainage flow onto or off of any land. Nothing in this subsection shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

(5) Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.

(6) Fences and walls may be installed within required landscaping areas, subject to an approved landscaping plan. They shall be configured so as not to disturb or damage existing vegetation or installed plant material, to the maximum extent practicable.

(7) Fences and walls located within a required sight distance triangle shall be consistent with the definition of sight distance triangle in Section 8.3, Definitions and Rules of Measurement**.**

(8) Fences and walls shall not block access from a window or door either on the land on which they are installed or on a neighboring property.

(9) Fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to:

- **(a)** The replacement of missing, decayed, or broken structural or decorative elements;
- **(b)** The repair of deteriorated or damaged fence materials; and
- **(c)** The prevention or repair of weathered surfaces visible from the public right-of-way, sagging, and leaning of any fence or wall post more than ten degrees from vertical.

(10) Fences and walls located within required yards shall comply with the standards in Table 5.11.6, Height Standards for Fences and Walls.

TABLE 5.11.6: HEIGHT STANDARDS FOR FENCES AND WALLS

LOCATION	MAXIMUM HEIGHT (FEET)				
	RESIDENTIAL AND PLANNED DEVELOPMENT ZONING DISTRICTS	COMMERCIAL AND SPECIAL PURPOSE ZONING DISTRICTS	INDUSTRIAL ZONING DISTRICTS	DOWNTOWN ZONING DISTRICTS	HISTORIC AND CULTURAL CONSERVA--TION ZONING DISTRICTS
Front yard	2.5, or 4 if fence or wall at least 50 percent transparent.	2.5, or 4 if fence or wall at least 50 percent transparent. Fences and walls are not permitted in O, BC-O, and BC-I districts.	2.5, or 6 if fence or wall at least 50 percent transparent.	2.5, or 4 if fence or wall is at least 50 percent transparent.	2.5, or 4 if fence or wall is at least 50 percent transparent.
Rear yard (interior)	6, or 8 if abutting a multi-family use in a multi-family district or non-residential use.	8	8	8	6, or 8 if abutting a multi-family use in a multi-family district or non-residential use.
Rear yard (adjacent to a street)	2.5, or 6 if fence or wall at least 50 percent transparent or if abutting an alley less than 30 ft., 6 ft. fence or wall 5 ft. from property line.	2.5, or 6 ft. if fence or wall at least 50 percent transparent Fences and walls in the O, BC-O, and BC-I zoning districts shall be 50 percent transparent	2.5, or 6 if fence or wall at least 50 percent transparent.		
Side yard (corner)	2.5, 6 if fence or wall at least 50 percent transparent, or 6 ft. fence or wall 3 ft. from property line not to extend any closer toward the front of the lot than the rearmost portion of the residence.	2.5, or 6 if fence or wall at least 50 percent transparent Fences and walls are not permitted in O, BC-O, and BC-I districts	2.5, or 6 if fence or wall at least 50 percent transparent.	2.5, or 4 if fence or wall at least 50 percent transparent.	6, or 8 if fence or wall at least 50 percent transparent.
Side yard (interior)	6, or 8 if abutting a multi-family use in a multi-family district or non-residential use.	8	8	8	6, or 8 if abutting a multi-family use in a multi-family district or non-residential use.
Notes: ft. = feet					

(11) Materials

(a) Unless otherwise specified, fences and walls shall be constructed of any one or more of the following materials:

(i) Masonry or stone;

(ii) Ornamental iron or faux iron (made of aluminum), except that fencing shall not incorporate spiked tops within a Residential base zoning district without approval of a security exemption plan in accordance with Section 5.8.9, Exemptions for a Security Plan;

(iii) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;

(iv) Composite materials designed to appear as wood, metal, or masonry;

(v) Chain link; or

(vi) Walls clad with substrate material intended to support living vegetation.

(b) The following fence types or materials are prohibited:

(i) Barbed and/or razor wire, unless installed in accordance with City Code approved as part of a security exemption plan in accordance with Section 5.11.6.B, Exemptions for a Security Plan, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the city by a regulated public utility;

(ii) Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber); and

(iii) Above-ground fences that carry electrical current in the Residential districts and Downtown districts (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

(12) Fences for athletic fields and recreational facilities located within the setback adjacent to the street shall:

(a) Not exceed six feet in height, and

(b) Be 50 percent open.

(13) Fences and walls in corner lots and through lots shall either Comply with Table 5.11.6, Height Standards for Fences and Walls, or not exceed six feet in height, whichever is more restrictive.

(14) Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more “finished” side of the fence shall face the exterior of the lot rather than the interior of the lot (see Figure 5.11.6, Fence with Finished Side Out). The Zoning Administrator may authorize a deviation from this requirement based on impeded access or documented security concerns, but never where the fence faces a public right-of-way.

Figure 5.11.6: Fence with Finished Side Out



(15) If a fence is located on a property line, its height shall be measured from the side of the fence facing the exterior of the lot.

(16) All fencing or wall segments located along a single lot side shall be composed of a uniform style.

(17) Fences and walls shall comply with all applicable Building Code requirements.

(18) Gates shall comply with the following standards.

(a) All gates shall have hardware to secure the gate in a closed position.

(b) All unattended gates and gates opening onto a public sidewalk area shall be self-closing and self-latching.

(19) Except in any historic (HC or HO), FPCH-O, or CBPA-O, district, on any corner lot, or on any through lot, the construction of a fence or wall shall be exempt from the requirements of Section 2.3.6, Administrative Review Procedure.

B. EXEMPTIONS FOR A SECURITY PLAN

A landowner, tenant, or a representative of a public agency responsible for a government facility or a commercial or industrial use in need of heightened security may submit to the ZA a security exemption plan proposing a fence or wall taller than those permitted by this section or proposing the use of barbed and/or razor wire or electric wire atop a fence or wall for security reasons. The ZA may approve or approve with conditions, the security exemption plan, upon finding all of the following:

(1) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

(a) A taller fence or wall;

(b) An electric fence; or

(c) Use of barbed and/or razor wire atop a fence or wall.

(2) The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

5.11.7. FREIGHT CONTAINERS AND SHIPPING CONTAINERS

Except as permitted in the districts listed below, or as a temporary use in accordance with the performance standards set forth in Section 4.4.3.B(2)(h), Outdoor display and storage, freight containers and shipping containers, as defined in this Ordinance, shall not be placed on any lot.

A. ZONING CERTIFICATE REQUIRED

No freight or shipping container shall be placed on a lot without a zoning certificate approving the placement of such containers on the lot.

B. GENERAL STANDARDS

(1) The container shall be maintained in a rust-free and undamaged state.

(2) The container shall be placed on a paved area or on a purpose-built concrete pad.

(3) The container shall not be located within any required front yard, corner side yard, or special yard, nor within any required perimeter buffer.

(4) The container shall not be located within 3 feet of any property line.

(5) Except as addressed by subsection C(2)(a), below, the container shall be exclusively used for the storage of goods or materials associated with a principal use located on the same lot.

(6) Any sign painted or affixed to the container shall comply with the accessory structure sign limits found in Section 5.7.7, Permitted Signs.

C. STANDARDS FOR SPECIFIC DISTRICTS

(1) In the I-G, I-W, and I-DW districts:

(a) No signage legible from any adjacent property or public right-of-way shall be affixed to any container.

(b) The maximum height of stacked containers shall not exceed either the number of feet equivalent to the distance to the nearest property line or 35 feet, whichever is less.

(2) In the I-L, BC-I, and BC-O districts:

(a) Unless a trucking terminal, distribution center, warehouse, wholesale, or similar industrial use is operating on the property where the container is located, the container shall be used exclusively for the storage of goods or materials associated with a principal use located on the same lot.

(b) The container shall not be stacked on top of another container.

(c) Any container that is visible from a public right-of-way, Residential district, or property containing a dwelling unit shall either be screened from view with a fence, wall, or landscape plantings or be finished so the original exterior of the container is no longer visible.

(3) In the IN, and IN-C districts:

(a) A minimum of one shipping container shall be permitted on each lot; for lots at least 200 feet in width, one additional container shall be permitted for each additional 100 feet of lot width above 100.

(b) The container shall not be stacked on top of another container.

(c) Any container that is visible from a public right-of-way, Residential district, or property containing a dwelling unit shall be either screened from view with a fence, wall, or landscape plantings or be finished so the original exterior of the container is no longer visible.

(4) In the C-C and C-R districts:

(a) A minimum of one shipping container shall be permitted on each lot; for lots at least 200 feet in width, one additional container shall be permitted for each additional 100 feet of lot width above 100.

(b) The container shall not be stacked on top of another container.

(c) Any container that is visible from a public right-of-way, Residential district, or property containing a dwelling unit shall be either screened from view with a fence, wall, or landscape plantings or be finished so the original exterior of the container is no longer visible.

5.11.8. RAINWATER CISTERN OR BARREL

A rainwater cistern or barrel shall comply with the following standards:

A. An above ground rainwater cistern or barrel shall be located directly adjacent to the principal structure on a lot.

B. A rain barrel or cistern shall not serve as signage or have signage affixed to it.

5.11.9. SATELLITE DISH ANTENNA

A satellite dish antenna shall comply with the following standards:

A. The maximum diameter shall not exceed nine and one-half feet, unless:

(1) The unit is mounted on a rooftop and is not visible from the public right-of-way.

(2) The unit is located in the rear yard and not mounted to a building.

B. The satellite dish antenna(s) shall comply with applicable federal standards.

C. Advertising or signage is prohibited.

D. Only one satellite dish antenna shall serve a residential dwelling unit. For all other uses, one or more antennas are allowed.

E. The following standards regarding the allowable location of a satellite dish antenna are dependent on the reception of usable satellite signals. Usable satellite signals are those signals from communication satellites that are at least equal in quality to those received from local commercial stations or by way of cable television, or that meet accepted broadcast industry standards of good engineering practice.

(1) Where usable signals can be obtained, the antenna shall be ground-mounted and located in the rear yard.

(2) If usable signals cannot be obtained from a rear yard location, the antenna shall be ground-mounted and located in either side yard.

(3) If usable signals cannot be obtained from a side yard location, the antenna may be mounted on a pole or any other structure.

(4) In no event shall a satellite dish antenna be located in the front yard.

(5) On lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces a side street, the rear, side, and front yards, as used herein, shall mean the yards at the rear, side and front of the building.

F. A satellite dish antenna with a diameter greater than ten feet is allowed only with approval of a Conditional Use Permit approved in accordance with Section 2.4.8, Conditional Use Permit, and only if:

(1) It is shown that usable satellite signals cannot be obtained with smaller size satellite dishes. For the purposes of this subsection, usable satellite signals are those signals from communication satellites that are at least equal in quality to those received from local commercial stations or by way of cable television, or that meet accepted broadcast industry standards of good engineering practice.

(2) Each satellite dish antenna shall be located at least two feet from any side or rear lot line.

G. Notwithstanding anything above to the contrary, a satellite dish antenna with a diameter of six feet, four inches or less, may be mounted on the roof of any building other than a single-family dwelling unit.

H. Screening shall be provided along the rear and sides of any ground-mounted satellite dish antenna visible from the street or surrounding property, as viewed at ground level.

I. A satellite dish antenna may be located within any required landscaped area except along a street.

5.11.10. SMALL CELL FACILITY

A. ZONING CERTIFICATE REQUIRED

No small cell facility shall be affixed to any structure or placed on any property prior to receiving a Zoning Certificate approving the installation.

B. APPLICATION

An application for any small cell facility, which may include a maximum number of 35 small cell facilities only if all are proposed to be located on existing structures, shall be submitted to the Department of City Planning and shall include all of the following information for each facility:

(1) The location and structure upon which the facility will be installed, including information sufficient to show whether the structure is capable of supporting the facility.

(2) The dimensions of the facility, including the length, depth, and height above ground level of any exposed elements.

(3) Documentation showing permission from the owner of the structure to locate the facility on the structure.

(4) Diagrams, renderings, to other visual representations sufficient to show the appearance, construction, materials, finishes, colors and method of installation of all elements of the facility.

(5) A name, address, telephone number, and valid electronic mail address for the applicant.

(6) For any application for an administrative approval without securing a conditional use permit, the location and height above ground level of all utility poles located within 500 feet of the proposed site of the new structure designed to support the facility.

C. FEE

An application fee, established by the city council, shall be required. The fee shall be limited to the direct, actual costs to process the application, process the permit, and conduct any inspections, and shall be subject to the following maximums:

(1) Small cell facilities located on existing structures

The fee shall not exceed $100 for each of the first five small cell facilities and $50 for each additional small cell facility that is included in the application.

(2) Small cell facilities proposed on new structures

For an administrative approval without securing a conditional use permit, the fee shall not exceed $500.

D. REVIEW OF APPLICATION

The application shall be reviewed and, if found to be incomplete, a written response shall be provided to the applicant by electronic mail within 10 days after receipt of the application specifying what information is lacking. In the event that no such response is timely provided, the application shall be deemed complete.

E. APPROVAL OR DENIAL

(1) Small cell facilities located on existing structures

Within 60 days after receipt of the complete application, a written response shall be provided to the applicant indicating that the application is approved, denied, or that an additional 30 days are needed for review. If no written response approving or denying the application is provided within 60 or, if the 30-day extension was invoked, within 90 days after receipt of the complete application, then the application shall be deemed approved.

(2) Small cell facilities proposed on new structures

Within 150 days after receipt of the complete application, or such shorter time as may be required by federal law, a written response shall be provided to the applicant indicating that the application is approved or denied. If no written response approving or denying the application is provided within the time established herein, then the application shall be deemed approved.

F. GROUNDS FOR DENIAL

(1) Written response documenting denial

If an application for a small cell facility is denied, the written response informing the applicant shall state the reasons for the denial. If the application that is denied was for a small cell facility on a new structure and modifications to the application would have allowed for an approval, the written response shall also identify those modifications.

(2) Small cell facilities located on existing structures

No application for a small cell facility located on an existing structure shall be denied except for the following reasons:

(a) The structure upon which the facility is proposed to be installed is not capable of supporting it.

(b) The dimensions of the facility exceed the maximum volume limits set out in the definition of "small cell facility" set forth in this Ordinance.

(c) The owner of the structure has not provided permission sufficient to allow the installation of the facility.

(d) The installation would potentially result in a material interference with other communications facilities that already exist, that do not exist yet but have been designed and planned for a specific location, or that have been reserved for future public safety communications facilities.

(e) The installation would interfere with public safety or other critical public service needs.

(f) If proposed to be installed on publicly-controlled structures, the installation of the small cell facility does not comply with the standards and requirements set forth in the city's "Right-of-Way Excavation & Restoration Manual" Attachment 12, entitled "Design Guidelines for the Installation of Wireless Telecommunications Facilities in the City of Norfolk Right-of-Way."

(g) The facility or the structure on which the facility is proposed to be installed is part of a designated Norfolk Historic Landmark or on property located in an HC district or HO overlay district such that a Certificate of Appropriateness would be required by the applicable regulations of Section 2.4.10.B of this Ordinance but no Certificate of Appropriateness permitting the facility has been granted.

(h) The facility or the structure on which the facility is proposed to be installed is in a specific location where the number of other facilities or structures meets or exceeds the maximum number allowed by the city.

(3) Small cell facilities proposed on new structures

An application for a small cell facility located on a new structure may be denied for any lawful reason, including the following:

(a) The dimensions of the facility exceed the maximum volume limits of the definition of "small cell facility" set forth in this Ordinance.

(b) The height of the structure on which the facility is to be located is more than 50 feet above ground level.

(c) The height of the structure on which the facility is to be located is more than 10 feet above the tallest existing utility pole located within 500 feet.

(d) The facility or the structure on which the facility is proposed to be installed is part of a designated Norfolk Historic Landmark or on property located in an HC district or HO overlay district such that a Certificate of Appropriateness would be required by the applicable regulations of Section 2.4.10.B of this Ordinance but no Certificate of Appropriateness permitting the facility has been granted.

(e) The facility or the structure on which the facility is proposed to be installed is in a specific location where the number of other facilities or structures meets or exceeds the maximum number allowed by the city.

G. AS A PRINCIPAL USE

Where the small cell facility or facilities on a single zoning lot are either the principal use or an integral component of the principal use on the zoning lot, they may be a permitted use, a use allowable by Conditional Use Permit, or a prohibited use, according to the table of principal uses for the district.

5.11.11. SOLAR ENERGY COLLECTION FACILITY, SMALL-SCALE

A small-scale solar energy collection facility shall comply with the following standards:

A. The facility shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.

B. Where an existing structure exceeds the applicable height limit, a solar energy collection facility may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

C. The land owner shall be responsible for negotiating with other land owners in the vicinity to establish any solar easements designed to protect solar access for the solar energy collection facility, and for recording any such solar easement with the land records of the city.

5.11.12. RESERVED

5.11.13. VENDING MACHINE

A vending machine shall comply with the following standards:

A. A vending machine outside of the primary structure is only permitted when accessory to a non-residential use.

B. In Commercial and Industrial districts, vending machines shall:

(1) Be located within an enclosure adjacent to the principal building or in accessory structures specifically designed to house vending machines.

(2) Not be located alongside yard fences or walls, or within any required setback adjacent to a street.

(3) Not face the street unless set back from the front façade of the building.

5.11.14. WIND ENERGY CONVERSION SYSTEM, SMALL-SCALE

A small-scale wind energy conversion system shall comply with the following standards:

A. Tower-mounted wind energy systems shall not be located within a front yard.

B. A small-scale wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

C. The maximum height of a small-scale wind energy system (including the tower and extended blades) shall be the maximum height allowed in the zoning district, plus 70 feet.

D. Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

E. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.

F. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

G. No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

H. On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

I. No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other

than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

J. No small-scale wind energy system intended to connect to the electric utility shall be installed until evidence has been provided to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

K. If use of the small-scale wind energy system is discontinued for a continuous period of six months, the city shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the city. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

5.12 RESILIENCE QUOTIENT

5.12.1. PURPOSE

The City of Norfolk is committed to being the coastal community of the future, with the capacity to endure and quickly recover from climatic and environmental shocks and stresses and bounce back quickly and stronger. All proposed development shall be reviewed to identify how it will enhance resilience for both the development specifically and the city generally. This section is intended to ensure development practices that promote resiliency in the following ways:

A. Reduce risks from flooding;

B. Conserve energy;

C. Promote the use of alternative energy;

D. Conserve water resources;

E. Protect water quality;

F. Manage stormwater;

G. Support walkable, mixed-use development in appropriate places;

H. Support multiple modes of mobility;

I. Promote a healthy landscape;

J. Support urban agriculture; and

K. Promote healthy and safe lifestyles

5.12.2. APPLICABILITY

Unless exempted by this section, all development shall comply with the resilience quotient standards of this section.

A. EXEMPTED DEVELOPMENT

The following development is exempted from the standards of this section:

(1) New buildings or redevelopment that have achieved or will achieve LEED requirements necessary to receive certification from the U.S. Green Building Council at the gold level or above;

(2) Renovation or rehabilitation of a building constructed prior to March 1, 2018 when the cost of the work is less than 50 percent of the appraised value of the development prior to the renovation or rehabilitation; and

(3) Expansion of a building constructed prior to March 1, 2018 whose expansion is less than 50 percent of the gross floor area of the building.

(4) Historic or architecturally significant buildings which meet at least one of the following criteria:

(a) Individually listed on the US Department of the Interior's National Register of Historic Places; or

(b) Individually listed in the Virginia Landmarks Register; or

(c) Noted as a contributing structure in a district listed within the US Department of the Interior's National Register of Historic Places or the Virginia Landmarks Register or a local historic district designated in accordance with this Ordinance; or

(d) Designated as a Norfolk Historic Landmark in accordance with Section 3.9.20, Historic Landmark.

5.12.3. TIMING OF REVIEW

Review for compliance with the standards of this section shall occur during review of a development application for either a conditional rezoning (see Section 2.4.4, Conditional Rezoning), planned development (see Section 2.4.5, Planned Development District), conditional use (see Section 2.4.8, Conditional Use Permit), site plan (see Section 2.4.18, Major Site Plan, or Section 2.4.19, Minor Site Plan), or Zoning Certificate (see Section 2.4.14, Zoning Certificate), as appropriate.

5.12.4. COMPLIANCE WITH RESILIENCE QUOTIENT STANDARDS

A. GENERALLY

Unless an alternative option is specified below, all new development and redevelopment to which the resilience quotient applies shall undergo site plan review (see Section 2.4.18, Major Site Plan, or Section 2.4.19, Minor Site Plan) during which the following conditions shall be reviewed and addressed:

(1) Reducing risks from flooding;

(2) Managing stormwater;

(3) Promoting energy resilience including the use of alternative energy;

(4) Conserving water resources and protecting water quality;

(5) Supporting multiple modes of mobility, specifically including walkability and bikeability;

(6) Developing in a manner that promotes healthy and safe environments and lifestyles; and

(7) Providing inclusionary dwelling units within mixed-income residential or mixed-use developments.

B. DOCUMENTATION REQUIRED

Applicants shall provide documentation of techniques that will be utilized to satisfy the requirements of this section at the time of submittal of a development

application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

C. INSTALLATION AND MAINTENANCE OF RESILIENCE QUOTIENT DEVELOPMENT ACTIVITIES REQUIRED

All Resilient Development Activities approved as a part of a development shall be installed, maintained and perpetuated. Failure to do so shall be a violation of this Ordinance and subject to the remedies and penalties prescribed in Article 7, Enforcement.

D. DETERMINATION OF COMPLIANCE

The ZA shall determine whether the Resilient Development Activities proposed meet the requirements of this Ordinance. In carrying out this responsibility, the ZA may seek advice and counsel from other City staff and outside subject matter experts prior to issuing a determination. To the extent practicable, all determinations shall be rendered in writing stating the reasons therefor.

5.12.5. RESILIENCE QUOTIENT COMPLIANCE FOR SINGLE FAMILY DEVELOPMENT

A. APPLICABILITY

Any proposed development that includes only single family detached dwellings may elect to comply with the resilience quotient standards for single family development in this subsection in lieu of the site plan review process established in Section 5.12.4, Compliance with Resilience Quotient Standards, above.

(1) Risk Reduction

The lowest habitable floor and all significant electrical and mechanical equipment shall be elevated at least 16 inches above the highest existing grade adjacent to the front façade of the structure, unless a greater elevation is required by the provisions of the FPCH-O district.

(2) Stormwater Management

Either of the following shall be implemented:

(a) Roof drainage shall be intercepted and detained on site within a system providing no less than 200 gallons of total storage capacity; these requirements shall be memorialized in an agreement in lieu of a plan for stormwater.

(b) For each 25 ft. of lot frontage, rounded down (but never less than one (1)), one of the following shall be preserved or planted on site in accordance with Table 5.2.5(B), Minimum Tree and Shrub Size:

(i) One healthy, medium tree.

(ii) One healthy, large tree.

(iii) Two healthy, small trees.

(3) Energy Resilience

The electrical systems of the dwelling shall be designed with pre-installed wiring and connections to allow safe use of a generator during electricity outages and/or connection of solar, wind, or other locally-generated electricity source.

The ZA, for good cause shown, may authorize in writing minor deviations from the above requirements that achieve the same resilience goals to an equal or greater extent.

5.12.6. RESILIENCE QUOTIENT COMPLIANCE FOR MULTIPLE DWELLING UNIT RESIDENTIAL DEVELOPMENT

A. APPLICABILITY

The following types of development shall comply with the resilience quotient standards of this subsection:

(1) Any proposed multi-family residential development other than one or two single family dwellings not part of a common plan of development; or

(2) Any proposed development that includes one or more dwelling units as part of a mixed-use development. In this case, the standards of this subsection shall apply only to the residential portion of the development.

B. GENERALLY

Any multi-family residential development shall fully address all of the factors in Section 5.12.4, Compliance with Resilience Quotient Standards, during site plan review and shall comply with the following standards in so doing:

(1) The lowest habitable floor and all significant electrical and mechanical equipment shall be elevated at least 16 inches above the highest adjacent grade unless a greater elevation is required by the provisions of the FPCH-O district.

(2) 100% of the drainage from impervious surfaces on the site shall be captured and retained on site with sufficient storage to keep the first 1.25 inches of rainwater from an individual rain event on site without discharging onto neighboring properties or rights-of-way unless a regional stormwater management system is available to the development and the specific discharges into it have been approved by the Director of Public Works.

C. ALTERNATIVE MINIMUM REQUIREMENTS

Any multiple dwelling unit residential development may elect to comply with the resilience quotient standards for residential development in this subsection in lieu of the portion of the site plan review process established in Section 5.12.4, Compliance with Resilience Quotient Standards, above. The point system provides options within each of three components and each development shall

achieve a minimum number of points from the menu of options shown in Table 5.12.6, Resilient Point System for Residential Development, based on the number of dwelling units within the development as shown below.

(1) 1 to 5 units: 4 points total, no less than 1 point per component.

(2) 6 to 29 units: 5 points total, no less than 1.5 points per component.

(3) 30 to 89 units: 6 points total, no less than 1.5 points per component.

(4) 90 to 199 units: 8 points total, no less than 2 points per component.

(5) 200 or more units: 10 points total, no less than 2 points per component.

Any actions taken to meet the general requirements of Section 5.12.6.B for which points are available shall be included when tabulating the number of points achieved within each component.

TABLE 5.12.6: RESILIENT POINT SYSTEM FOR RESIDENTIAL DEVELOPMENT

Resilient Development Activity	Points Earned
Component 1: Risk Reduction	
Construct building to meet 110-mile wind load design requirements of the VUSBC	2.00
Elevate the ground story finished floor and all significant electrical and mechanical equipment no less than 3 feet above highest adjacent grade	1.00, plus 0.50 per ft. above 3 ft.
Construct an impact-resistant (hail, tree damage) roof	0.50
Install impact (hurricane or wind) resistant windows	0.50
Install operable storm shutters	0.50
Establish operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operation	0.50
Component 2: Stormwater Management	
Install a green roof on at least 50 percent of the total roof area (25 percent for renovated buildings) and only plant materials permitted in Section 5.2, Landscaping Standards	2.00
Install a green roof on at least 25 percent of the total roof area and only plant materials permitted in Section 5.2, Landscaping Standards	1.00
Provide rain gardens, street-side swales, soil and turf management or other appropriate storm water infiltration system(s) to capture and infiltrate a minimum of 25 percent of site-generated stormwater	1.00
Use pervious or grass paving systems on at least 50% of parking lot and driveway area in the development	1.00
Provide a fenced, centrally-located community garden space (which may be located as a rooftop garden) for residents and for urban	1.00

TABLE 5.12.6: RESILIENT POINT SYSTEM FOR RESIDENTIAL DEVELOPMENT	
Resilient Development Activity	**Points Earned**
gardening purposes at a ratio of 50 square feet per residential dwelling unit	
Retain at least 20 percent of existing pre-development natural, non-exotic vegetation	0.75
Preserve healthy, large native species trees on site (large tree defined in accordance with Table 5.2.5(B))	0.50 per tree preserved
Provide a percentage of open space greater than that required in Table 5.5.4(A), Required Open Space Set-Asides	0.50 per additional 5% preserved
For new tree plantings, enhance tree pits with specially engineered soils and native plants to absorb and filter runoff	0.25
Planting or preservation of trees in addition to the requirements of Section 5.1, Parking, Loading, and Bicycle Standards, Section 5.2, Landscaping Standards, and Section 5.3, Perimeter Buffers	0.25-0.50 per tree planted or preserved [1]
Preserve established large, trees that have not yet reached maturity on site (large tree defined in accordance with Table 5.2.5.(B))	0.25-0.50 per tree preserved [1]
Addition of tree canopy on the site above the 20-year canopy standard established in Section 5.6.4.C, Tree Canopy	0.10 for each additional 5% increment above the minimum
Component 3: Energy Resilience	
Generate no less than 75% of the electricity expected to be used by the development from on-site solar and/or wind energy sources	3.00
Generate no less than 50% of the electricity expected to be used by the development from on-site solar and/or wind energy sources	2.00
Install a cool roof on at least 50 percent of the total roof area of the development	1.50
Generate no less than 25% of the electricity expected to be used by the development from on-site solar and/or wind energy sources	1.00
Generate no less than 25% of the electricity needed expected to be used by the development from on-site solar and/or wind energy sources	1.00
Install a geothermal energy heating & cooling system serving all residential units and common areas	1.00
Install a conditioned crawlspace under each primary structure	1.00
Install green walls on a minimum of 50 percent of the primary building's walls	1.00
Adopt an energy efficient site lighting budget (based on the International Dark Sky Association's designations for allowable lumens per square foot of specified use or type of hardscape)	1.00
Equip the project with at least one alternative, independent source of electricity supply so that the project is capable of fully operating if a primary source of power experiences interruption	1.00

TABLE 5.12.6: RESILIENT POINT SYSTEM FOR RESIDENTIAL DEVELOPMENT

Resilient Development Activity	Points Earned
Pre-wire all dwelling units to accept power provided by on-site solar panels and/or wind turbines	1.00
Install a 20+ SEER HVAC system in each dwelling unit	1.00
Re-use or repurpose an historic building that is listed on a national, state, or local register, or at least 75% (based on surface area) of existing historic structures	1.00
Install a cool roof on at least 25 percent of the total roof area of the development	0.75
Install a 16-19 SEER HVAC system in each dwelling unit	0.50
Install multi-room mini-split heating and cooling systems in each dwelling unit	0.50
Install a solar or tank-less water heating system in each dwelling unit	0.50
Install no fewer than 2 operable windows on no fewer than two exterior walls in each dwelling unit	0.50
Install a generator for power generation to keep critical functions (refrigerator, freezer, basic lighting, healthcare appliances, etc.) working in the event of power failure	0.50
Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in the development	0.50
Provide electric vehicle (EV) level 3 charging stations, located in a parking structure or off-street parking lot, that are made available for use by residents	0.50 for every two stations
Plant vegetation so that 50% of the eastern and western building facades are shaded at noontime on the summer solstice within 10 years of planting	0.50
Use vegetation or vegetated structures to shade each dwelling's HVAC unit	0.25
Automatically turn off all outdoor signage and lighting between the hours of 10:00 p.m. and 7:00 a.m. except for security lighting	0.25
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near primary building entrances	0.25
Provide electric vehicle (EV) level 2 charging stations, located in a parking structure or off-street parking lot, that are made available for use by residents	0.25 for every two stations
Re-use or repurpose an existing non-historic building, or at least 75% (based on surface area) of existing structures	0.25
Install highly-reflective blinds/shades to reduce solar gain	0.25

NOTES:
[1] As determined by the ZA

5.12.7. RESILIENCE QUOTIENT COMPLIANCE FOR NON-RESIDENTIAL DEVELOPMENT

A. APPLICABILITY

Any proposed development that includes non-residential development. In the case of mixed-use development, the standards of this subsection shall only apply to the non-residential portion of the development.

B. GENERALLY

Any non-residential development to which the resilience quotient is applicable shall fully address all of the factors in Section 5.12.4, Compliance with Resilience Quotient Standards, during site plan review and shall comply with the following standards in so doing:

(1) The lowest habitable floor and all significant electrical and mechanical equipment shall be elevated at least 8 inches above the highest adjacent grade unless a greater elevation is required by the provisions of the FPCH-O district.

(2) 100% of the drainage from impervious surfaces on the site shall be captured and retained on site with sufficient storage to keep the first 1.25 inches of rainwater from an individual rain event on site without discharging onto neighboring properties or rights-of-way unless a regional stormwater management system is available to the development and the specific discharges into it have been approved by the Director of Public Works.

C. ALTERNATIVE MINIMUM REQUIREMENTS

Any non-residential development may elect to comply with the resilience quotient standards for non-residential development in this subsection in lieu of the portion of the site plan review process established in Section 5.12.4, Compliance with Resilience Quotient Standards, above. The point system provides options within each of three components and each development shall achieve a minimum number of points from the menu of options shown in Table 5.12.7, Resilient Point System for Non-Residential Development.

(1) Total square footage of structures less than 10,000 sq. ft.: 3 points total, no less than 1 point per component.

(2) Total square footage of structures 10,000 to 25,000 sq. ft.: 4 points total, no less than 1.5 points per component.

(3) Total square footage of structures 25,000 to 50,000 sq. ft.: 6 points total, no less than 1.5 points per component.

(4) Total square footage of structures above 50,000 sq. ft.: 10 points total, no less than 2 points per component.

Any actions taken to meet the general requirements of Section 5.12.7.B, Generally, for which points are available shall be included when tabulating the number of points achieved within each component.

TABLE 5.12.7: RESILIENT POINT SYSTEM FOR NON-RESIDENTIAL DEVELOPMENT

Resilient Development Activity	Points Earned
Component 1: Risk Reduction	
Construct building to meet 110-mile wind load design requirements of the VUSBC	2.00
Equip the project with at least one alternative, independent source of electricity supply so that the project is fully capable of operating if a primary source of power experiences an interruption	1.50
If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by a 0.2% annual chance (500-year) flood	1.00
Elevate the ground story finished floor and all significant electrical and mechanical equipment no less than 3 feet above highest adjacent grade or to an elevation of 11 (NAVD '88)	1.00, plus 0.50 per ft. above 3 ft.
Install a generator for power generation in the event of power failure sufficient to keep critical operations functional	0.50
Establish operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operation	0.50
Component 2: Stormwater Management	
Install a green roof on at least 50 percent of the total roof area (25 percent for renovated buildings) and only plant materials permitted in Section 5.2, Landscaping Standards	2.00
Install a green roof on at least 25 percent of the total roof area and only plant materials permitted in Section 5.2, Landscaping Standards	1.00
Provide rain gardens, street-side swales, turf and soil management or other appropriate storm water infiltration system(s) to capture and infiltrate a minimum of 25 percent of site generated stormwater	1.00
Use pervious pavement on at least 50% of parking lot and driveway area in development	1.00
Retain at least 20 percent of existing pre-development natural, non-exotic vegetation	0.75
Preserve healthy, large native species trees on site (large tree defined in accordance with Table 5.2.5(B))	0.50 per tree preserved
Provide a percentage of open space greater than that required in Table 5.5.4.A: Required Open Space Set-Asides	0.50 per additional 5% preserved
For new tree plantings, enhance tree pits with specially engineered soils and native plants to absorb and filter runoff	0.25

TABLE 5.12.7: RESILIENT POINT SYSTEM FOR NON-RESIDENTIAL DEVELOPMENT	
Resilient Development Activity	**Points Earned**
Planting or preservation of trees in addition to the requirements of Section 5.1, Parking, Loading, and Bicycle Standards, Section 5.2, Landscaping Standards, and Section 5.3, Perimeter Buffers	0.25-0.50 per tree planted or preserved [1]
Preserve established large healthy trees that have yet to reach maturity on site (large tree defined in accordance with Table 5.2.5(B))	0.25-0.50 per tree preserved [1]
Addition of tree canopy on the site above the 20-year canopy standard established in Section 5.6.4.C, Tree Canopy	0.10 for each additional 5% increment above the minimum
Component 3: Energy Resilience	
Generate no less than 75% of the electricity expected to be used by the development from solar and/or wind energy sources	3.00
Generate no less than 50% of the electricity expected to be used by the development from solar and/or wind energy sources	2.00
Install a cool roof on at least 50 percent of the total roof area of the development	1.50
Generate no less than 25% of the electricity expected to be used by the development from solar and/or wind energy sources	1.00
Install a geothermal heating and cooling system serving all parts of the project	1.00
Install a conditioned crawlspace under each primary structure	1.00
Install green walls on a minimum of 50 percent of the primary building's walls	1.00
Install 20+ SEER HVAC systems throughout the project	1.00
Re-use or repurpose an historic building that is listed on a national, state, or local register, or at least 75% (based on surface area) of existing historic structures	1.00
Preserve or provide trees on the site which will within 10 years growing time will provide tree canopy over no less than 50% of the total site	1.00
Install a cool roof on at least 25 percent of the total roof area of the development	0.75
Install 16-19 SEER HVAC systems throughout the project	0.50
Install mini-split heating and cooling systems throughout the project	0.50
Install solar or tank-less water heating systems throughout	0.50
Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in the development	0.50
Provide electric vehicle (EV) level 3 charging stations, located in a parking structure or off-street parking lot, that are made available for use by users of the project	0.50 for every two stations

TABLE 5.12.7: RESILIENT POINT SYSTEM FOR NON-RESIDENTIAL DEVELOPMENT	
Resilient Development Activity	**Points Earned**
Plant vegetation so that 50% of the eastern and western building facades are shaded at noontime on the summer solstice within 10 years of planting	0.50
Orient buildings within 20 percent of east-west axis for maximum solar exposure	0.50
Provide operable windows on at least 2 façades on each floor which provide flow-through ventilation	0.25
Use vegetation or vegetated structures to shade HVAC units	0.25
Automatically turn off all outdoor signage and lighting between the hours of 10:00 p.m. and 7:00 a.m. except for security lighting	0.25
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for carpools, hybrid, electric, and low energy vehicles in preferred locations near primary building entrances	0.25
Provide electric vehicle (EV) level 2 charging stations, located in a parking structure or off-street parking lot, that are made available for use by users of the project	0.25 for every two stations
Re-use or repurpose an existing non-historic building, or at least 75% (based on surface area) of existing structures	0.25
Install highly-reflective blinds/shades to reduce solar gain	0.25
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 25 percent of the habitable rooms in the structure	0.25
NOTES: [1] As determined by the ZA	

5.12.8. MINOR DEVIATION FROM RESILIENCE QUOTIENT COMPLIANCE

A. APPLICABILITY

Any proposed development subject to the resilience quotient provisions and electing to utilize the point system in lieu of having the resilience quotient be fully reviewed and implemented as a part of the site plan review process may propose minor deviations or alternative Resilient Development Activities for consideration.

B. ZONING ADMINISTRATOR AUTHORITY

(1) The ZA, for good cause shown, may authorize in writing minor deviations from the resilient quotient requirements specified in the sections above provided that those resilience goals are still achieved to an equal or greater extent.

(2) Any proposed deviation determined by the ZA to be more than a minor deviation shall not be approved by the ZA and the development shall, instead, utilize the site plan review process for a complete review of the resilience quotient factors contained in Section 5.12.4, Compliance with Resilience Quotient Standards.

(3) The ZA shall review any alternative Resilient Development Activities that may be proposed and, if determined in writing that the alternative Resilient Development Activities will achieve the same resilience goals to an equal or greater extent, the ZA will assign point value(s) to the alternative Activities. The ZA shall maintain an online log of all approved alternative Resilient Development Activities and the point value assigned.

Article 6: Nonconformities

ARTICLE 6: NONCONFORMITIES

6.1 General Applicability

6.1.1. Purpose and Scope

6.1.2. Authority to Continue

6.1.3. Determination of Nonconformity Status

6.1.4. Minor Repairs and Maintenance

6.1.5. Change of Tenancy or Ownership

6.2 Nonconforming Uses

6.2.1. Continuation of a Nonconforming Use

6.2.2. Generally

6.2.3. Alteration, Enlargement or Expansion

6.2.4. Abandonment and Continuance of Nonconforming Use

6.2.5. Change from One Nonconforming Use to Another Nonconforming Use

6.3 Nonconforming Structures

6.3.1. Nonconforming Structures

6.4 Nonconforming Zoning Lots

6.4.1. Purpose

6.4.2. Generally

6.4.3. Development of Nonconforming Zoning Lots

6.4.4. Governmental Acquisition of Land

6.5 Nonconforming Site Features

6.5.1. Purpose

6.5.2. Applicability

6.5.3. Continuance of Nonconforming Site Features

6.5.4. Improvement of Nonconforming Site Features

ARTICLE 6: NONCONFORMITIES

6.1 GENERAL APPLICABILITY

6.1.1. PURPOSE AND SCOPE

A. NONCONFORMITIES

Nonconformities are uses or other development (including structures, zoning lots, and certain site features) that were legally established before this Ordinance, or an amendment thereto, was adopted, that are rendered non-compliant with this Ordinance. It is the intent of this article to allow such nonconformities to continue until they are removed, and to discourage their continuation over time.

B. GENERAL RULES FOR NONCONFORMITIES

This article establishes general rules for nonconformities. Specific sections in other parts of this Ordinance (such as the zoning district regulations and development standards) may include rules for specific nonconformities. The regulations in those sections supersede the general rules in this article, to the extent there is an inconsistency.

6.1.2. AUTHORITY TO CONTINUE

A. GENERALLY

Any nonconforming building, structure, use, parcel, or site feature may be continued, repaired, or maintained. It may not be altered, enlarged or extended except in accordance with this article.

6.1.3. DETERMINATION OF NONCONFORMITY STATUS

A. APPLICABILITY

If a person subject to an enforcement action claims that a provision of this Ordinance does not apply due to a nonconformity, the ZA shall determine whether a nonconformity exists.

B. DETERMINATION

In determining whether a nonconformity exists, the ZA may consult with the Planning Director and City Attorney. The ZA shall submit its determination to the applicant. This determination is appealable to the BZA in accordance with Section 2.4.13, Appeal to the Board of Zoning Appeals.

(1) The owner of the land subject to the nonconformity has the burden of proving the existence of a nonconformity. Any doubt or uncertainty, as to fact or law, shall be resolved against the continuation of the nonconformity and in favor of compliance with this Ordinance. The landowner shall provide all materials or documentation establishing a nonconformity including:

(a) Any lawfully approved development approvals or permits, or other actions taken under this Ordinance authorizing the nonconformity;

(b) Documentation as to when the alleged nonconformity was established or constructed;

(c) Documentation of any expenditures or substantial changes in position taken to establish the nonconformity, where required by law; and

(d) Any other materials or documentation needed to establish a nonconformity under applicable law.

(2) The ZA may determine that a nonconformity exists if a finding is made that the alleged nonconformity:

(a) Was lawfully established before a provision of this Ordinance (or amendment) rendered it a nonconformity;

(b) Has been continuously maintained in a lawful manner; and

(c) Satisfies any other conditions required to establish a nonconformity.

6.1.4. MINOR REPAIRS AND MAINTENANCE

No provision of this article shall be construed to prohibit the routine repair and maintenance of a nonconforming building, structure, use, parcel, or site feature, including any modifications to buildings or structures necessary for compliance with the Americans with Disabilities Act (ADA), or an action to bring to a safe condition any structure declared to be unsafe by any official charged with protecting the public safety, health, or welfare.

6.1.5. CHANGE OF TENANCY OR OWNERSHIP

A change of tenancy or ownership does not affect the status of a nonconformity. Nonconformities continue as provided in this article upon a change in tenancy or ownership.

6.2 NONCONFORMING USES

6.2.1. CONTINUATION OF A NONCONFORMING USE

A nonconforming use may continue in accordance with this section.

6.2.2. GENERALLY

A. CHANGING A NONCONFORMING USE

Except as provided below, a nonconforming use may not change to, or change to include, another use, unless the new use is permitted, or permitted by approval of a Conditional Use Permit (See Section 2.4.8, Conditional Use Permit), in the zoning district in which the nonconforming use is located. If the use is a conditional use, the applicant shall obtain approval of a conditional permit in accordance with Section 2.4.8, Conditional Use Permit, before commencing the new use.

B. COMPLIANCE WITH OTHER REGULATIONS REQUIRED

No resumption of use shall be recognized as effective for purposes of applying the permissions and limitations set forth in this section without the issuance of a Zoning Certificate in accordance with Section 2.4.14, Zoning Certificate, and any and all permits or licenses issued by any local, state, or federal agency that may be required as a necessary prerequisite to commencing or continuing operation of the use have been properly obtained.

6.2.3. ALTERATION, ENLARGEMENT OR EXPANSION

A. GENERALLY

(1) A nonconforming use may be enlarged or extended by up to 50% of the gross square footage of the building in which it is located, upon approval of a Conditional Use Permit in accordance with Section 2.4.8, Conditional Use Permit, and if the proposed expansion or enlargement complies with the following standards:

(a) The nonconforming use and building (if applicable) was lawfully established before a provision of this Ordinance (or amendment) rendered it a nonconformity;

(b) The proposed expansion of the nonconforming use and building (if applicable) complies with Article 5: Development Standards;

(c) The applicant demonstrates that the proposed expansion or enlargement of the nonconforming use is compatible with surrounding development, and does not:

(i) Increase any existing nonconformity related to the structure;

(ii) Reduce the lot coverage ratio, off-street parking requirements, or landscaping requirements below those levels required by the applicable zoning district;

(iii) Increase the size and number of signs beyond the levels permitted in the applicable zoning district;

(iv) Have an adverse impact on traffic congestion, including truck, passenger car, and pedestrian traffic;

(v) Have an adverse impact on appearance and scale;

(vi) Have an adverse impact on noise, smoke, dust, gases, heat, odor, glare or vibration; and

(vii) Have an adverse impact on storage and waste disposal.

(2) Any alteration, enlargement, or expansion shall not be considered abandoned under the provisions of Section 6.2.4, Abandonment and Continuance of Nonconforming Use.

6.2.4. ABANDONMENT AND CONTINUANCE OF NONCONFORMING USE

A. GENERALLY

If a legally established nonconforming use is discontinued for a period of two years, or if any building or structure housing a legally established nonconforming use is structurally altered, reconstructed, moved, or destroyed, then the nonconforming use shall be considered abandoned, and it shall not be continued except subject to the following:

(1) Historic or architecturally significant properties may continue if they comply with all of the following standards:

(a) The nonconforming use proposed to be continued is the same use for which the building was originally designed, or the most recent nonconforming use has not been discontinued for longer than ten years.

(b) A conditional use permit authorizing the continuance is approved in accordance with Section 2.4.8, Conditional Use Permit.

(c) The buildings or structures where the use is located have been designated in one of the following ways:

(i) Individually listed in the Virginia Landmarks Register; or

(ii) Individually listed in the U.S. Department of the Interior's National Register of Historic Places; or

(iii) Certified by the United States Department of the Interior as contributing to a historic district; or

(iv) The building or structure is designated as a historic landmark in accordance with this Ordinance.

B. EVIDENCE OF CONTINUATION

Continuation of the nonconforming use shall not be effective until a Zoning Certificate is approved in accordance with Section 2.4.14, Zoning Certificate, and any and all permits or licenses issued by any local, state, or federal agency that may be required as a necessary prerequisite to commencing or continuing operation of the use have been properly obtained.

6.2.5. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER NONCONFORMING USE

A. GENERALLY

A change from one nonconforming use to another nonconforming use shall comply with the following standards:

(1) The nonconforming use was lawfully established before a provision of this Ordinance (or amendment) rendered it a nonconformity;

(2) The proposed substituted nonconforming use complies with Article 5: Development Standards;

(3) The applicant demonstrates that the proposed change of a nonconforming use is no more objectionable in external effects than the existing nonconforming use with respect to:

(a) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic;

(b) Noise, smoke, dust, gases, heat, odor, glare, or vibration;

(c) Storage and waste disposal; and

(d) Appearance.

(4) The applicant provides guarantees to ensure that no hazardous or obnoxious effluent will be released into the air, water, or onto the ground, and that all wastes and by-products will be disposed of in a safe and healthful manner.

B. CONDITIONAL USE PERMIT REQUIRED

A change from one nonconforming use to another nonconforming use shall not be effective until a Conditional Use Permit is approved in accordance with Section 2.4.8, Conditional Use Permit.

6.3 NONCONFORMING STRUCTURES

6.3.1. NONCONFORMING STRUCTURES

A. CONTINUATION OF NONCONFORMING STRUCTURES

A nonconforming structure may be continued in accordance with this section.

(1) Expansion, Improvement, or Structural Alteration of a Nonconforming Structure

(a) No nonconforming structure may be altered or enlarged by more than 50% of the value of the entire structure or by more than 50% of the gross square footage of the entire structure without coming into complete conformance with this Ordinance, except as discussed in subsections (i), (ii) and (iii), below. For purposes of this section, "value of the entire structure" shall be determined for principal structures by the structure's assessed value.

(i) Work on historic properties and architecturally significant structures shall be permitted if approved by the ARB, pursuant to the process set forth in Section 2.2.4, upon the ARB determining that the proposed design is consistent with all applicable guidelines, and the structure is designated in one of the following ways:

(A) It is individually listed in the Virginia Landmarks Register;

(B) It is individually listed in the U.S. Department of the Interior's National Register of Historic Places;

(C) It is certified by the United States Department of the Interior as contributing to a historic district; or

(D) It is designated as a historic landmark in accordance with this Ordinance.

(ii) Work that does not alter a street-facing façade of the structure shall not require conformance with the provisions of Section 5.9, Form Standards.

(iii) Work that does not expand the building envelope of a single-family dwelling structure shall not require conformance with the setback requirements of Section 3.2, Residential Base Zoning Districts.

(b) In addition to subsection (a), above, nonconforming structures located in the FPCH-O: Flood Plain / Coastal Hazard Overlay district may be enlarged or expanded provided they comply with the following:

(i) The enlargement or expansion complies with all provisions of the FPCH-O: Flood Plain / Coastal Hazard Overlay district.

(ii) The enlargement, expansion, or alteration is determined by the ARB, pursuant to the process set forth in Section 2.2.4, to maintain

the character of the neighborhood in which the nonconforming structure is located;

(iii) The enlargement, expansion, or alteration reduces its vulnerability to storm and flood damage through use of at least four of the following measures:

(A) Dry floodproofing exterior walls below the Design Flood Elevation (DFE) up to at least 75 percent of the height between ground level and the base flood elevation;

(B) Converting enclosed areas of the structure below the DFE to non-habitable space;

(C) Wet floodproofing enclosed areas of the structure below the DFE to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;

(D) Installing permanent storm shutters on glass windows and doors or replacement of glass windows and doors with shatterproof glass;

(E) Installing flood openings in foundations and enclosed areas of the structure below the DFE to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy; or

(F) Securing shingle, built-up, and metal roofs against high wind damage.

(c) In addition to subsection (a), above, nonconforming structures which are located in the Coastal Resiliency Overlay (CRO) district and outside the FPCH-O: Flood Plain / Coastal Hazard Overlay district may be enlarged, expanded, or altered if the expansion, enlargement, or alteration complies with the dimensional and development standards of this Ordinance, is compatible with the character of the surrounding neighborhood, and complies with at least four of the following standards:

(i) Elevating the structure so its lowest habitable floor is at least 50 percent closer to the Design Flood Elevation (DFE) if it is less than the DFE;

(ii) Dry floodproofing exterior walls below the DFE up to at least 75 percent of the height between ground level and the base flood elevation;

(iii) Converting enclosed areas of the structure below the DFE to non-habitable space;

(iv) Wet floodproofing enclosed areas of the structure below the DFE to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;

(v) Installing permanent storm shutters on glass windows and doors or replacement of glass windows and doors with shatterproof glass;

(vi) Installing flood openings in foundations and enclosed areas of the structure below the DFE to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy; or

(vii) Securing shingle, built-up, and metal roofs against high wind damage.

(2) Restoration or Removal of Nonconforming Structure After Damage or Destruction

(a) If a nonconforming structure is damaged by any abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event does not exceed 50 percent of the current assessed value of the entire structure, then:

(i) If the structure is a building, and the building has either a residential or commercial use, and the event causing the damage is a natural disaster or other act of God, the building may be restored to its original nonconforming condition, provided that the restoration is completed within two years of the event, except where the damaging event results in conditions which give rise to a federal disaster declaration and the building is located within the area covered by the declaration, and the restoration is completed within four years of the event.

(ii) If the uses are not residential or commercial, the structure may be restored to its original nonconforming condition if a building permit is approved, reconstruction started within 180 days from the date of the damage, and the reconstruction is diligently carried out to completion.

(b) When a nonconforming structure is destroyed or damaged by any abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure, then:

(i) If the structure is a building with a residential or commercial use, and if the damaging event is a natural disaster or other act of God, then the following shall apply:

(A) The building may be rebuilt or replaced in a manner conforming to all requirements of this Ordinance, or the destroyed or damaged building shall be removed.

(B) If the building cannot be rebuilt or replaced in any manner other than to restore it to its original nonconforming condition, then the destroyed or damaged building may be rebuilt or replaced without the need to acquire a variance if all nonconforming features of the building are eliminated or reduced to the maximum extent practicable;

(C) Where the destructive event results in conditions which give rise to a federal disaster declaration and the building is located within the area covered by the declaration, the reconstruction shall be completed within four years of the destructive event;

(D) In all other instances the reconstruction shall be completed within two years of the destructive event; and

(E) Any reconstruction must comply with all applicable Building Codes and floodplain regulations.

(ii) If subsection (i), above, does not apply then the destroyed or damaged structure shall be removed.

(3) Relocation

If a nonconforming structure is relocated, it shall conform to all the requirements of this Ordinance. If the use is presently permitted by conditional use in the zoning district, the relocated building or structure shall conform to all of the requirements of the specific conditional use, and be approved as a conditional use in accordance with Section 2.4.8, Conditional Use Permit.

6.4 NONCONFORMING ZONING LOTS

6.4.1. PURPOSE

This section establishes rules for nonconforming lots.

6.4.2. GENERALLY

A. Any nonconforming zoning lot that has come into conformity with this Ordinance shall not again be changed to a nonconforming lot except when done by condemnation or government action.

B. Any nonconforming zoning lot or any part of the lot that is nonconforming based on dimensional standards, shall not be modified to increase the nonconformity.

C. No nonconforming zoning lot and no portion of such lot shall be subdivided or transferred in a manner that would result in decreasing its size. The boundaries, shape, or size of a nonconforming zoning lot may be modified through a subdivision or assembly of parcels only if the result is to increase its size.

D. Any existing zoning lot 40 feet in width or greater, that has not been held in common ownership with any adjacent parcel and that has a lot width or lot area within 10% of the minimum lot width and square footage required by the district shall not be considered a nonconforming zoning lot and is not subject to the requirements of this section.

6.4.3. DEVELOPMENT OF NONCONFORMING ZONING LOTS

A. DEVELOPMENT OF SINGLE-FAMILY DWELLING ON NONCONFORMING ZONING LOTS

Residential lots which do not comply with the minimum lot area or width requirements of the applicable zoning district or overlay district in which they are located, may be developed with a single-family dwelling where:

(1) The lot is located within a zoning district where a single-family dwelling is a permitted use.

(2) Either of the following is met:

(a) Neither the lot nor any portion of it has been held in common ownership with any adjacent lot so that the combined property holdings of the landowner form a zoning lot of sufficient width and area to conform to the requirements of this Ordinance at any time during the period of common ownership;

(b) The lot may receive a Conditional Use Permit to be developed in accordance with Section 2.4.8, Conditional Use Permit.

(3) The lot was created or re-subdivided lawfully and in accordance with the minimum lot width or area requirement which would allow by-right

development of a single-family dwelling in the zoning district applicable at the time of its creation or re-subdivision; and

(4) The landowner has received one of the following permits or development approvals:

(a) A Zoning Certificate, which in addition to meeting the review standards in Section 2.4.14, Zoning Certificate, demonstrates the proposed single-family dwelling to be built on the lot complies with the following:

(i) For nonconforming lots of less than 37.5 feet in width located in the Traditional and Coastal character districts new construction and substantial improvements shall be consistent with the prevailing development pattern of lots in the neighborhood as specified below. The prevailing development pattern shall be determined by assessing the characteristics of a majority of residential structures fronting on the same street as the proposed development within 500 feet of the site, or, where the opposite side of the street is located in a Non-Residential district, a majority of residential structures on the same block face as the proposed development, provided any structures within 500 feet which is located in a non-residential district, across a street 75 or more feet in width, or across a body of water shall not be included.

The Zoning Certificate shall only be granted where the proposed development satisfies the following requirements:

(A) The proposed height, massing, location of the main entrance, and elevation of the finished first floor of the single-family dwelling will be consistent with the prevailing pattern of single-family dwellings in the neighborhood;

(B) The proposed location of the single-family dwelling in relation to the street reflects the average setback of the closest developed lots on either side, subject to a variation of no more than one and one-half feet;

(C) Any proposed off-street parking is situated in relation to the single-family dwelling in the same manner as the prevailing pattern of off-street parking, unless the prevailing pattern indicates an absence of off-street parking, in which case none shall be provided;

(D) The proposed location of any vehicular access to the single-family dwelling or the lot is located in respectively the same location as the prevailing pattern, unless the prevailing pattern indicates an absence of vehicular access, in which case none shall be provided; and

(E) The proposed location and treatment, including exterior details such as porches, fenestration, roof lines, or the main

entrance of the structure, are consistent with the prevailing pattern.

(ii) For nonconforming lots of 37.5 feet in width and greater located in the Traditional and Coastal character districts, the Zoning Certificate shall be granted where the proposed development satisfies the requirements found in Table 6.4.3, Single-Family Detached Dwelling Form Standards – Nonconforming Zoning Lots, subject to any requirements of an applicable Neighborhood Resilience Overlay (NRO) district or the Alternative Dimensional and Design Standards of the Residential-Coastal district. Those proposals that will not meet the requirements of this subsection may be reviewed under the standards of subsection (i)(A) through (i)(E), above.

(iii) For any nonconforming lot located in the Suburban character district, the Zoning Certificate shall be granted where the proposed development satisfies the requirements found in Table 6.4.3, Single-Family Detached Dwelling Form Standards – Nonconforming Zoning Lots, subject to any requirements of an applicable Neighborhood Resilience Overlay (NRO) district. Those proposals that will not meet the requirements of this subsection may be reviewed under the standards of subsection (i)(A) through (i)(E), above.

(b) A Conditional Use Permit, with a recommendation from the ARB, in accordance with Section 2.3.2, Planning Commission Public Hearing Procedure, and Section 2.4.8, Conditional Use Permit.

TABLE 6.4.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS – NONCONFORMING ZONING LOTS

A = STANDARD APPLIES **NA = STANDARD DOES NOT APPLY**

STANDARD (FOR NONCONFORMING LOTS OF 50 FEET IN WIDTH AND GREATER, USE FORM STANDARDS FOUND IN SECTION 5.9.3, SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS)	**CHARACTER DISTRICT**		
	TRADITIONAL	**SUBURBAN**	**COASTAL** (outside the R-C district)
Component 1: Building Orientation and Configuration			
If located on an improved street, the primary entrance shall face the street.	A		
If located on a lot fronting the water, the primary entrance may face the water.	A	A, if not on an improved street	A
All building façades shall have window or door openings.	A		
All windows on the front façade shall be vertically aligned and balanced.	A		
Required building width not including attached garage.	Minimum of 55% of lot width		NA, garage may serve as a pedestal for the residence

TABLE 6.4.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS – NONCONFORMING ZONING LOTS

A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY

STANDARD (FOR NONCONFORMING LOTS OF 50 FEET IN WIDTH AND GREATER, USE FORM STANDARDS FOUND IN SECTION 5.9.3, SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS)	CHARACTER DISTRICT		
	TRADITIONAL	SUBURBAN	COASTAL (outside the R-C district)
Building limited to a maximum of 1.5 stories if more than 50% of conforming residential uses within 500 feet on the same block face are 1.5 stories or less.	A	NA	A
Component 2: Front Porches			
A front porch shall be installed with the dimensions established.	At least 48 sq. ft. with 6 ft. minimum dimension	At least 36 sq. ft. with 4 ft. minimum dimension	
A front porch shall be installed in the location established.	50% of the covered area of the porch shall project beyond the front façade		
A second-floor deck may be substituted in place of the front porch provided it meets the minimum dimensions established.	NA		A
Component 3: Ground Floor Height			
The ground story finished floor shall be elevated above the highest existing grade adjacent to the front façade of the structure (subject to requirements of FPCH-O district).	Minimum 24 inches	Minimum 24 inches, unless more than 50% of conforming residential uses within 500 feet on the same block face are less, then 16 inches	Minimum 24 inches
Component 4: Garage and Driveway Location			
The front façade of any attached garage shall be set back from the front façade of the building.	No less than 10 ft.	No less than 4ft.	No less than 10 ft.
The front façade of any attached side-loading garage shall have window or door openings.	A		
The total horizontal length of garage doors facing the street, for any attached garage, shall not exceed the length established.	8 ft.	8 ft. each door	
On corner lots, attached garages (if permitted) shall be side or rear loading.	A		
Vehicular access to the property shall be placed in the same location as the prevailing pattern, unless the prevailing pattern indicates an absence of vehicular access, in which case none shall be provided	A		
Component 5: Design Standards			
Siding shall be wood, brick, stucco, fiber-cement, or other similar material.	A	A, vinyl siding may also be used with a minimum gauge of 0.044	
Siding materials shall be of a material native or typical to the area.	A		
Porches, foundations, and garages shall have a brick or stucco foundation skirt a minimum of 24 inches or higher if located within the Special Flood Hazard Area.	Match ground floor height as required above		
Minimum 4-inch (nominal) window trim around all windows.	A	NA	A

TABLE 6.4.3: SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS – NONCONFORMING ZONING LOTS			
A = STANDARD APPLIES NA = STANDARD DOES NOT APPLY			
STANDARD (FOR NONCONFORMING LOTS OF 50 FEET IN WIDTH AND GREATER, USE FORM STANDARDS FOUND IN SECTION 5.9.3, SINGLE-FAMILY DETACHED DWELLINGS FORM STANDARDS)	**CHARACTER DISTRICT**		
	TRADITIONAL	**SUBURBAN**	**COASTAL** (outside the R-C district)
Minimum 6-inch (nominal) trim around exterior doors and between double windows.	A	NA	A
Gutters and downspouts with splash block or rain barrels shall be installed.	A		
All columns shall be wrapped, finished or designed with detailing; posts shall not be bare wood posts.	A		
Rooflines facing a street shall minimize changes and variations unless adding dormers.	A		

B. DEVELOPMENT OF NON-RESIDENTIAL USES ON NONCONFORMING ZONING LOTS

Non-residential lots which do not comply with the minimum lot area or width requirements of the applicable zoning district or overlay district in which they are located, may be developed where:

(1) The lot is located within a commercial or industrial base zoning district.

(2) Neither the lot nor any portion of it has been held in common ownership with any adjacent lot so that the combined property holdings of the landowner form a zoning lot of sufficient width and area to conform to the requirements of this Ordinance at any time during the period of common ownership;

(3) The lot was created or re-subdivided lawfully and in accordance with the minimum lot width or area requirements applicable at the time of its creation or re-subdivision; and

(4) The landowner has received one of the following permits or development approvals:

(a) A Zoning Certificate, which in addition to meeting the review standards in Section 2.4.14, Zoning Certificate, permits one of the following uses, where the use is permitted in the base zoning district.

(i) In a Commercial base zoning district:

(A) Office

(B) Office, contractor

(C) Retail goods establishment

(D) Used books/media sales

(ii) In an Industrial base zoning district:

(A) Office

(B) Office, contractor

(b) A Conditional Use Permit, in accordance with Section 2.3.2, Planning Commission Public Hearing Procedure, and Section 2.4.8, Conditional Use Permit, where the use is allowed by-right or by Conditional Use Permit within the base zoning district.

6.4.4. GOVERNMENTAL ACQUISITION OF LAND

A. APPLICABILITY

This section applies to conforming lots on or after March 1, 2018 that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zoning district in which it is located.

B. DEVELOPMENT STANDARDS

Such lots shall be determined conforming if:

(1) The use is permitted, or any required conditional use is approved;

(2) The development proposed complies with the dimensional standards of the applicable zoning district, to the maximum extent practicable;

(3) The development complies with Article 5: Development Standards, to the maximum extent practicable; and

(4) The development complies with all other standards and requirements of this Ordinance.

6.5 NONCONFORMING SITE FEATURES

6.5.1. PURPOSE

This section protects existing nonconforming rights, but provides a way for nonconforming site features to come into compliance with the standards of this Ordinance as part of altering (such as remodeling) or expanding a building or structure.

6.5.2. APPLICABILITY

For purposes of this section, the term "nonconforming site features" includes the following:

A. Nonconforming off-street parking;

B. Nonconforming landscaping; and

C. Nonconforming screening of mechanical equipment or refuse containers.

6.5.3. CONTINUANCE OF NONCONFORMING SITE FEATURES

Nonconforming site features may be continued if no action is taken that increases the degree or extent of the nonconforming site feature. Any enlargement, extension or structural alteration of the nonconforming site feature shall conform to all requirements of this Ordinance.

6.5.4. IMPROVEMENT OF NONCONFORMING SITE FEATURES

A. APPLICABILITY

(1) If an application is submitted for a building permit for the remodeling of a building or site that has one or more nonconforming site features, and the value of the proposed improvements over a five-year period exceeds at least 50 percent of the assessed value of the existing site over that period, the applicant shall address the nonconforming site features to bring the site into partial or full compliance in accordance with Table 6.5.4, Standards for Nonconforming Site Features.

(2) If an application is submitted for a building permit that expands the gross floor area of the building or structure by more than 15 percent in any five-year period, the site shall be brought into partial or full compliance in accordance to Table 6.5.4, Standards for Nonconforming Site Features.

B. REQUIRED IMPROVEMENTS TO NONCONFORMING SITE FEATURES

(1) For purposes of determining when nonconforming site features shall be brought into partial or full compliance with the standards of this Ordinance, the costs that constitute the estimated cost of the structural alteration of a

building or structure shall be as shown on the building permit application, and shall include the cost of materials and labor.

(2) Nonconforming site features shall be brought into compliance in accordance with Table 6.5.4, Standards for Nonconforming Site Features.

C. ADDITIONAL GENERAL STANDARDS

(1) Where the alteration or expansion would result in the requirement to add two or fewer additional off-street parking spaces, the additional off-street parking is not required to be installed.

(2) Where lots are physically constrained (due to limited size, topography, or other environmental considerations) such that compliance with the standards of Table 6.5.4, Standards for Nonconforming Site Features, is not feasible, the site should be brought into compliance to the maximum extent practicable.

TABLE 6.5.4: STANDARDS FOR NONCONFORMING SITE FEATURES

TYPE OF REMODELING OR EXPANSION	DEFINITION	REQUIRED COMPLIANCE
STRUCTURAL ALTERATIONS		
Less than 50 percent of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost less than 50 percent of the current assessed value of the building or structure	Screening of mechanical equipment and refuse containers shall be brought into complete compliance
50 percent and up to 75 percent of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost 50 percent and up to 75 percent of the current assessed value of the building or structure	A corresponding percentage of the site features shall be brought into compliance, except for screening of mechanical equipment and refuse containers, which shall be brought into complete compliance
75 percent or more of structure value	Structural alteration of a building or structure during any 12-month period estimated to cost 75 percent or more of the current assessed value of the building or structure	100 percent compliance with the site features is required
EXPANSIONS		
Expansions of 15 percent or less	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the period) of 15 percent or less	Screening of mechanical equipment and refuse containers shall be brought into complete compliance

TABLE 6.5.4: STANDARDS FOR NONCONFORMING SITE FEATURES		
TYPE OF REMODELING OR EXPANSION	**DEFINITION**	**REQUIRED COMPLIANCE**
Expansions of more than 15 percent but less than 50 percent	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area greater than 15 percent, but less than 50 percent	A corresponding percentage of the site features shall be brought into compliance, except for screening of mechanical equipment and refuse containers, which shall be brought into complete compliance
Expansions of 50 percent or more	Expansion during any two-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the five-year period) of 50 percent or more	100 percent compliance of the site features is required

Article 7: Enforcement

Article 7: ENFORCEMENT

7.1 Purpose

7.2 Compliance Required

7.2.1. Generally

7.2.2. Receipt of Permit or Development Approval Required

7.2.3. Permits or Development Approvals Only Authorize Development Approved

7.3 Violations

7.3.1. Violations Generally

7.3.2. Specific Violations

7.4 Persons Held Responsible for Violating Ordinance

7.5 Enforcement Generally

7.5.1. Responsibility for Enforcement

7.5.2. Enforcement Procedure

7.6 Remedies and Penalties

7.6.1. Remedies

7.6.2. Cumulative Remedies and Penalties

7.7 Revocation of Certificates or Permits

7.7.1. General

7.7.2. Notification of Revocation of Certificates or Permits

7.7.3. Appeal of Revocation of Zoning Certificate

7.7.4. Effect of Revocation

ARTICLE 7: ENFORCEMENT

7.1 PURPOSE

This article establishes procedures through which the city seeks to ensure compliance with the provisions of this Ordinance and to obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

7.2 COMPLIANCE REQUIRED

7.2.1. GENERALLY

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by any person owning, developing, managing, using, or occupying land or structures in the city.

7.2.2. RECEIPT OF PERMIT OR DEVELOPMENT APPROVAL REQUIRED

All persons shall obtain all permits and development approvals required by this Ordinance prior to development.

7.2.3. PERMITS OR DEVELOPMENT APPROVALS ONLY AUTHORIZE DEVELOPMENT APPROVED

Permits or development approvals issued by a decision-making body or person (the ZA) authorize only the use, arrangement, location, design, density or intensity, and development, subject to any stated limitations or conditions, set forth in such permits or development approvals.

7.3 VIOLATIONS

7.3.1. VIOLATIONS GENERALLY

Any failure to comply with this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance, shall constitute a violation of this Ordinance as provided in this article.

7.3.2. SPECIFIC VIOLATIONS

It shall be a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance, including but not limited to any of the following:

A. Develop land without first obtaining all appropriate permits, certificates, or development approvals, and complying with their terms and conditions.

B. Occupy or use land or a structure without first obtaining all appropriate permits, certificates, or development approvals, and complying with their terms and conditions.

C. Disturb any landscaped area or vegetation required by this Ordinance.

D. Undertake any land disturbing activity without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions.

E. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.

F. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.

G. Create, expand, replace, or change any nonconformity except in accordance with this Ordinance.

H. Reduce or diminish the requirements for use, development, design, or dimensional standards below the minimum required by this Ordinance.

I. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

J. Violate, by act or omission, any term, condition of approval, or qualification placed by a decision-making body or person on a permit or development approval, or other form of authorization granted by the city to allow development.

K. Engage in any development or other activity of any nature in any way inconsistent with a permit or development approval, or other form of authorization granted for such activity by the city under this Ordinance.

L. Obtain a permit or development approval through false or misleading information.

7.4 PERSONS HELD RESPONSIBLE FOR VIOLATING ORDINANCE

Any person who violates this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this article. For the purposes of this article, “person” includes an individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in this article for ordinance violations include but are not limited to the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an Ordinance violation.

7.5 ENFORCEMENT GENERALLY

7.5.1. RESPONSIBILITY FOR ENFORCEMENT

The ZA shall be responsible for enforcing the provisions of this Ordinance in accordance with the Code of Virginia. The ZA shall be provided with assistance from other persons as directed by the City Manager.

7.5.2. ENFORCEMENT PROCEDURE

A. COMPLAINTS AND INVESTIGATION

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the ZA, who shall record the complaint. The complaint shall be investigated promptly by the ZA, and action may be taken to abate or to correct any violation that is found.

B. INSPECTIONS

(1) Site Inspections

Upon presenting proper credentials, the ZA may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance, after requesting and receiving approval of the landowner to enter upon land for these purposes. If the property is not open to the public and consent is not given by the landowner, the ZA may enter onto land in accordance with the Code of Virginia and the City Code of Ordinances (Inspecting land or structures from the public right-of-way, or from off-the site of the land where the alleged violation occurs, is not considered entering upon the land, and does not require the consent of the landowner).

(2) Inspection Warrants

The ZA may make an affidavit under oath that establishes probable cause exists that a zoning violation has occurred at a property before a magistrate or court of competent jurisdiction to obtain a search warrant. Prior to attempting to obtain an inspection warrant, the ZA shall make a reasonable effort to obtain consent to inspect from the owner or tenant of the subject dwelling or property.

C. NOTICE OF VIOLATION

(1) On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the ZA shall provide written notification of the violation to the owner of the land on which the violation exists, the occupant (if applicable), and the person causing or maintaining the violation. Such notification shall:

(a) Describe the location and nature of the violation;

(b) State the actions necessary to abate the violation;

(c) Order that the violation be corrected within a specified time period; and

(d) State the action(s) that will be taken if the violations are not corrected.

(2) If the owner of the land cannot be located or determined, the ZA shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five calendar days after the notice is posted.

(3) Additional written notices may be provided at the ZA's discretion.

D. APPEAL OF NOTICE OF VIOLATION

(1) General

The notice of violation shall state that the notice may be appealed to the BZA by any person aggrieved, or any officer, department, board, or commission of the city affected by the decision of the ZA within:

(a) 30 calendar days; or

(b) For recurring, short-term violations, 10 calendar days.

(2) Time Limit for Appeals

The notice of violation may only be appealed to the BZA during the timeframes established in subsection (1), above.

(3) Conditional Zoning

Where the notice of violation involves a property affected by a conditional zoning, or the property is zoned PD, the BZA may not act to modify the established conditions.

(4) Filing of Appeal Stays Other Proceedings

Except in cases of imminent peril to life and property as certified by the ZA to the BZA, whenever an appeal of a notice of violation is properly filed with the BZA, such filing shall stay or limit all subsequent proceedings in furtherance of the appeal related to the violation.

E. APPLICATION OF REMEDIES AND PENALTIES

On determining that the violator has failed to correct the violation by the time limit specified in the notice of violation or within 30 days (whichever is less), or any granted extension, the ZA shall take appropriate action, as provided in Section 7.6, Remedies and Penalties, to correct and to abate the violation and to ensure compliance with this Ordinance.

F. EMERGENCY ENFORCEMENT WITHOUT NOTICE

On determining that delay in abating the violation would pose a danger to the public health, safety, or welfare, the ZA may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in Section 7.6, Remedies and Penalties. The person responsible for the violation shall be notified as soon as is reasonably possible.

7.6 REMEDIES AND PENALTIES

Any violation of this article may be corrected, restrained, or abated by any of the following proceedings and remedies in accordance with the Code of Virginia.

7.6.1. REMEDIES

A. STOP WORK ORDER ISSUANCE

The city may issue a stop work order on any building or structure on any land on which there is or has been an uncorrected violation of this Ordinance, or of a permit or development approval or other form of authorization issued hereunder in accordance with its powers to stop work under the Virginia Uniform Statewide Building Code.

B. PENALTIES

The city has adopted a schedule of penalties for each violation of the provisions of this Ordinance, as follows:

(1) Civil penalties may be imposed for violations involving the following activities:

(a) Operating the use of short-term rental (vacation rental) or short-term rental (homestay) in a manner that violates any provision of this Ordinance or any condition in any Conditional Use Permit authorizing the use of a short-term rental.

(2) The following punishments are available for any of the violations set forth in subsection (1), above:

(a) A civil penalty of $200 for the initial summons and $500 for each additional summons.

(b) Additional summonses for the same violation resulting from the same operative set of facts may be imposed once during each 10-day period the violation is found to exist, subject to a maximum civil penalty of $5,000.

(3) Any violation of a provision of this Ordinance that is not punishable as a civil penalty and any violation that has resulted in a civil penalty that exceeds $5,000 may be punished as a crime. In such cases, the following punishments are available:

(a) A misdemeanor offense, punishable upon conviction by a fine of not more than $1,000 for each offense.

(b) A separate misdemeanor offense after the violator is directed to remove or abate the violation (either before conviction or within the time period set by a court which orders its removal or abatement) for a succeeding 10-day period during which the violation persists, punishable by a fine of not more than $1,500.00 and, for the next and

any other such succeeding 10-day periods, punishable by a fine of not more than $2,000.

(c) Any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family dwellings shall be punishable by a fine of up to $2000.00. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5000.00, and such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to $7,500.00. However, no such fine shall accrue against an owner or managing agent of a single-family dwelling during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Code of Virginia Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family dwellings shall not be punishable by a jail term.

C. CORRECT AND ABATE

Any violation or attempted violation of this Ordinance may be restrained, corrected, or abated by injunction or other appropriate proceeding in accordance with the Code of Virginia.

D. OTHER PENALTIES AUTHORIZED BY CODE OF VIRGINIA

The city shall have such other civil remedies as are and as may from time to time be provided for or allowed by the Code of Virginia, for violations of this Ordinance.

7.6.2. CUMULATIVE REMEDIES AND PENALTIES

To the extent allowed by law, all such remedies and penalties provided herein shall be cumulative.

7.7 REVOCATION OF CERTIFICATES OR PERMITS

7.7.1. GENERAL

A. ALL CERTIFICATES AND PERMITS EXCEPT CONDITIONAL USE PERMITS

(1) Required Findings

The ZA may revoke a Zoning Certificate if the recipient of the certificate is found to do the following:

(a) Fails to develop or maintain the property in accordance with the plans submitted as approved in the Zoning Certificate;

(b) Fails to abide by the requirements of this Ordinance, including but not limited to the performance standards in Article 4, Performance Standards; or

(c) Fails to meet any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

B. CONDITIONAL USE PERMITS

If the recipient of a Conditional Use Permit fails to comply with the conditions established by the permit, it may be revoked by City Council.

7.7.2. NOTIFICATION OF REVOCATION OF CERTIFICATES OR PERMITS

Before a Zoning Certificate may be revoked, the ZA shall give the recipient of the certificate 10 days notice of intent to revoke the certificate in writing and shall inform the recipient of the reasons for the revocation.

7.7.3. APPEAL OF REVOCATION OF ZONING CERTIFICATE

A. GENERAL

A revocation of a certificate or permit by the ZA may be appealed by any person aggrieved within 30 calendar days to the BZA in accordance with Section 2.4.13, Appeal to the Board of Zoning Appeals.

B. FILING OF APPEAL STAYS OTHER PROCEEDINGS

Except in cases of imminent peril to life or property as certified by the ZA to the BZA, whenever an appeal of a notice of violation is properly filed with the BZA, such filing shall stay or limit all subsequent proceedings in furtherance of the appeal related to the violation.

7.7.4. EFFECT OF REVOCATION

A. DISCONTINUATION OF USE

(1) Eating and Drinking Uses

No person may continue to make use of land or buildings for operation of an Eating and Drinking Establishment after a Zoning Certificate authorizing the use has been revoked, and no application for a new Zoning Certificate for an Eating Establishment on the same property shall be considered for 6 months from the date of revocation.

(2) All Other Uses

No person may continue to make use of land or buildings in the manner authorized by any other Zoning Certificate after such certificate has been revoked unless it is determined that the use and site are in compliance with

this Ordinance and all other applicable laws and a new Zoning Certificate has been issued.

Article 8: Definitions and Rules of Measurement

ARTICLE 8: DEFINITIONS AND RULES OF MEASUREMENT

8.1 General Rules for Interpretation

8.1.1. Meanings and Intent

8.1.2. Headings, Illustrations, and Text

8.1.3. Lists and Examples

8.1.4. Computation of Time

8.1.5. References to Other Regulations/Publications

8.1.6. Delegation of Authority

8.1.7. Technical and Non-technical Terms

8.1.8. Public Officials and Agencies

8.1.9. Mandatory and Discretionary Terms

8.1.10. Conjunctions

8.1.11. Tenses and Plurals

8.1.12. Terms Not Defined

8.2 Exceptions and Variations

8.2.1. Exceptions to Maximum Structure or Building Height

8.2.2. Allowable Encroachments into Required Yards/Build-to Zones

8.3 Definitions and Rules of Measurement

8.3.1. Rules of Measurement

8.3.2. Terms Defined

ARTICLE 8: DEFINITIONS AND RULES OF MEASUREMENT

8.1 GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

8.1.1. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

8.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

8.1.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language, are intended to provide examples and are not exhaustive lists of all possibilities.

8.1.4. COMPUTATION OF TIME

A. GENERAL

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.

B. NOTIFICATION BY MAIL

Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

8.1.5. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.1.6. DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a specific official of the city may be carried out by a designee that is a professional-level subordinate, as assigned by that official.

8.1.7. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.1.8. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Norfolk, unless otherwise indicated.

8.1.9. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

8.1.10. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. “and” indicates that all connected items, conditions, provisions, or events apply; and

B. “or” indicates that one or more of the connected items, conditions, provisions, or events applies.

8.1.11. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

8.1.12. TERMS NOT DEFINED

If a term used in any article of this Ordinance is not defined, the ZA is authorized to provide a definition through the Interpretation procedure (see Section 2.4.1718, Interpretation, based upon the definitions used in accepted sources, including but not limited to *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, published by the American Planning Association.

8.2 EXCEPTIONS AND VARIATIONS

8.2.1. EXCEPTIONS TO MAXIMUM STRUCTURE OR BUILDING HEIGHT

The maximum building or structure height limits established shall not apply to the structures or structural elements identified below.

A. Monuments, water towers, utility transmission towers, cooling towers, fire towers, and other similar structures not intended for human occupancy.

B. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:

(1) Cover not more than 25 percent of the roof area of the structure to which they are attached; and

(2) Comply with applicable screening standards for mechanical equipment and appurtenances, and

C. Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas, provided they comply with height limits established in Section 5.11, Accessory Structures.

D. Large-scale wind energy systems, in accordance with the height standards in Article 4, Performance Standards.

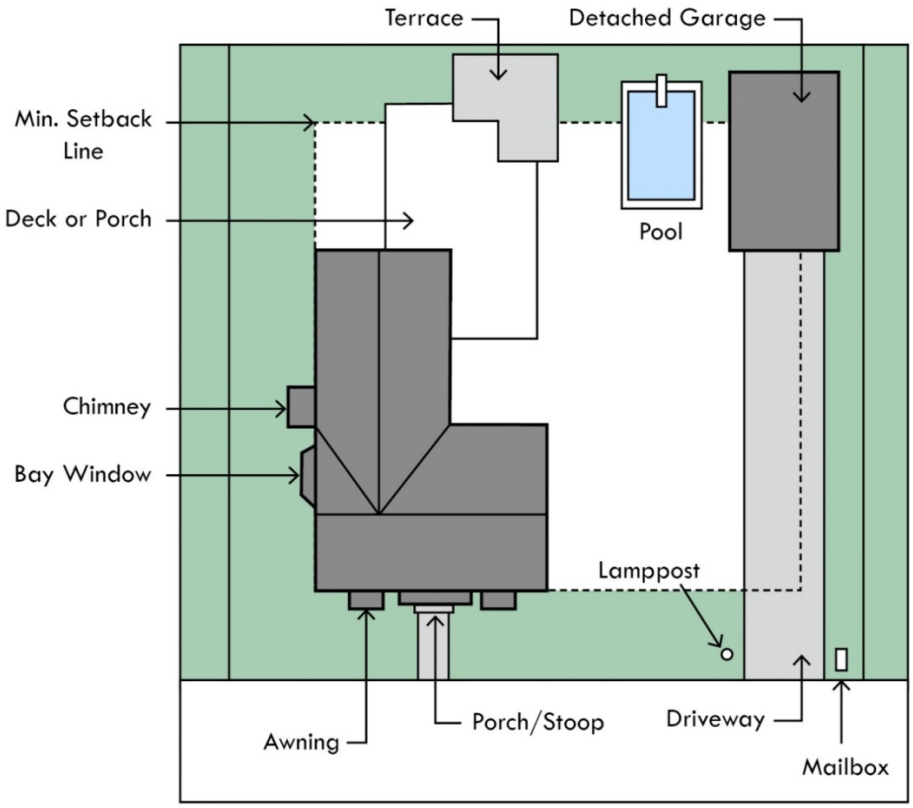
8.2.2. ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS/BUILD-TO ZONES

Every part of every required yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 8.2.2, Allowable Encroachments into Required Yards/Build-to Zones, or allowed or limited elsewhere in this Ordinance.

TABLE 8.2.2: ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS/BUILD-TO ZONES

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
1. Covered porches and carports	No covered porch or carport, open on three sides except for supporting columns and architectural features, shall be located closer than three feet to any interior side lot line or project more than eight feet into any required front or rear yard. The first floor of such porches or carports shall not extend beyond the first floor level of the building.
2. Uncovered porches and similar structures	Uncovered porches, landings, terraces, patios, platforms, or decks which do not extend above the first floor level of the building may project into any required side or rear yard no closer than three feet to the lot line or into any required front yard to the same extent permitted for covered porches.
3. Architectural features	Chimneys, cornices, eaves, belt courses, sills, canopies or similar architectural features (not including bay windows or vertical projections) may project into a required side yard not more than 18 inches and may project into a required front or rear yard not more than three feet, provided that such features are not located closer than three feet from a side or rear lot line.
4. Mechanical or electrical equipment	Mechanical or electrical equipment may only project into any required side or rear yard if such equipment is not located closer than three feet from a side or rear lot line, provided however that no such equipment may project into any corner side yard.
5. Patios or terraces, or walkways	May extend into or be located in any required minimum yard if less than 2 inches high.
6. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Section 5.7, Signs.
7. Flagpoles	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height.
8. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard.
9. Mailbox, freestanding	May be located in any required minimum yard.
10. Fences or walls (including associated gates and arbors)	May be located in any required minimum yard, subject to the limitations in Section 5.11.6, Fences and Walls.
11. Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in Section 4.3.3, Performance Standards for all Accessory Uses.
12. Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features	May be located in any required minimum yard.

TABLE 8.2.2: ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS/BUILD-TO ZONES

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
	

8.3 DEFINITIONS AND RULES OF MEASUREMENT

8.3.1. RULES OF MEASUREMENT

A. SETBACKS, BUILD-TO ZONES, AND FRONT FACADES

(1) Determining the Location of the Front Façade

Except as discussed below, for the purposes of measuring front setbacks the front façade shall be the closest first-floor exterior wall to the street which encloses a conditioned space of ten feet wide or greater.

(a) Special Rule for the Coastal Character District

For properties located in the Coastal Character District, the front façade may be defined as the closest second-floor exterior wall to the street which encloses a conditioned space of ten feet wide or greater.

(2) Front Yard Setback Ranges and Build-To Zones

Where front yard setbacks are expressed in a range, or where there is a build-to zone, 75% of the front façade shall be within the established range, while the remaining 25% may exceed the maximum specified.

8.3.2. TERMS DEFINED

The words, terms, and phrases below, when used in this Ordinance, shall have the meaning ascribed to them in this section. Definitions for each use type can be found in Article 4: Performance Standards. Those definitions are generally not repeated below.

A-FRAME SIGN
See sign definitions (Section 5.7.3).

ABANDONMENT
A condition where an active nonconforming use of land or occupancy of a nonconforming structure has ceased for two years or more.

ABUTTING
The condition of two adjoining lots having a common boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCENT LIGHTING
Lighting directed at a particular object in order to focus attention on it.

ACCESSORY STRUCTURE
A structure that is detached from the principal structure that serves a purpose clearly incidental to a principal use, and, unless otherwise specifically provided, that is located on the same premises. For the purposes of this definition, "on the same premises" means on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered part of the principal building, and not an accessory building.

For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, a fence is not considered an accessory structure.

For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, see FPCH-O district definitions (Section 3.9.7.G).

ACCESSORY USE
A use that is incidental to and customarily associated with a principal use, and, unless otherwise specifically provided, that is located on the same premises. For the purposes of this definition, "on the same premises" means on the same lot or a contiguous lot in the same ownership

ADJACENT
A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that abuts another parcel of land.

ADMINISTRATOR (OR ZONING ADMINISTRATOR OR ZA)
The City of Norfolk, Virginia Zoning Administrator. See Section 2.1.7, Zoning Administrator.

ALLEY
A vehicular way between or behind buildings used primarily for vehicular access to the rear or side of a property abutting a street.

AMERICAN STANDARD FOR NURSERY STOCK
A nursery standards specification manual written and published by the American Horticultural Industry Association, Washington, D.C.

ANCILLARY MECHANICAL EQUIPMENT
Supplemental equipment, attached or detached, including but not limited to equipment for the provision of services for heat, ventilation, air conditioning, electricity, plumbing, telephone and television.

ANTENNA
Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves mounted on a tower structure or attached to the exterior of a building.

ANTIQUE
An item, not including automobiles, more than 100 years old which has special value because of its excessive age, unique collectability, historical significance, handicraft, or aesthetic quality. For the purposes of this Ordinance, an “antique store” where the majority of items sold meet this definition is classified as a retail goods establishment.

APARTMENT
See "multi-family dwelling."

APPEAL (ZONING)
See Section 2.4.13, Appeal to the Board of Zoning Appeals.

APPLICANT
The owner of land, or the authorized agent of the landowner, applying for a permit or development approval, or a city board such as the City Council or Planning Commission.

APPLICATION OR DEVELOPMENT APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by this Ordinance, the Procedures Manual, and the Department of City Planning, as part of the review on an application for a permit or development approval.

ARCADE
A range of arches supporting a roofed area along with a column structure, plain, or decorated over a walkway adjacent to or abutting a row of non-residential uses on one side or both sides.

ARCHITECTURAL LIGHTING
Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ARCHITECTURAL REVIEW BOARD (ARB)
See Section 2.2.4, Architectural Review Board.

ASSESSED VALUE
The monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Real Estate Assessor's office for the purposes of taxation.

AUTHORIZED AGENT
A person with express written consent to act upon another person's behalf.

AUTOMOBILE
A vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, trucks, motorcycles, motor scooters, motorized bicycles and the like.

AWNING
See sign definitions (Section 5.7.3).

AWNING SIGN
See sign definitions (Section 5.7.3).

BANNER
See sign definitions (Section 5.7.3).

BASE
In the context of building or structure height, base means:

1. For a principal structure, either the ground immediately adjacent to the structure at the midpoint of its main entrance or the design flood elevation, whichever is higher; and
2. For all other structures, including but not limited to an accessory structure, the ground immediately adjacent to the structure at the midpoint of its main entrance.

BASE FLOOD
The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION
See FPCH-O district definitions (Section 3.9.7.G).

BASEMENT
For purposes of Section 3.9.7, FPCH-O: Flood Plain/Coastal Hazard Overlay, basement shall mean any area of a building having its floor sub-grade below ground level on all sides.

In all other instances in this Ordinance, basement shall mean a floor or floors of a building that are either completely or partially below the ground on all four sides.

BAY WINDOW
A window or series of windows projecting outward from the main wall of a building and forming a bay or alcove in the inside of a room.

BEACH
The shoreline zone comprised of unconsolidated sandy material as defined in Section 28.2-1400 of the Code of Virginia.

BERM
An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BEST MANAGEMENT PRACTICES (BMPs)
A practice, or a combination of practices, that is determined by the city to be an effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

BILLBOARD
See sign definitions (Section 5.7.3).

BLOCK
That land abutting on one side of a street lying between the nearest two intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way or un-subdivided acreage.

BLOCK FACE
Two sides of one street between intersecting streets.

BOARD OF ZONING APPEALS (BZA)
The Board of Zoning Appeals of the City of Norfolk. Also see Section 2.2.5, Board of Zoning Appeals.

BOLLARD LIGHTING
An outdoor luminaire that is a short (usually about 2-4 feet in height) but very sturdy vertical post with the light source located at or near the top. Bollards are typically used to light walkways in commercial settings.

BREAKAWAY WALL
A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUFFER AREA
For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, buffer area shall mean an area of natural or established vegetation managed to protect other components of an RPA and state waters from significant degradation due to land disturbances.

BUILDABLE AREA
The portion of a lot remaining after required yards, buffer areas, and BMP areas, open space set-aside areas, and other areas required to be protected under environmental regulations have been

provided. In no event shall the buildable area be less than 1,200 square feet for lots of over 5,000 square feet. For lots under 5,000 square feet, the minimum buildable area shall be as determined by this definition and the ZA.

BUILDING
A combination of any materials, whether portable or fixed, that forms a structure with a roof intended for shelter or enclosure.

BUILDING CODE
The Virginia Uniform Statewide Building Code adopted by the General Assembly, and any amendments thereto.

BUILDING FOOTPRINT
The total area of a building measured at the building's outside walls at its ground plane.

BUILDING FRONTAGE
The portion of the principal building of an establishment which faces a public street. For the purposes of determining building frontage for signage, if a principal building is arranged on the lot so that the main entrance faces a parking area, then the ZA may make a determination that the portion facing the parking area may be considered additional building frontage.

BUILDING MASS
The form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.

BUILDING OFFICIAL
The person who issues building permits for construction, alteration, reconstruction, or demolition of all or part of any building or structure.

BUILDING PERMIT
An approval statement signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building because the proposed development complies with this Ordinance and the Building Code.

BUILD-TO LINE
The line at which construction of a front façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (more or less even) building façade line along the street.

BUILD-TO ZONE
The area between the minimum and maximum build-to lines or setback lines, that extends the entire width of the lot.

CALIPER
The diameter of a tree trunk six inches above the ground, measured in inches. This measurement is used for nursery-grown trees for purposes of determining minimum planting installation size.

CANNABIS
Any part of a plant of the genus Cannabis (also commonly known as marijuana) whether growing or no, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. Cannabis does not include the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the

seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis. Cannabis does not include any of the following:

1. Industrial hemp that is possessed by a person, or his agent, registered to grow, deal in, or process industrial hemp in the Commonwealth.
2. Industrial hemp that is processed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture.
3. A hemp product containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp that is grown, dealt, or processed in compliance with state or federal law.

CANOPY
See sign definitions (Section 5.7.3).

CANOPY LIGHTING
Lighting for a canopy.

CANOPY SIGN
See sign definitions (Section 5.7.3).

CARPORT
See *Garage or Carport*.

CASUALTY DAMAGE
Damage to a use, land, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

CERTIFICATE OF APPROPRIATENESS (COA)
See Section 2.4.10, Certificate of Appropriateness.

CERTIFICATE OF OCCUPANCY
A certificate granted by the Building Official which permits the use of a building in accordance with the approved building permit, and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. A building may not be occupied without the issuance of a Certificate of Occupancy.

CHANGE OF USE
Change of use shall include a change from one use to another use in the list(s) of permitted uses in Article 3: Zoning Districts, and shall also include a change from one permitted use to another permitted use within any broad category of uses, such as from one permitted use listed in the commercial use category to another permitted use listed in the commercial use category, as herein defined.

CHARACTER DISTRICT
An area of the city designated on the Zoning Map within which the patterns and features of both existing development and anticipated future development share a general similarity in form and development patterns.

CHARACTER DISTRICT, COASTAL
The Coastal character district includes lands in the vicinity of Ocean View Avenue, which were primarily developed after WWII. The area is linear in nature, and automobile-oriented. It is broken up

by a repeating pattern of north-south streets leading to beach accesses, and developed with an eclectic mix of housing types interspersed with neighborhood-scale commercial uses. Lots are generally smaller, and there is limited provision of on-street parking, common open space, and sidewalks. The Coastal character district is identified on the Official Zoning Map

CHARACTER DISTRICT, DOWNTOWN
The Downtown character district includes Norfolk's downtown. It is a walkable area and accommodates a broad range of commercial, office, and residential uses, at the highest intensities in the city. There is limited on-site parking, and plazas and civic spaces are preferred over traditional open space. Transit accessibility is important. The Downtown character district is identified on the Official Zoning Map.

CHARACTER DISTRICT, SUBURBAN
The Suburban character district includes lands developed after WWII, with larger lots, greater separation of land uses, gridded and curvilinear street layouts, and limited sidewalks and common open space. The automobile dominates the landscape. The Suburban character district is identified on the Official Zoning Map.

CHARACTER DISTRICT, TRADITIONAL
The Traditional character district generally includes lands developed in the early 20th century, with gridded streets, smaller lots, sidewalks, and a variety of uses located in proximity to one another. It is a walkable area that is primarily residential in character, with some moderate and small-scale commercial development in fairly close proximity to residential uses. The Traditional character district is identified on the Official Zoning Map.

CHESAPEAKE BAY PRESERVATION AREA BUFFER (CBPA BUFFER)
See CBPA-O district definitions (Section 3.9.6.B).

CHESAPEAKE BAY PRESERVATION AREA OVERLAY (CBPA-O) DISTRICT
Any land designated by the city pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830, and Section 62.1-44.15:67 *et seq.,* of the Code of Virginia. The CBPA-O district shall consist of a RPA and an RMA.

CIRCUIT COURT
The Circuit Court of Norfolk, Virginia.

CITY
The City of Norfolk, Virginia.

CITY CODE OF ORDINANCES
The Code of the City of Norfolk, Virginia.

CITY COUNCIL
The City Council of Norfolk, Virginia.

CITY MANAGER
The Chief Administrative Officer (CAO) of the City of Norfolk, who is appointed by the City Council, or a designated representative. The City Manager is charged with the authority to implement and administer the laws, ordinances, and regulations for the city.

CLERK OF CIRCUIT COURT

The Clerk of the Circuit Court of Norfolk, Virginia.

COASTAL FLOODPLAIN (COASTAL A) FLOOD DISTRICT
Areas identified as Coastal A flood districts that have been delineated as being subject to wave heights between one and one-half feet and three feet and identified on the FIRM as areas of Limits of Moderate Wave Action (LiMWA).

COASTAL HIGH HAZARD (VE) FLOOD DISTRICT
Within the FPCH-O overlay district, areas identified as VE flood district on the FIRM, extending from offshore to the inland limit of the coastal primary sand dune, as defined by the Code of Virginia, and subject to wave heights of three feet or more.

COASTAL PRIMARY SAND DUNE
A mound of unconsolidated sandy soil as defined in Section 28.2-1400 of the Code of Virginia.

CODE OF VIRGINIA
The Code containing the laws for the Commonwealth of Virginia as adopted by the General Assembly.

COMMON AREA
Land or facilities that are located within, or related to, a development, and that are designed for use by the residents (and guests) of, or workers in, the entire development or a designated part of the development. Common area does not include land or facilities which are individually owned or dedicated to public use. Common area remains in the ownership of a homeowners' or similar association.

COMMONWEALTH
The Commonwealth of Virginia.

COMPOSTING
An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

COMPREHENSIVE PLAN
The comprehensive plan adopted by the City Council of Norfolk, Virginia.

CONDITIONAL REZONING
See Section 2.4.4, Conditional Rezoning.

CONDITIONAL USE PERMIT
See Section 2.4.8, Conditional Use Permit (It was called a special exception in the prior zoning ordinance, “Zoning Ordinance of the City of Norfolk, 1992,” as originally adopted on March 3, 1992, and subsequently amended). See also Code of Virginia § § 15.2-2201, 2204, 2286, 2309.

CONSTRUCTION
The erection of any building or structure or any preparations (including land-disturbing activities) for the same.

CONSTRUCTION FOOTPRINT
The area of impervious surface including, but not limited to, buildings, roads, drives, parking areas, and sidewalks, and the area necessary for construction of such improvements.

CONSTRUCTION IMPACT ZONE

See CBPA-O district definitions (Section 3.9.6.B).

CONTIGUOUS
Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad, or public utility right-of-way.

COOL ROOF
Roofing product with high solar reflectance (SR) and thermal emittance (TE) properties. These properties help reduce electricity used for air conditioning by lowering roof temperatures on hot, sunny days.

CO-WORKING
A style of work involving a shared working environment, often containing offices and community space. Unlike a typical office environment, co-workers are usually not employed by the same organization. Co-working involves people who are interested in the synergy that can happen from working with people who value working in the same place alongside each other.

CRITICAL FACILITY
Hospitals, universities, public schools, fire and police stations, government buildings, and major and minor utility facilities.

CUL-DE-SAC
A short street whereby one end is open to traffic and the other end is permanently terminated by a vehicular turnaround.

DECIDUOUS
A plant with foliage that is shed annually.

DECORATIVE LIGHTING
Light fixtures used for decorative effects, like accent lights for buildings.

DENSITY, DWELLING UNIT
Unless expressly stated otherwise in this Ordinance, density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the area of the entire site for development on which the lot is located.

DEPARTMENT OF RECREATION, PARKS AND OPEN SPACE
The City of Norfolk Department of Recreation, Parks and Open Space.

DESIGN FLOOD ELEVATION (DFE)
See FPCH-O district definitions (Section 3.9.7.G).

DESIGN FLOOD ELEVATION AO (DFE-AO)
See FPCH-O district definitions (Section 3.9.7.G).

DESIGN PROFESSIONAL
An architect, landscape architect, engineer, or surveyor registered by the Commonwealth of Virginia.

DEVELOPER
Any person, including a governmental agency, undertaking development.

DEVELOPMENT

For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, development shall mean the construction, or substantial alteration of residential, commercial, industrial, institutional, recreation, or transportation structures, or utility facilities, or the construction of public streets, curbs or sidewalks.

For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, development shall mean any human-made change to improved or unimproved land, including, but not limited to, buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

In all other instances in this Ordinance, development shall mean:

The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, a change of use, or the dividing of land into parcels by any person. The following activities or uses shall be taken for the purposes of these regulations to involve development:

- The construction of any building or structure;
- A reconstruction, alteration of or material change in the external appearance of a structure on land or water;
- A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, or offices;
- Alteration of a shore or bank of a pond, river, stream, lake, or other waterway;
- Commencement of drilling (except to obtain soil samples), the driving of piles, or excavation on a parcel of land;
- Demolition of a structure;
- Clearing of land as an adjunct of construction, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation;
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- Deposition of refuse or solid or liquid waste on a parcel of land; and
- A change of use.

The following operations or uses shall not be taken for the purpose of these regulations to involve development:

- Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
- Work for the maintenance, renewal, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure (except in Historic and Cultural Conservation Districts);
- The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;
- A change in the ownership or form of ownership of any parcel or structure;

- Work involving the landscaping of a detached dwelling (except in the CBPA-O and wetland areas); and
- Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas (except in the CBPA-O and wetland areas).

DIAMETER AT BREAST HEIGHT (DBH)
The diameter (measured in inches) of a tree measured 54 inches above the ground, for purposes of determining the size of an existing tree. If the tree splits into multiple trunks at a height below 54 inches above the ground, the diameter is measured at the highest point beneath the split.

DISC JOCKEY (DJ)
An entertainer who introduces and plays recorded music for the enjoyment of patrons of an establishment.

DRIPLINE
A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DWELLING UNIT
One or more rooms connected together and constituting a single housekeeping unit, with independent cooking (including range), bathroom (including bathtub and/or shower), and sleeping facilities, designed or used for occupancy by a single family or housekeeping unit, for owner occupancy or rental of not less than 31 days, and separate from any other dwelling units or rooms in the same building. Recreational vehicles are not dwelling units.

EASEMENT
A grant by a landowner to another landowner or to the public, of a right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

EAVE
The projecting lower edges of a roof that overhangs the wall of a building.

ELEVATION CERTIFICATE
A document, prepared by a professional land surveyor, engineer, or architect, that verifies elevation and floodplain data of a structure relative to the ground level.

ENCROACHMENT
For the purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, the advance or infringements of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEER
A person who is recognized by the Commonwealth of Virginia and registered with the Virginia Department of Professional and Occupational Registration as a professional engineer.

ENTERTAINMENT
Live performances including, but not limited to, music performances involving amplified music or more than one instrument, a disc jockey, any form of dancing, karaoke, or comedians.

EQUIVALENT PLANTING UNIT (EPU)

A unit of measurement used with various plant material (e.g. trees, shrubs) for purposes of determining landscape planting requirements. See Section 5.2, Landscaping Standards.

EVERGREEN
A plant with foliage that persists and naturally remains green year-round.

EXPANSION
An increase in the floor area of an existing structure or building, or the increase of area of a use.

FAÇADE
The face of a building. Typically refers to the face that fronts the street, but may also refer other building faces. For minimum dimensions of certain facades, see Section 8.3.1.A, Setbacks, Build-To Zones, and Front Facades.

FAIR MARKET VALUE
The price that property will bring when (i) offered for sale by one who desires, but who is not obligated, to sell it; (ii) bought by one who is under no necessity of having it.

FAMILY
1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or
2. A group of not more than four persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or
3. Two unrelated persons and their children living together as a single housekeeping unit in a dwelling unit; or
4. A group of individuals residing in a dwelling unit in accordance with the standards and requirements set forth in the definition of a group home.

The term "family" does not include any group of people living in a dwelling unit as members or residents of a club, a lodge, a rooming house, or a fraternity/sorority house.

FENCES AND WALLS
A fence or wall is an artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

FENESTRATION
The placement and proportion of windows, doors, and other openings in a building's façade.

FLAG SIGN
See sign definitions (Section 5.7.3).

FLASHING SIGN
See sign definitions (Section 5.7.3).

FLOOD INSURANCE RATE MAP (FIRM)
See FPCH-O district definitions (Section 3.9.7.G).

FLOOD OR FLOODING

1. A general or temporary condition of partial or complete inundation of normally dry land areas from either of the following:
    a. The overflow of inland or tidal waters; or
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
3. Mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and disposed along the path of the current.

FLOOD DEPTH
See FPCH-O district definitions (Section 3.9.7.G).

FLOOD INSURANCE STUDY
See FPCH-O district definitions (Section 3.9.7.G).

FLOODPLAIN OR FLOOD-PRONE AREA
Any land area susceptible to being inundated by water from any source.

FLOODPLAIN DISTRICT
See FPCH-O district definitions (Section 3.9.7.G).

FLOODPLAIN/COASTAL HAZARD OVERLAY DISTRICT PERMIT
See Section 2.4.15, Floodplain Permit / Coastal Hazard Overlay District Permit.

FLOOR AREA RATIO (FAR)
Floor area ratio (FAR) shall be determined by measuring the gross floor area (in square feet) devoted to non-residential on all floors of all buildings located or proposed on a zoning lot by the zoning lot area (in square feet).

FLOOR AREA, GROSS
The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FOOD VENDOR
A person who is either mobile or stationary, sells or offers food for sale from a pushcart, or stand from any public or private space.

FOOT-CANDLE
A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One foot-candle is equal to one lumen per square foot. (see Section 5.8.8, Measurement).

FREEBOARD

See FPCH-O district definitions (Section 3.9.7.G).

FREESTANDING SIGN
See sign definitions (Section 5.7.3).

FREIGHT CONTAINER OR SHIPPING CONTAINER
An industrial, standardized reusable metal vessel that was originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A shipping container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a freight or shipping container for purposes of this definition, excepting any container that is modified with a building permit, which shall, after such modification, be a building. Portable storage units regulated under City Code § 29-79 shall not be considered freight or shipping containers. A container that otherwise meets this definition but is temporarily affixed to a trailer, train car, or other wheeled device or vehicle maintained in an operable condition shall not be considered a freight or shipping container when parked or stored on a lot.

FRONT (OR PRIMARY) FAÇADE
The face of a building that fronts the street or other public space. Typically houses the principal building entrance.

FULL CUT-OFF FIXTURE
A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

GABLE
A triangular area of an exterior wall formed by two sloping roofs.

GAMING EQUIPMENT, DEVICE, OR SUPPLY
Baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs and any other activity that is authorized by the Virginia Lottery Board as a wagering game or device under Va. Code § 58.1-4122.

GAMING POSITION
A seat or other location at which a single patron can operate an amusement device or a gaming equipment, device, or supply. Individual devices may support multiple gaming positions. The following computations shall be used to determine the number of gaming positions for each device located in an establishment:

- For a pool or billiards table, shuffleboard court, or video game console: 4
- For table tennis: 2
- For any device that can only be played by a maximum of one player at any time: 1
- For any device that can be played by more than one player at a time and not listed above: the maximum number that can play at any one time.

GARAGE OR CARPORT

A structure used or designed to provide shelter for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports may be an attached part of a dwelling or other principal building, or exist as a detached accessory structure.

GARAGE OR YARD SALE

The temporary and occasional use of the garage or yard of a single-family detached or two-family dwelling for the casual sale of miscellaneous items of personal property to the general public. A garage or yard shall be limited to four times per year at each dwelling.

GAS PUMP SIGN

See sign definitions (Section 5.7.3).

GLARE

The effect produced by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.

GLAZING

The portion of an exterior building surface occupied by glass or windows.

GREEN ROOF

A roof of a structure that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. Green roofs are sometimes known as rooftop gardens.

GREEN WALL

A wall partially or completely covered with greenery that includes a growing medium, such as soil. Most green walls also feature an integrated water delivery system. Green walls are also known as living walls. They give insulation to keep the building warm or cool. Green walls are often constructed of modular panels that hold a growing medium and can be categorized according to the type of growth media used: loose media, mat media, and structural media. There are two types of green walls, defined as follows:

1. Living wall systems are composed of pre-vegetated panels, modules, planted blankets or bags that are affixed to a structural wall or free-standing frame. These modules can be made of plastic, expanded polystyrene, synthetic fabric, clay, and concrete and support a diversity and density of plant species (e.g. a lush mixture of groundcovers, ferns, low shrubs, perennial flowers, and edible plants); and
2. Green façades are systems in which vines and climbing plants or cascading groundcovers grow into supporting structures that are purposely designed for their location. Plants growing on green façades are generally rooted in soil beds at the base of the structure, in elevated planters at intermediate levels, or on rooftops. Choice of plant species, depth of soil bed, orientation, nutrition and irrigation regime may be proposed by the developer. Green façades may take several seasons before achieving maturity. Green façades should be attached to existing building walls.

GROUND SIGN

See sign definitions (Section 5.7.3).

GROUP HOME

A residential dwelling in which no more than eight persons reside and which meets all of the following additional criteria:

1. All of the residents are:
    a. Aged, infirm, or disabled individuals and the facility is operated with one or more resident couselors or other staff persons in compliance with a license issued by the Virginia Department of Social Services; or
    b. Individuals with a mental illness, intellectual disability, or developmental disability and the facility is operated with one or more staff persons, who may or may not reside at the facility, in compliance with a license issued by the Virginia Department of Behavioral Health and Developmental Services, provided that no resident is engaged in current illegal use of or is addicted to a controlled substance, as defined in § 54.1-3401 of the Code of Virginia; or
    c. Individuals with a handicap, as that term is defined in the federal Fair Housing Act (42 U.S.C. 3602), and the dwelling is operating as a single housekeeping unit.
2. The dwelling does not provide shelter care, intermediate care, or nursing home services to the residents nor does it provide crisis support services, as defined in Title 12 of the Virginia Administrative Code section 30-122-20.
3. No person who suffers from a disability whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others, based on reliable objective evidence, is permitted to dwell on the property, unless the threat can be eliminated or significantly reduced by reasonable accommodation.
4. No person dwells or is permitted to dwell on the property for fewer than 30 consecutive nights.
5. The operator of the facility or, where no operator exists, the owner of the facility adopts and enforces policies and procedures sufficient to ensure that the residents do not illegally use controlled substances, as defined in § 54.1-3401 of the Code of Virginia, and are not addicted to any such substance, including all of the following minimum operational mandates:
    a. Performing pre-admission drug testing of all residents to confirm that each of them is not currently illegally using or addicted to such substances.
    b. Performing regular or random drug testing for each resident with a history of addiction to such substances to confirm that each of them is not currently illegally using or additcted to such substances.
    c. Implementing effective security measures to ensure that each resident with a history of addiction to such substances is not able to (i) obtain such controlled substances in or near the facility, (ii) use such controlled substances in or near the facility, or (iii) bring such controlled substances into the facility.
    d. Providing written documentation to the City verifying compliance with the foregoing minimum operational mandates not less than annually and at other times when requested by City staff upon reasonable advance notice.

6. Whenever any of the residents of the facility are juveniles, the operator of the facility adopts and enforces policies and procedures to promote the care, support and maintenance of said residents, including all of the following minimum operational mandates:

    a. Implementing effective security measures to alert the surrounding neighborhood if any resident is missing from the facility or otherwise absent from the residence without permission of the facility's staff.

    b. Preventing uninvited or prohibited persons from visiting the facility.

    c. Implementing effective house rules that prevent any resident from creating or maintaining any nuisance as defined in the City Code or otherwise interfering with the quiet enjoyment of surrounding properties.

    d. Providing written documentation to the City verifying compliance with the foregoing minimum operational mandates not less than annually and at other times when requested by City staff upon reasonable advance notice.

HANDICAPPED

A person:

1. Having a physical or mental impairment that substantially limits one or more of the person's major life activities so the person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having such an impairment.

For the purposes of this Ordinance, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include a person whose residency in the home would constitute a direct threat to the health and safety of other persons.

HEIGHT, BUILDING OR STRUCTURE

The height of a building or structure is measured as the vertical distance between the roof line and the base, excluding ancillary mechanical equipment, cupolas, chimneys, church steeples, flagpoles, rooftop penthouses for elevators or stairways, and similar ancillary features.

HIGHEST ADJACENT GRADE

See FPCH-O district definitions (Section 3.9.7.G).

HISTORIC STRUCTURE

For purposes of Section 2.4.12, Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District), any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Virginia Landmarks Register; or
4. Designated individually as a historic landmark or as a contributing structure within a Historic and Cultural Conservation District.

HOMEOWNERS ASSOCIATION

A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities**.**

HOTEL OR MOTEL ROOM
A room or combination of rooms (suite) offered as a single unit for lodging in a hotel/motel.

ILLUMINATED SIGN
See sign definitions (Section 5.7.3).

IMPACT STATEMENT
A statement containing an analysis of a project's potential impact on the environment, traffic, aesthetics, schools, and/or municipal costs and revenues, as well as comments on how the development fits into the comprehensive plan.

IMPERVIOUS COVER
A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

IMPROVED SURFACE
See "pavement or paved surface".

INFILL
For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, infill shall mean utilization of vacant land in previously developed areas.

In all other instances in this Ordinance, infill shall mean new development that occurs within an already developed area where building patterns and lot platting are already established.

INFLATABLE SIGN
See sign definitions (Section 5.7.3).

INTENSELY DEVELOPED AREAS (IDAS)
Areas where development is concentrated and little of the natural environment remains and where at least one of the following conditions existed on or before March 3, 1992:

1. Development has severely altered the natural state of the area such that it has more than 50 percent impervious surface;
2. Public sewer and water systems, or a constructed stormwater drainage system, or both, have been constructed and served the area on or before March 3, 1992; or
3. Housing density is equal to or greater than four dwelling units per acre.

Intensely Developed Areas (IDAs) are designated as an overlay in the CBPA-O district on the Official Zoning Map and on the Chesapeake Bay Preservation Areas Supplemental Working Map, as periodically amended.

INTERIOR LANDSCAPING ISLAND
Vegetative materials (trees, shrubs, and other vegetative materials) placed together in a planting area in the interior of a parking lot.

INTERPRETATIONS

An interpretation of the text, uses, or other provisions of this Ordinance, or the boundaries of the Official Zoning Map of this Ordinance, or the conditions of approval imposed on a permit or development approval. Interpretations are rendered in accordance with Section 2.4.17, Interpretation.

INTERSTATE HIGHWAY SYSTEM
The interstate system of highways as defined in 74 Stat. 415 (1960), 23 U.S.C. Sec. 103, or amendments thereto.

LAND
The earth, water, and air, above, below, or on the surface, including any improvements or structures on land.

LAND DISTURBING ACTIVITY
Any land change including, but not limited to, clearing, grading, excavating, transporting, and filling of land, or other construction activities which would disturb the natural vegetation or the existing contours of the land, which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage systems or waters of the state.

LANDOWNER OR OWNER OF LAND
Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LARGE SHRUB
See Table 5.2.5(B): Minimum Tree and Shrub Size.

LARGE TREE
See Table 5.2.5(B): Minimum Tree and Shrub Size.

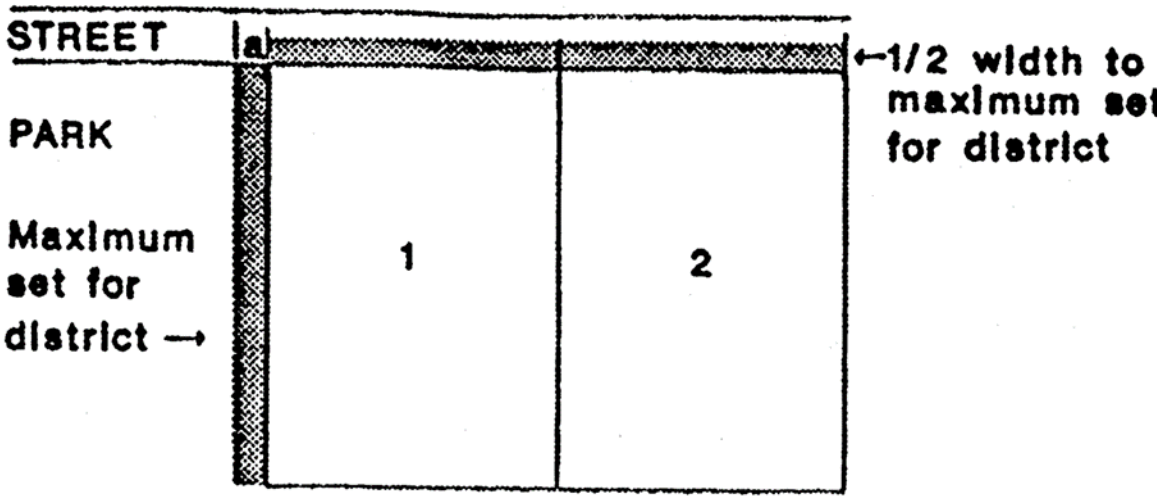
LIVING UNIT
Separate living space for one or two persons in a residential structure which provides some common or shared service to residents. Living units may be the density measure for such facilities as congregate housing, dormitories, fraternity and sorority houses, and nursing homes. Living units are different from dwelling units which provide kitchen facilities, and lodging units which are rented for short periods of time.

LOADING AREA OR LOADING DOCK
A designated, paved, off-street area for the loading or unloading of products, supplies, or equipment to or from a building or structure.

LODGING UNIT
Living quarters for a family which does not contain independent kitchen facilities.

LOT AREA, GROSS
The net lot area plus half of adjoining permanent open space plus half of the width of any adjacent rights-of-way, up to the maximum specified for the district. Where such open space or rights-of-way adjoin a lot on two adjacent sides, the area thus added shall include the area required to complete the gap otherwise left at the intersection of the open space or rights-of-way, as indicated at "a" below:

Figure 8.3.2(A): Gross Lot Area



The gross area of lot 1 in the illustration would thus be the area within its boundaries plus the hatched areas at the top and side, including the rectangle marked "a." The gross area of lot 2 would include its net area plus the hatched area across its front.

LOT AREA, NET
The total area within the property lines of the lot.

LOT COVERAGE
Lot coverage (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area of the lot (in acres or square feet) covered by all buildings and other roofed structures, including porches, carports, and sheds, dividing that coverage area by the lot area, and multiplying the result by 100.

LOT LINE
A line forming the boundary of a lot**.**

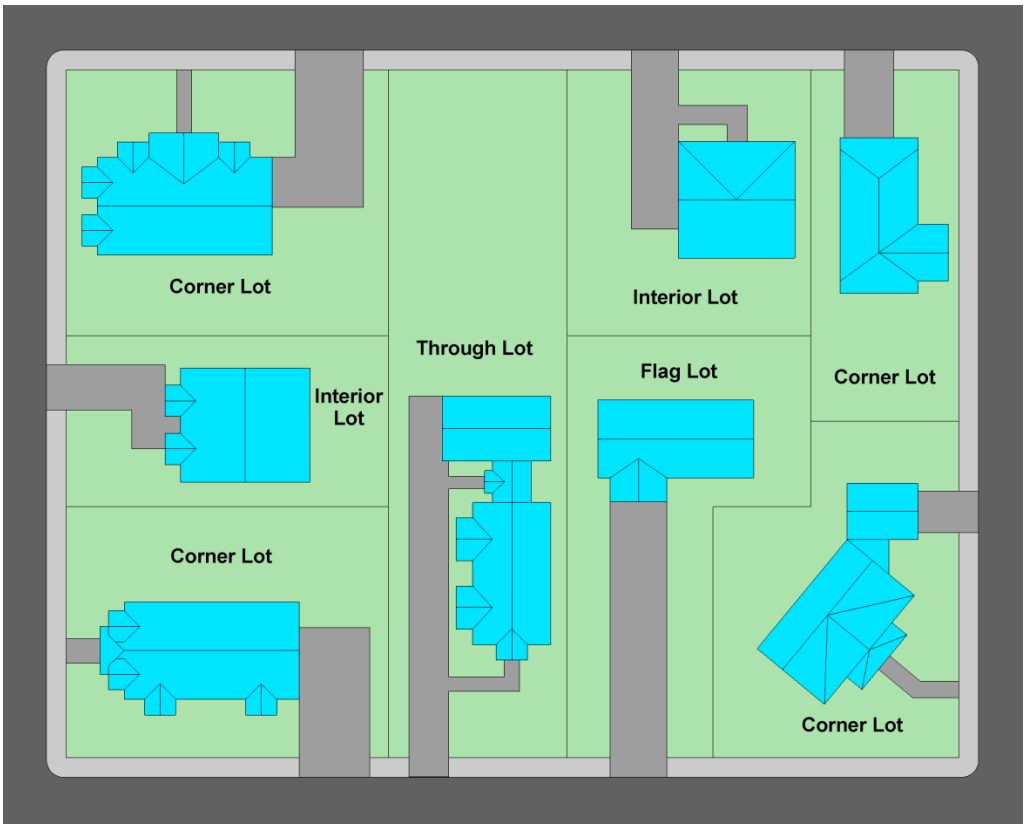
LOT OF RECORD
A lot which is part of a subdivision or plat which has been recorded in the Clerk of Circuit Court's office prior to March 1, 2018, or a lot described by metes and bounds, the description of which has been so recorded prior to March 1, 2018.

LOT OR ZONING LOT
For zoning purposes a lot or zoning lot is a piece of land, parcel, or combination of adjacent pieces of land or parcels all held in common ownership, each of which is identified on a plat of record or in a deed of record and of sufficient area and dimensions to meet zoning district standards for width, area, use, and coverage, and to provide such yards and open space set-asides as are required. In this Ordinance, the terms "lot" and "zoning lot" have the same meaning and may be used interchangeably. No zoning lot shall be divided or combined such that any residual lot, portion of lot, or parcel is created which does not meet the dimensional standards of the applicable zoning district, this Ordinance, or the Subdivision Regulations. All lots shall have direct vehicular access to a public street. For the purpose of determining allowable dwelling unit or lodging unit density and lot coverage, the following shall not count as part of the lot area:

1. Nontidal areas: That portion of the lot covered by surface water including, but not limited to, ponds, lakes, streams, rivers and canals;
2. Tidal areas: That portion of the lot located below mean low water (MLW), or that portion of the lot which contains state-defined wetlands as verified by the Department of City Planning;
3. Nontidal areas: That portion of the lot which contains federally defined wetlands as verified by the Department of City Planning; and
4. That portion of the lot covered by a public or private utility easement whose total width is more than 20 feet.

Examples of different types of zoning lots are shown in Figure 8.3.2(B), Examples of Types of Zoning Lots.

Figure 8.3.2(B): Examples of Types of Zoning Lots



LOT, CORNER
A lot which has two intersecting sides abutting on a public street, provided the interior angle at the intersection of the two sides is less than 135 degrees, and each public street serves more than two lots (See Figure 8.3.2(B), Examples of Types of Zoning Lots). Such lots shall have no rear yard.

LOT, FLAG
A lot, also known as a "rear lot" or a "panhandle lot," which utilizes a narrow strip of land to provide access to, or legal frontage on, a public street. For flag lots, width is measured along the flag at the line of the required front yard furthest from the portion of the "flag" closest to the public street (See Figure 8.3.2(B), Examples of Types of Zoning Lots).

LOT, INTERIOR
A lot other than a corner lot with only one frontage on a street other than an alley (see Figure 8.3.2(B), Examples of Types of Zoning Lots).

LOT, THROUGH
A lot other than a corner lot with frontage on more than one street other than an alley (see Figure 8.3.2(B), Examples of Types of Zoning Lots).

LOT FRONTAGE
The portion of a property boundary or a lot line which abuts a public right-of-way.

LOT WIDTH (OR ZONING LOT WIDTH)

The horizontal distance between the side lot lines measured at the line of the required front yard furthest from the street.

LOWEST ADJACENT GRADE
See FPCH-O district definitions (Section 3.9.7.G).

LOWEST FLOOR
The lowest floor of the lowest enclosed area of a building (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Federal Administrative Code (FAC) 44 CFR § 60.3.

LUMEN
A quantitative unit measuring the amount of light emitted by a light source.

MAINTAIN
To preserve, keep in repair, continue, allow to exist, or restore in accordance with the provisions of this Ordinance.

MAJOR RECREATIONAL EQUIPMENT
Recreational vehicles, boats and boat trailers, combinations thereof and other similar equipment, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

MANUAL OF WOODY LANDSCAPE PLANTS
A reference guide to the identification and culture of woody landscape plants written by Michael Dirr, and published by Stipes Publishing, LLC, Champaign, IL.

MANUFACTURED HOME
For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, manufactured home shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

In all other instances in this Ordinance, manufactured home shall mean a factory-built single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent foundation, and is used as a place of human habitation. For the purposes of this Ordinance, manufactured home also includes mobile homes, and transportable, factory-built homes constructed prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act (which became effective June 15, 1976).

MANUFACTURED HOME PARK OR SUBDIVISION
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARQUEE
See sign definitions (Section 5.7.3).

MARQUEE SIGN

See sign definitions (Section 5.7.3).

MAXIMUM EXTENT PRACTICABLE
No feasible or practical alternative exists, as determined by the decision-maker, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent practicable."

MEDIUM SHRUB
See Table 5.2.5(B): Minimum Tree and Shrub Size.

MEDIUM TREE
See Table 5.2.5(B): Minimum Tree and Shrub Size.

MERCURY VAPOR LIGHTS
A light which uses an arc through vaporized mercury in a high-pressure tube to create very bright light directly from its own arc. This is different from fluorescent lights which use the mercury vapor arc to create a weaker light that mainly creates UV light to excite the phosphorus. They are used for they are used for large area overhead lighting, such as in factories, warehouses, and sports arenas, as well as for streetlights.

MIXED USES
A building in which residential units and non-residential uses are located.

MODIFICATION
See Section 2.4.16, Modification.

MONUMENT SIGN
See sign definitions (Section 5.7.3).

NEW CONSTRUCTION
For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, and Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, structures for which the "start of construction" commenced on or after August 1, 1979.

NONCONFORMING LOT
A piece of land, parcel, or combination of adjacent pieces of land or parcels all held in common ownership, each of which is identified on a plat of record or in a deed of record but which lack sufficient area or dimensions to meet district requirements for width, area, or use.

NONCONFORMING SIGN
See sign definitions (Section 5.7.3).

NONCONFORMING SITE FEATURE
A structure, improvement, or other condition on a property that was lawfully constructed or established but which does not presently conform to the applicable regulations, requirements or standards for off-street parking, landscaping, or screening requirements of Article 5, Development Standards. A nonconforming site feature is a type of nonconforming structure.

NONCONFORMING STRUCTURE

A lawfully established structure which does not presently conform to all the applicable intensity or dimensional standards of Article 3, Zoning Districts, and development standards of Article 5, Development Standards. Any nonconforming site feature is also a nonconforming structure.

NONCONFORMING USE
A use lawfully established prior to and being conducted on the effective date of these regulations or any amendment hereto which is not presently permitted by the applicable regulations, requirements, or standards of Article 3, Zoning Districts, and Article 4, Performance Standards.

NONPOINT SOURCE POLLUTION
Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from land development and use.

NONTIDAL WETLANDS
Wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency in accordance with Section 404 of the federal Clean Water Act.

NOTICE OF VIOLATION
A notice indicating an alleged violation of this Ordinance. See Section 7.5.2.C, Notice of Violation.

OFFICIAL ZONING MAP
A map showing the location of the zoning districts of this Ordinance within the city, along with the zoning text, that is legislatively adopted by the City Council and maintained by the ZA.

OFF-LOT PARKING FACILITY
A parking facility that is accessory to a principal use not located on the same lot (or adjacent lot) as the principal use.

OFF-PREMISES SIGN
See sign definitions (Section 5.7.3).

OPAQUE
Screening or fencing material that does not allow light or visibility to pass through.

OPEN SPACE SET-ASIDE
See Table 5.5.4(B): Lands Counted As Open Space Set-Asides

OTHER FLOOD AREAS
See FPCH-O district definitions (Section 3.9.7.G).

OUTBUILDING
A building, such as a storage shed or garage, on the same lot but separate from the primary building on a lot.

OUTDOOR ADVERTISING SIGN
See sign definitions (Section 5.7.3).

OUTPARCEL
A building lot separated or separable from a large non-residential development.

OWNER OF LAND

See landowner.

PARAPET
A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARAPET WALL
A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.

PARCEL OR PARCEL OF LAND
A continuous area of real property which is legally described or accurately drawn on the plat of such property.

PARKING AREA OR PARKING LOT
A paved, ground level, off-street area with designated parking spaces for short-term storage of motor vehicles.

PARKING LOT DRIVE AISLE
A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, HANDICAPPED ACCESSIBLE
A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET
A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING STRUCTURE OR STRUCTURED PARKING
A building for short-term storage of motor vehicles, having two or more tiers or levels, that has open sides or is enclosed, with the top tier or level either roofed or not.

PARKING, DEFERRED
A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed. See Section 5.1, Parking, Loading, and Bicycle Standards.

PARKING, OFF-SITE LOT
An off-street parking area provided on a different parcel than the use it is intended to serve. See Section 5.1, Parking, Loading, and Bicycle Standards.

PARKING, SHARED
Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s). See Section 5.1, Parking, Loading, and Bicycle Standards.

PARKING, VALET

A parking space within a group of two or more parking spaces arranged one behind the other. See Section 5.1, Parking, Loading, and Bicycle Standards.

PARKS DEPARTMENT
The City of Norfolk Department of Recreation, Parks & Open Space.

PAVEMENT OR PAVED SURFACE
An area of land surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material, or surfaced with a pervious or semi-pervious material as permitted in Section 5.1.6.F(2).

PEDESTRIAN LIGHTING
Light fixtures for sidewalks, walkways, trails, and bicycle paths.

PENNANT
See sign definitions (Section 5.7.3).

PERFORMANCE GUARANTEE
Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit, other permit, or development approval.

PERSON
Any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PILASTER
An element used to give the appearance of a supporting column and to articulate an extent of wall, with only an ornamental function.

PLANNED DEVELOPMENT DISTRICT
See Section 3.8, Planned Development Districts.

PLANNING COMMISSION
See Section 2.2.3, Planning Commission.

PLANNING DEPARTMENT
The Norfolk Department of City Planning and Codes Administration, or the equivalent city department that oversees planning and zoning functions.

PLANNING DIRECTOR
The Director of the Department of City Planning, or the head of the equivalent city department that oversees planning and zoning functions. See Section 2.2.6, Director of the Department of City Planning.

PLAZA
An open space at the intersection of streets or adjacent to structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.

POLE SIGN
See sign definitions (Section 5.7.3).

PORCH
A covered entryway, located on the exterior of a structure, that provides access to the first-floor principal entrance but is also sometimes located at a second-floor entrance.

PORTABLE SIGN
See sign definitions (Section 5.7.3).

PREMISES
A contiguous parcel of land with its appurtenances and buildings that functions as a unit. For the purpose of this Ordinance, an outparcel along the perimeter of a shopping center or similar multi-tenant use that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.

PRIMARY BUILDING FAÇADE
That portion of the principal building facing the street abutting the front of the property, including all walls, doors, windows, eaves, and foundation elements but not including any front porch or any portions of the building face which are recessed more than two feet from the majority of the building face.

PRIMARY HIGHWAY SYSTEM
That portion of the state highway system as designated or as may hereafter be designated by the state as part of the federal-aid primary system of highways, which designation has been approved by the Secretary of Transportation of the United States, pursuant to 70 Stat. 374(1956), 23 U.S.C. Sec. 103.

PRINCIPAL BUILDING OR STRUCTURE
A building or other structure in which the principal use of the parcel of land is conducted. A parcel of land may contain more than one principal building or structure.

PRINCIPAL USE
The primary or predominant purpose to which a parcel of land or structure is devoted. A parcel of land may contain one or more principal uses.

PROCEDURES MANUAL
A document maintained by the ZA that serves as a user's guide to this Ordinance. The Procedures Manual contains copies of application forms, fees, schedule, detailed procedures, the rules governing review of development applications, and contact information, as well as interpretations of the intent behind the standards in this Ordinance

PROJECTING SIGN
See sign definitions (Section 5.7.3).

PUBLIC HEARING
A meeting open to the public advertised in advance in the local printed media, or as otherwise required by the Code of Virginia and this Ordinance, at which members of the public are allowed to speak on the subject of the public hearing. Advisory and decision-making bodies are required to conduct public hearings on certain applications for permits and development approvals before a decision is made on the application.

PUBLIC ROAD

See CBPA-O district definitions (Section 3.9.6.B).

PUBLIC SERVICE MESSAGE BOARD
See sign definitions (Section 5.7.3).

PUBLIC UTILITY
Telephone, other communications, electricity, gas or water service, sanitary sewers, and storm sewers when operated by a governmental entity or an entity regulated as a public service corporation under Title 56 of the Code of Virginia, Public Service Companies. This definition also includes any related substations, transmission towers, antennas, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other, similar equipment used by the utility to service consumers.

QUORUM
The minimum number of City Council, Planning Commission, BZA, or ARB members that must be present in order to conduct official business or take official action.

RAIN GARDEN
A planted depression that allows rainwater runoff from impervious areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be collected in a single location and absorbed.

RAINWATER CISTERN OR BARREL
A catchment device to capture rain water from a roof or other surface before it reaches the ground, which may be either above or below ground level.

RECREATIONAL VEHICLE
A vehicle which is:

1. Built on a single chassis;
2. Measures 4,000 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLABLE MATERIALS
Paper, plastic, glass, and other materials commonly sent to a recycling processing center.

REDEVELOPMENT
The process of developing land that is or has been previously developed.

REPETITIVE LOSS DAMAGE
See FPCH-O district definitions (Section 3.9.7.G).

REPLACEMENT VALUE
The cost for replacement of a structure, including all materials and labor, based upon the structure's current tax valuation from the Real Estate Assessor.

RESOURCE MANAGEMENT AREA (RMA)
See CBPA-O district definitions (Section 3.9.6.B).

RESOURCE PROTECTION AREA (RPA)
See CBPA-O district definitions (Section 3.9.6.B).

ROOF SIGN
See sign definitions (Section 5.7.3).

ROOFLINE
In the context of building or structure height, roofline means:

1. For a flat roof, the highest point of the roof surface;
2. For a mansard roof, the deck line; and
3. For a gable, hip, or gambrel roof, the mean point between the eaves and ridge.

ROOT PROTECTION ZONE
The area inside the dripline of a tree that contains its roots.

SATELLITE DISH ANTENNA
Any system of wires, poles, rods, reflecting discs, satellite dishes, or similar devices used for the transmission or reception of electromagnetic waves as an accessory, noncommercial use.

SEARCHLIGHT
A device, consisting of a powerful light source (traditionally a carbon arc lamp with a mirrored parabolic reflector), that projects a powerful beam of light in a particular direction, that can typically be swiveled.

SEASONAL DECORATIONS DISPLAY AND SALES
A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, flowers, etc.

SEMI-DETACHED DWELLING
A building containing one dwelling unit separated by a party wall from one other building containing one dwelling unit. Such buildings shall be located on their own individual lots.

SETBACK
The distance by which any building or structure is separated from a property line. The setback may be expressed as a minimum, a maximum, or a range encompassing both a minimum and a maximum.

SHALLOW FLOODING AREA
For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist. Such flooding is characterized by ponding or sheet flow.

SHOPPING CENTER
A concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownership/operations/management control and may include outparcels as well as architecturally connected units.

SHORT-TERM RENTAL UNIT
The provision of a dwelling unit, or any portion thereof, for rent to a guest(s) for fewer than 30 consecutive days as principal use, known as a vacation rental (see Section 4.2.3.F(10)(d)), or as an accessory use, known as a homestay (see Section 4.3.3.E(1)(t)).

SHRUBS, LARGE

Evergreen or deciduous shrubs that meet the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

SHRUBS, MEDIUM

Evergreen or deciduous shrubs that meet the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

SHRUBS, SMALL

Evergreen or deciduous shrubs that meet the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

SIDEWALK

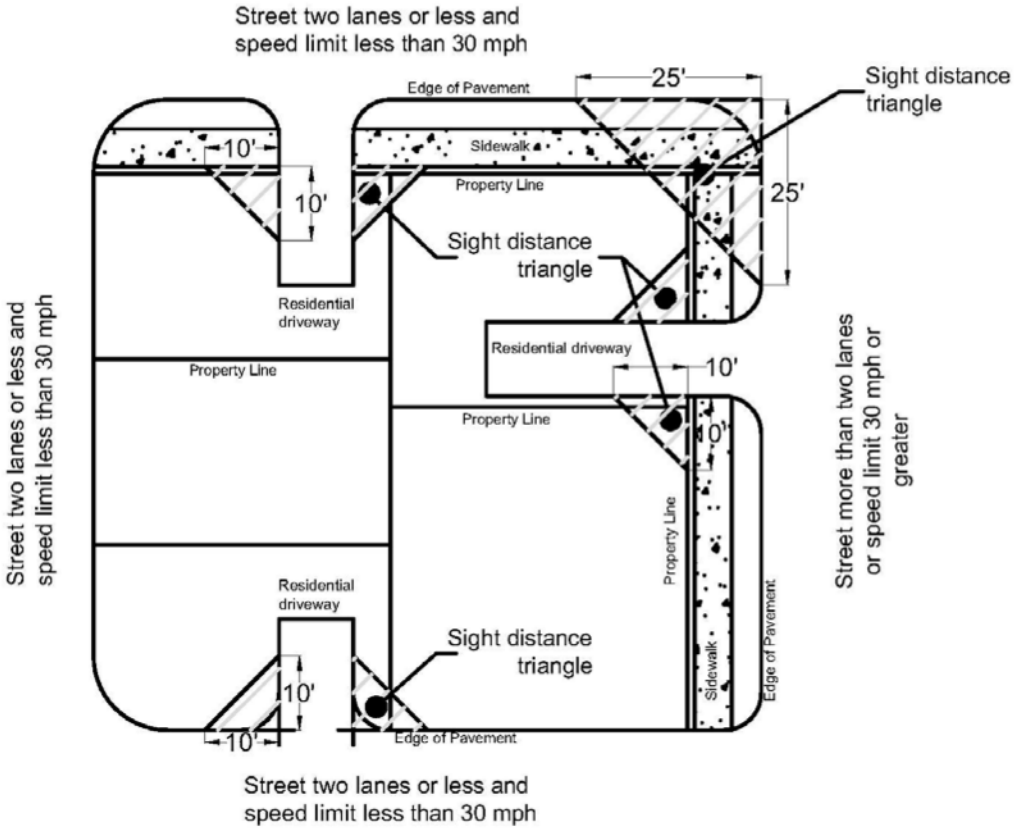
A paved area public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets, buildings, and land.

SIGHT DISTANCE TRIANGLE

A triangular area in which vision obstructions are prohibited and located as follows (see Figure 8.3.2(B), Sight Distance Triangle):

1. For residential driveways accessing property where any abutting street has more than two travel lanes or a posted speed limit equal to or greater than thirty 30 miles per hour, the site distance triangle shall be a diagonal line connecting two points located 10 feet from the intersection of the edge of the driveway and the property line abutting the right-of-way.
2. For residential driveways accessing property where all abutting streets have no more than two travel lanes and posted speed limits less than thirty miles per hour, the site distance triangle shall be a diagonal line connecting two points located 10 feet from the intersection of the edge of the driveway and either (1) the sidewalk, when one exists, or (2) when no sidewalk exists, the edge of the pavement of the abutting right-of-way.
3. For intersecting streets and for driveways accessing commercial, industrial, or institutional property, the site distance triangle shall be a diagonal line connecting two points located 25 feet from the intersection of the edge of the driveway and the edge of the pavement of the abutting right-of-way.

Figure 8.3.2(B): Sight Distance Triangle



SIGN

Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images.

SIGN CERTIFICATE

See Section 2.4.14, Zoning Certificate.

SIGN FACE

See sign definitions (Section 5.7.3).

SIGN HEIGHT

See sign definitions (Section 5.7.3).

SINGLE HOUSEKEEPING UNIT

A form of occupancy of a residential dwelling in which all of the individuals occupying the building interact and associate with each other such that they maintain established ties and familiarity with

each other and share (i) possession or ownership of the entire property, resources, furniture, personal items, (ii) cleaning and maintenance of the dwelling, and (iii) use of bathrooms, a kitchen, common eating areas, and common recreational and living areas. Facts which support a determination that a group of unrelated individuals is living together as a single housekeeping unit include: sharing the entire dwelling unit and not acting as separate roomers, a single lease with all members of the group listed as lessees, proof of sharing expenses for food, rent, utilities, and other household expenses, sharing ownership of furnishings and appliances, interacting with each other on a frequent basis, maintaining a permanent and not transient living arrangement, establishing a basis for the housekeeping unit that is not temporary in nature, and other factors reasonably related to distinguishing whether the group of individuals is the functional equivalent of a family.

SITE PLAN
See Section 2.4.18, Major Site Plan and Section 2.4.19, Minor Site Plan.

SMALL SHRUB
See Table 5.2.5(B): Minimum Tree and Shrub Size.

SMALL TREE
See Table 5.2.5(B): Minimum Tree and Shrub Size.

SODIUM LIGHTING, LOW PRESSURE
Sodium-vapor lighting is gas-discharge lighting that uses sodium in an excited state to produce light. There are two varieties of such lamps: low pressure and high pressure. Low-pressure sodium lamps are highly efficient electrical light sources, but their yellow light restricts applications to outdoor lighting such as street lamps (Low-pressure sodium lamps only give monochromatic yellow light and so inhibit color vision at night). High-pressure sodium lamps produce a broader spectrum of light than the low-pressure lamps, but they still have poorer color rendering than other types of lamps.

SOLAR ENERGY COLLECTION FACILITY (SMALL-SCALE)
A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy collection facility is designed to only meet on-site demands (but may include transfer of excess electricity to an electric utility grid). Components are typically mounted on the roof(s) of principal or accessory structures.

SPECIAL EVENT
Temporary activities or events conducted by private business, civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, circuses, carnivals, fairs, tent revivals, closeout sales, grand openings, and fundraising or membership drives.

SPECIAL FLOOD HAZARD AREAS
The land in the floodplain subject to a one percent or greater annual chance of being flooded. These are designated as AE, AH, VE, and Coastal A on the FIRM.

SPECIFIED ANATOMICAL AREAS

Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttock; and

3. Female breast below a point immediately above the top of the areola; and
4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered

SPECIFIED SEXUAL ACTIVITIES

Less than completely and opaquely covered:

1. Human genitals in a stage [state] of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast

STACKING LANE

A portion of a parking lot on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

START OF CONSTRUCTION

For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE

The Commonwealth of Virginia.

STOP WORK ORDER

An order issued by the ZA directing the person responsible for the development of land subject to a permit or development approval that is in violation of this Ordinance to cease and desist all or any portion of the activity which violates the provisions of this Ordinance. See Article 7, Enforcement.

STORIES

That part of a building between the surface of one floor and the ceiling immediately above.

STREET

A vehicular way which may also serve for all or part of its width as a way for pedestrian traffic, whether called street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, mall or otherwise designated, but not including an alley.

STREET STUB

A street segment, usually relatively short in length, which terminates at the boundary of a subdivision or other development. The purpose of stub streets is to ultimately connect to abutting land when it is developed.

STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as foundations, bearing walls or bearing partitions, columns, beams or girders, or any substantial change in the roof.

STRUCTURE
Anything constructed, installed, placed, the use of which requires a location on a zoning lot. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and signs.

STRUCTURED PARKING
See *Parking Structure*.

SUBSTANTIAL ALTERATION
An expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in area in the RMA only.

SUBSTANTIAL CONFORMITY
The degree of conformity found in a site plan or other development application proposed subsequent to a conditional rezoning or planned development district that leaves a reasonable margin for adjustment due to final engineering data, but conforms with the general plan for development, the nature of the zoning district, the uses approved, proffers (if applicable), and the specific terms and conditions of approval (if applicable).

SUBSTANTIAL DAMAGE
Damage of any origin, sustained by a structure for which the cost of restoring the structure to its condition before the damage occurred would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term includes structures which have incurred “repetitive loss damage" regardless of the actual repair work performed.

SUBSTANTIAL IMPROVEMENT
Any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which either:

1. Equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss damage" regardless of the actual repair work performed; or
2. Over a ten-year period, equals or exceeds 50 percent of the market value of the structure at the time of the most recent proposed improvement.

Notwithstanding the above, the term does not include any of the following:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
3. Any improvements associated solely with elevating a structure above the DFE or DFE-AO.

SUBSTANTIAL RECONSTRUCTION
On-site rehabilitation, renovation, or alteration of more than 50 percent of the floor area of an existing building or demolition of an existing building and reconstruction of a new building on the lot.

SURVEYOR
A person recognized by the Commonwealth of Virginia and who is registered with the Virginia Department of Professional and Occupational Registration as a registered surveyor.

TEMPORARY SIGN
See sign definitions (Section 5.7.3).

TEMPORARY USE
A use of or for a limited duration.

TEXT AMENDMENT
See Section 2.4.2, Zoning Text Amendment.

TIDAL SHORE OR SHORE
Land or a shoreline stabilization structure contiguous to a tidal body of water between the mean low water level and the mean high water level.

TIDAL WETLAND
Vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

TRANSPARENT
Those portions of the façade of a building that consist of materials through which the interior of the building, to a depth of at least five feet, may be readily seen from the street or sidewalk.

TRANSPORTATION COMPATIBILITY REVIEW
A review by an interdisciplinary team, led by the Department of Public Works Transportation Division, of a development application or proposal to determine any site layout changes or on- or off-site infrastructure improvements necessary to ensure safe and adequate operation of the surrounding transportation infrastructure. As part of the review process, the Department of Public Works may require the preparation of additional studies to ensure adequate data is available.

TREE
A woody perennial plant. For purposes of this Ordinance, trees are classified as small, medium and large in Table 5.2.5(B): Minimum Tree and Shrub Size.

TREE CANOPY
The area of land that is beneath foliage and tree dripline of any tree that is a minimum caliper of 2.5 inches and a minimum diameter at breast height of 6 inches at the age of maturity.

TREE, LARGE
An evergreen or deciduous tree that meets the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

TREE, MEDIUM
An evergreen or deciduous tree that meets the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

TREE, SMALL
An evergreen or deciduous tree that meets the requirements of Table 5.2.5(B): Minimum Tree and Shrub Size.

UTILITIES

For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, natural gas, electrical power, cable television, telephone, water, stormwater, and sewer service.

VARIANCE (CBPA-O AND FLOODPLAIN/COASTAL HAZARD OVERLAY DISTRICT)
See Section 2.4.12, Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District).

VARIANCE (ZONING)
See Section 2.4.11, Variance (Zoning).

VDOT
The Virginia Department of Transportation.

VENDING MACHINE SIGN
See sign definitions (Section 5.7.3).

VENDING STATION
A mechanical or electronic machine or kiosk that dispenses food products, ice, tickets, or other retail goods.

VERTICAL CLEARANCE
The clear space between floor grade level and ceiling height.

VISIBLE
See sign definitions (Section 5.7.3).

WALL
See *Fence or wall*.

WALL PACK LIGHTING
An exterior lighting device that is flush-mounted on a vertical wall surface.

WALL SIGN
See sign definitions (Section 5.7.3).

WATER BODY WITH PERENNIAL FLOW
A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation.

WATERCOURSE
For purposes of Section 3.9.7, FPCH-O: Flood Plain / Coastal Hazard Overlay, a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATER-DEPENDENT FACILITY
For purposes of Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay, development that cannot exist outside of the RPA that must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WETLANDS
Tidal and nontidal wetlands.

WIND ENERGY CONVERSION SYSTEM (SMALL-SCALE)
A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system has a rated capacity of not more than 100 kilowatts (kW) and is intended to primarily reduce on-site consumption of utility power for a home or business.

WINDOW SIGN
See sign definitions (Section 5.7.3).

YARD
On the same zoning lot as a use, building or structure, an open area which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted in this Ordinance. A yard extends along a lot line, and to a depth or width specified in the setback or build-to requirements for the zoning district in which the zoning lot is located.

YARD, CORNER SIDE
The minimum yard required on corner lots between a building and the property line adjacent to the street upon which the lot has the greater lineal dimension. This yard may be observed when no other lots with frontage on the street have, or have the ability to have, a building fronting on this street.

YARD, FRONT
A yard extending between side lot lines across the front of a lot adjoining a public street.

1. On interior lots, the front yard shall be construed to be the portion nearest the street.
2. On corner lots, the front yard shall be construed to be the shortest boundary fronting on a street. If the lot has equal frontage on two or more streets, frontage shall be construed in accordance with the prevailing building pattern, or the prevailing lotting pattern if a building pattern has not been established.
3. In case of reversed frontage corner lots, if the shortest boundary fronting on a street is 80 percent or more of the length of the longest boundary fronting on a street, the applicant may select either frontage, if lot width requirements of the zoning district are met.
4. On through lots, all portions adjacent to streets shall be considered in establishing frontage for regulatory purposes. If the ZA finds that the pattern of lots and/or pattern of required yards on lots adjacent to portions of the through lot is such as to justify a requirement that more than one frontage be provided on such lot, more than one frontage shall be provided on such lot.

YARD, REAR
A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard in the zoning district.

YARD, SIDE
A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard in the zoning district, excluding any area encompassed within a front yard or rear yard.

YARD, SPECIAL
A yard behind any required yard adjacent to a public street, that is required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" as generally applied and defined fits the circumstances of the

particular case. In such instances, the ZA shall require a special yard, with minimum dimensions and methods of measurement as generally required for either a side yard or a rear yard in the district.

YARD SALE
See *Garage or Yard Sale*.

YARD SIGN
See sign definitions (Section 5.7.3).

ZONING ADMINISTRATOR (OR ZA)
The city official appointed by the City Manager to administer the Zoning Ordinance under the provisions of the Code of Virginia.

ZONING CERTIFICATE
See Section 2.4.14, Zoning Certificate.

ZONING DISTRICT
An area delineated on the Official Zoning Map within which a prescribed set of use requirements and development standards are applied to various types of development.

ZONING DISTRICT, BASE
A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

ZONING DISTRICT, OVERLAY
A zoning district superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district.

ZONING MAP AMENDMENT (REZONING)
See Section 2.4.3, Zoning Map Amendment.

ZONING MAP, OFFICIAL
The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

Article 9: Legacy Development Approvals

ARTICLE 9: LEGACY DEVELOPMENT APPROVALS

9.1 APPROVED PLANNED DEVELOPMENT DISTRICTS

Planned development districts identified in this section were approved under the previous zoning ordinance, and are carried forward to this Ordinance and identified on the Official Zoning Map. Lands subject to these planned development districts shall comply with the standards and requirements of the planned development district in which they are located.

9.1.1. PLANNED DEVELOPMENT – BROAD CREEK RENAISSANCE DISTRICT (PD-BCR)

A. PURPOSE STATEMENT

The Broad Creek Renaissance (PD-BCR) Planned Development District ("district") is intended to provide for the establishment of a residential community containing a mix of single-family and multi-family dwellings as well as limited commercial uses along East Virginia Beach Boulevard for the benefit of its residents. The district consists of approximately eighty-five (85) acres of land.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.1, Table of Land Uses and shall be restricted to the uses listed therein. Commercial uses shall only occur along East Virginia Beach Boulevard as a component of a larger, mixed-use development.

C. MINIMUM LOT WIDTH AND MINIMUM LOT AREA

The following limits shall apply:

(1) Single-Family Dwellings

Minimum lot width of thirty-two (32) feet and minimum lot area of two thousand eight hundred seventy-five (2,875) square feet.

(2) Semi-Detached Dwelling

Minimum lot width of twenty-seven (27) feet and minimum lot area of two thousand four hundred twenty-five (2,425) square feet.

(3) Two-Family Dwellings

Minimum lot width of fifty-four (54) feet and minimum lot area of four thousand eight hundred fifty (4,850) square feet.

(4) Multi-Family Dwelling (More Than 2 Units)

Minimum lot area of one thousand seven hundred forty (1,740) square feet per unit and five thousand two hundred (5,200) square feet.

(5) Public and Civic Uses

Minimum lot area of one acre.

D. MAXIMUM BUILDING HEIGHT

(1) The maximum building height for residential and commercial uses shall be three (3) stories; provided, however, that a feature which is not larger than thirty (30) percent of the square footage of the first floor of the structure and which is set back at least twenty (20) feet from all property lines may exceed the maximum height limit by no more than ten (10) feet.

(2) There shall be no maximum building height limit for public and civic uses except where such abut residential uses, in which case no portion of any building shall be higher than the distance from said portion of the building to the edge of the residential property line.

E. OPEN SPACE

All public and civic uses shall preserve a minimum of twenty (20) percent of the total lot area as landscaped open space.

F. PARKING REQUIREMENTS

The following requirements shall apply:

(1) Single-Family Dwelling

Two (2) parking spaces per dwelling unit.

(2) Two-Family, Semi-Detached and Multi-Family Dwellings

1.5 parking spaces per dwelling unit.

(3) Commercial Uses

In accordance with the parking provisions of Section 5.1, Parking, Loading, and Bicycle Standards.

G. YARD REQUIREMENTS

The following setback and build-to requirements shall apply:

(1) Residential (Other Than Mixed Uses)

(a) Front Yard

Twelve (12) feet.

(b) Side Yard

Five (5) feet.

(c) Corner Side Yard

Ten (10) feet.

(d) Rear Yard

Five (5) feet. Any garage located in a rear yard must be located five (5) feet from the rear property line.

(2) Commercial, Mixed-Use, and Public and Civic

(a) Front Yard

Seven (7) feet, although a commercial or mixed-use building fronting on East Virginia Beach Boulevard shall have front yard of five (5) feet.

(b) Side Yard

Five (5) feet.

(c) Corner Side Yard

Five (5) feet.

(d) Rear Yard

Five (5) feet.

H. LANDSCAPING AND BUFFERING

All uses and structures permitted in the district shall comply with the landscaping and screening requirements set forth in Section 5.2, Landscaping Standards.

I. SIGNAGE

All signage in the district shall comply with the signage regulations set forth in Section 5.7, Signs.

TABLE 9.1.1 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-BCR	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
	Dwelling, single-family detached	P		4.2.3.D(2)(d)
	Dwelling, single-family semi-detached	P		4.2.3.D(2)(e)
	Dwelling, two-family	P		4.2.3.D(2)(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Communication tower, commercial	C	4.2.3.E(1)	4.2.3.E(2)(c)
	Community recreation center	P		4.2.3.E(2)(d)
	Day care center, adult	P		4.2.3.E(2)(g)
	Day care center, child	P		4.2.3.E(2)(h)
	Government office	P		4.2.3.E(2)(j)
	School, elementary	P		4.2.3.E(2)(r)

TABLE 9.1.1 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-BCR**	**PERFORMANCE STANDARDS**	
	School, secondary	P		4.2.3.E(2)(s)
	School, vocational or trade	P		4.2.3.E(2)(t)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
COMMERCIAL USES				
Eating and Drinking Uses	Nightclub	C	4.2.3.F(1)	4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Health and fitness facility	P	4.2.3.F(3)	4.2.3.F(4)(g)
Retail Sales and Service Uses	Artist studio/school/gallery	P	4.2.3.F(5)	4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Convenience store	P/C		4.2.3.F(6)(h)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, contractor	P		4.2.3.F(6)(s)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)

9.1.2. PLANNED DEVELOPMENT HARBOR WALK (PD-HARBOR WALK)

A. PURPOSE STATEMENT

This Planned Development District (PD-Harbor Walk) is intended to provide for the creation of a multi-family residential development, to be known as Harbor Walk, to be established on approximately 31 acres of property located west of Shore Drive and south of and abutting Pretty Lake. The development shall be created as a condominium regime consisting of residential units for sale, along with supporting facilities for the use of the residents of Harbor Walk and their guests.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.2(A), Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

This district permits the development of not more than two hundred forty (240) multi-family dwellings in the entire district. The density of any single parcel comprising the Planned Development shall not exceed twenty-four (24) units/acre.

D. MAXIMUM BUILDING HEIGHT

The maximum building height permitted in this district is fifty (50) feet.

E. PARKING REQUIREMENTS

There shall be 2.5 spaces per dwelling unit, including garage and on-street parking. Parking for commercial uses shall be governed by the requirements of Section 5.1, Parking, Loading, and Bicycle Standards.

F. USABLE OPEN SPACE

The Harbor Walk District shall provide usable open space equal to or greater than thirty-five (35) percent of the sum of the areas of all parcels comprising the Planned Development.

G. YARD REQUIREMENTS AND OTHER DEVELOPMENT STANDARDS

The yard requirements for the Harbor Walk District shall be as set forth in 9.1.2(B), Yard Requirements for All Uses, below; other development standards applicable to uses in this district are set forth in Article 5, including Signs (Section 5.7), Landscaping (Section 5.2), and Perimeter Buffers (Section 5.3).

TABLE 9.1.2(A) TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-HARBOR WALK	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Community dock	P	4.2.3.C(1)	4.2.3.C(2)(d)
	Park	P		4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)

TABLE 9.1.2(A) TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-HARBOR WALK**	**PERFORMANCE STANDARDS**	
Uses	Religious institution	P		4.2.3.E(2)(p)
COMMERCIAL USES				
Eating and Drinking Uses	Restaurant	P/C	4.2.3.F(1)	4.2.3.F(2)(f)
Recreation Uses	Health and fitness facility	P	4.2.3.F(3)	4.2.3.F(4)(g)
Retail Sales and Service Uses	Personal service business	P/C	4.2.3.F(5)	4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

TABLE 9.1.2(B): YARD REQUIREMENTS FOR ALL USES	
Front (ft.)	5 (min.)
Corner Side (ft.)	5 (min.)
Rear (ft.)	5 (min.)
Minimum Distance to External Boundaries of Planned Development Area (ft.)	10
Minimum Building to Building Separation (ft.)	10

9.1.3. EAST BEACH PLANNED DEVELOPMENT MIXED-USE (PD-MU-EAST BEACH)

A. PURPOSE STATEMENT

The East Beach PD-MU District is being established to foster the creation of a diverse, vibrant and flexible built environment based on traditional town making principles. Through its scale, spatial organization, urban and landscape design, East Beach strives to create an enduring built environment which will meet the needs of those that work, live, and play there in the near and distant futures. Thoroughfare designs and configurations respond to existing natural and man-made conditions and are intended to create a quality public realm and pedestrian-based environment. Building types are based on, and respect, the traditions of the region. A variety of compatible and complimentary uses—residential, commercial, recreational and civic—are incorporated into East Beach to create a dynamic and sustainable place.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.3, Table of Land Uses, and shall be restricted to the uses listed therein.

C. SITE PLAN REVIEW

Construction in the East Beach PD-MU District shall be subject to site plan review under the requirements of 2.4.18, Major Site Plan, provided, however, that single-family dwellings shall not be subject to said requirements, unless said dwellings are in the Chesapeake Bay Preservation Area at which time they shall be subject to minor site plan review.

D. GENERAL PROVISIONS

Obnoxious or offensive uses shall be subject to the provisions of Article 7, Enforcement.

E. YARD AND/OR SETBACK REQUIREMENTS

No minimum yards and/or setbacks shall be required within lot locations for residential and non-residential structures. Building placement shall be compliant with applicable Building Codes and easements.

F. MAXIMUM LOT COVERAGE

Maximum lot coverage shall be (i) seventy (70) percent for single-family lots except for lots that are less than forty (40) feet in width which shall have a maximum lot coverage of ninety (90) percent; (ii) eighty (80) percent for duplex/two-family/semi-detached lots; (iii) eighty-five (85) percent for townhouse/attached lots; (iv) ninety (90) percent for mixed-use and other lots. Additionally, maximum impervious surface coverage shall not exceed eighty-five (85) percent of the gross square footage of the project site at complete build-out of the East Beach PD-MU District.

G. HEIGHT LIMITATIONS

(1) The maximum height of single-family dwellings, two-family dwellings, semi-detached and townhouse/attached dwellings shall be three (3) full stories plus an attic above finished exterior grade.

(2) The maximum height of multiple-family dwellings, mixed-use buildings, and non-residential buildings shall be no higher than three (3) full stories plus an attic above finished exterior grade, except that along Pretty Lake Avenue, Pleasant Avenue and Shore Drive, such buildings may be a maximum of five (5) full stories plus an attic above finished exterior grade.

(3) Notwithstanding the foregoing height limitations, the maximum height of institutional buildings, amenity buildings, feature buildings, and community and recreation centers shall be five (5) full stories plus an attic above finished exterior grade.

(4) The maximum height of towers shall be two (2) full stories above the maximum allowed for the principal building structure. A tower attached to one and two-family dwellings and townhouse/attached dwellings shall have a maximum footprint of two hundred twenty-five (225) square feet.

H. PARKING REQUIREMENTS

(5) Section 5.1, Parking, Loading and Bicycle Standards, shall not apply to the East Beach PD-MU District. One- and two-family dwellings and townhouse/attached dwellings shall require a minimum of two (2) off-street parking spaces per dwelling unit, except for lots that are less than forty (40) feet in width or for principal structures that have less than one thousand five hundred (1,500) square feet of finished, habitable space, the minimum number of off-street parking spaces shall be one (1) per dwelling unit.

(6) Multi-family dwellings and mixed-use buildings shall require a minimum of one (1) off-street parking space per dwelling unit.

(7) For offices, the parking requirement shall be one (1) parking space per four hundred (400) net square feet of commercial and/or retail space. Other non-residential uses shall be exempt from any minimum parking requirements with the exception of non-residential uses along Shore Drive and Pretty Lake Avenue. On-street parking, off-street parking, and shared parking shall be included in parking counts calculated to meet parking requirements for uses served in mixed-use buildings. A maximum of fifty (50) percent of required off-street parking may be compact-car parking.

I. SIGNAGE REQUIREMENTS

Section 5.7, Signs, shall be applicable within the East Beach PD-MU District.

J. AUXILIARY STRUCTURES

For the purposes of the East Beach PD-MU District, an auxiliary structure shall be defined as a structure that (i) is customarily incidental and subordinate to the principal dwelling unit, (ii) is located on the same lot as the principal dwelling unit, and (iii) may contain a dwelling unit may permit a portion of said structure to serve as a garage to the residents of the principal dwelling unit or the auxiliary structure. For density/unit count purposes, an auxiliary structure shall not be deemed a residential unit separate from the principal structure.

(1) Placement on Lot

An auxiliary structure may be connected to the building housing the principal dwelling unit or may be placed separately on the lot.

(2) General yard, bulk and height limitations.

(a) Auxiliary structures may have exterior stairways.

(b) The maximum height of an auxiliary structure shall be two (2) full stories, plus an attic above finished exterior grade.

(c) A maximum of one (1) auxiliary structure shall be allowed for each residential lot.

(d) No additional off-street parking shall be required for an auxiliary structure.

K. ACCESSORY USES

A home occupation shall be permitted in the East Beach Planned Development District as an accessory use, subject to the following provisions and to the provisions of Section 4.3, Performance Standards for Accessory Uses. In cases of conflict between the provisions set forth in this section and the provisions of Section 4.3, the provisions of this section shall govern.

(1) Home occupations shall be permitted on all floors in auxiliary structures.

(2) Home occupations provided within the principal dwelling unit shall only engage or employ residents of the principal dwelling unit. Home occupations provided within the auxiliary structure shall only engage or employ residents of the principal dwelling unit and/or the auxiliary structure.

(3) No additional parking shall be required for any principal-use dwelling unit or auxiliary structure within which a home occupation is pursued.

L. DEFINITIONS

Attic — A non-habitable space above the highest habitable story of a structure.

Private Lane — Privately-owned vehicular access way with no curb and gutter provided primarily for vehicular access to the rear or side of properties.

Mixed-use Building — A building with a combination of residential and/or non-residential uses.

Story — In a building, the vertical measurement of volume or space between floors.

Tower — A subordinate building form, typically higher than it is wide, attached to and extending above a principal building structure.

TABLE 9.1.3 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-MU-EAST BEACH	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
	Dwelling, single-family detached	P		4.2.3.D(2)(d)
	Dwelling, single-family semi-detached	P		4.2.3.D(2)(e)

TABLE 9.1.3 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-MU-EAST BEACH	PERFORMANCE STANDARDS	
	Dwelling, townhouse	P		4.2.3.D(2)(f)
	Dwelling, two-family	P		4.2.3.D(2)(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Broadcasting studio	C	4.2.3.E(1)	4.2.3.E(2)(a)
	College or university	C		4.2.3.E(2)(b)
	Communication tower, commercial	C		4.2.3.E(2)(c)
	Community recreation center	P		4.2.3.E(2)(d)
	Cultural facility, museum, or library	C		4.2.3.E(2)(f)
	Day care center, adult	P		4.2.3.E(2)(g)
	Day care center, child	P		4.2.3.E(2)(h)
	Government office	P		4.2.3.E(2)(j)
	Membership organization	C		4.2.3.E(2)(n)
	Religious institution	C		4.2.3.E(2)(p)
	School, elementary	C		4.2.3.E(2)(r)
	School, secondary	C		4.2.3.E(2)(s)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
COMMERCIAL USES				
Eating and Drinking Uses	Nightclub	C	4.2.3.F(1)	4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Cinema or theater	C	4.2.3.F(3)	4.2.3.F(4)(c)
	Commercial recreation center	C		4.2.3.F(4)(d)
	Health and fitness facility	P		4.2.3.F(4)(g)
	Recreation facility, indoor	C		4.2.3.F(4)(i)
	Recreation facility, outdoor	C		4.2.3.F(4)(j)
Retail Sales and Service Uses	Artist studio/school/gallery	P	4.2.3.F(5)	4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Farmer's market	P		4.2.3.F(6)(j)
	Funeral home or mortuary	C		4.2.3.F(6)(m)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
Vehicle Sales and Service Uses	Boat sales, rental, service, or repair	C	4.2.3.F(7)	4.2.3.F(8)(k)
	Gas station	C		4.2.3.F(8)(q)
Visitor Accommodation Uses	Bed and breakfast	P	4.2.3.F(9)	4.2.3.F(10)(a)
	Hotel or motel	C		4.2.3.F(10)(c)
	Inn	C		4.2.3.F(10)(d)
ACCESSORY USES				
Accessory Uses	Drive-through facility, large-scale	C	4.3.3	4.3.3.E(1)(f)

TABLE 9.1.3 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-MU-EAST BEACH**	**PERFORMANCE STANDARDS**	
	Drive-through facility, small-scale	C		4.3.3.E(1)(g)
	Gasoline sales (as an accessory use)	C		4.3.3.E(1)(h)
	Home occupation	P/C		4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)
TEMPORARY USES AND STRUCTURES				
Temporary Uses and Structures	Farmer's market (as a temporary use)	P	4.4.3	4.4.3.B(2)(b)

9.1.4. THE SPECTRUM AT WILLOUGHBY MIXED-USE PLANNED DEVELOPMENT DISTRICT (PD-MU SPECTRUM AT WILLOUGHBY)

A. PURPOSE STATEMENT

The Spectrum at Willoughby Mixed-use Planned Development District ("the district") is intended to provide for the establishment of a mixed-use community containing residential and commercial structures, a yacht club for the use of the community's residents and water-related uses. The community is located on approximately 14.2 acres of land at the westernmost end of Bayville Street on the southern side of Willoughby Spit on Willoughby Bay. The residential component of the community will be created as one or more condominium regimes which shall include three (3) mid-rise structures of four (4) to six (6) stories in height above the enclosed parking structure for the buildings' residents and approximately ten (10) low-rise buildings containing townhouse units of two (2) to three (3) stories in height. The commercial structures of the community will consist of two (2) to three (3) buildings containing approximately thirty-five thousand (35,000) square feet of retail shops, offices, restaurants, and amenities for use primarily by the residents of the community. A few loft-type residential units will be located within one of the commercial structures. The buildings which are primarily used for commercial purposes will be located toward the northerly end of the district adjacent to Interstate 64. The yacht club component will include approximately eighty (80) boat slips of varying length, a fuel dock, a support facility (a commercial use available to the public), and a clubhouse containing approximately two thousand (2,000) square feet.

B. LAND USES

Land Uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.4, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than three hundred thirty-three (333) residential dwellings in the entire district accounting for a density of not more than twenty-four (24) units per acre. The district permits the development of not more than thirty-five thousand (35,000) square feet of commercial space, including retail shops, offices, restaurants, the yacht club support facility, clubhouse, and recreational areas.

D. MAXIMUM BUILDING HEIGHTS

The maximum building height for the mid-rise structures (buildings with more than thirty (30) dwelling units) shall be one hundred (100) feet; provided, however, that a feature or features which are not larger than thirty (30) percent of the square footage of the first floor of each building may exceed the maximum building height. For the low-rise residential buildings (buildings with fewer than thirty (30) dwelling units) commercial and mixed-use buildings, the mean roof height will not exceed fifty (50) feet.

E. PARKING REQUIREMENTS

For the mid-rise structures, one and one-half (1.5) spaces per dwelling unit are required. For the low-rise buildings, two (2) enclosed parking spaces are required for each dwelling unit. For the commercial areas, four (4) parking spaces are required for each one thousand (1,000) square feet of leasable space, with the exception of restaurant uses, for which one parking space is required for each four (4) seats.

F. USABLE OPEN SPACE

The district shall provide usable open space as defined in Section 8.3, Definitions and Rules of Measurement, of not less than thirty (30) percent of the total area of the land within the district. The open space adjacent to the westerly bay-front areas shall be accessible to the general public.

G. YARD/SETBACK REQUIREMENTS

All structures shall be situated at least thirty (30) feet from the existing terminus of Bayville Street and the district's boundary line adjacent to Interstate 64. The mid-rise structures shall be set back a minimum of twenty-five (25) feet from the district's boundary lines. The mid-rise structures shall be situated not less than fifty (50) feet from each other and from any adjoining commercial or mixed-use buildings. The low-rise buildings shall be set back a minimum of eight (8) feet from the district's boundary lines and shall be situated at least fourteen (14) feet

from any other structure. The commercial and mixed-use buildings shall be set back a minimum of fifteen (15) feet from the district's boundary lines.

H. DEVELOPMENT APPROVAL REQUIRED

All buildings constructed in the district must receive approval of site plan, site design, and building elevations from the City of Norfolk Department of Planning and Community Development before any building permit may be issued.

TABLE 9.1.4 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-MU SPECTRUM AT WILLOUGHBY	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
	Dwelling, single-family detached	P		4.2.3.D(2)(d)
	Dwelling, single-family semi-detached	P		4.2.3.D(2)(e)
	Dwelling, townhouse	P		4.2.3.D(2)(f)
	Dwelling, two-family	P		4.2.3.D(2)(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Cultural facility, museum, or library	P		4.2.3.E(2)(f)
	Day care center, adult	P		4.2.3.E(2)(g)
	Day care center, child	P		4.2.3.E(2)(h)
	Government office	P		4.2.3.E(2)(j)
	Religious institution	P		4.2.3.E(2)(p)
COMMERCIAL USES				
Eating and Drinking Uses	Nightclub	C	4.2.3.F(1)	4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Cinema or theater	P	4.2.3.F(3)	4.2.3.F(4)(c)
	Country club	P		4.2.3.F(4)(f)
	Health and fitness facility	P		4.2.3.F(4)(g)
	Recreation facility, outdoor	P		4.2.3.F(4)(j)
Retail Sales and Service Uses	Artist studio/school/gallery	P	4.2.3.F(5)	4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Convenience store	P/C		4.2.3.F(6)(h)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
Vehicle Sales and	Boat sales, rental, service, or repair	P	4.2.3.F(7)	4.2.3.F(8)(k)

TABLE 9.1.4 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-MU SPECTRUM AT WILLOUGHBY**	**PERFORMANCE STANDARDS**	
Service Uses	Gas station	C		4.2.3.F(8)(q)
ACCESSORY USES				
Accessory Uses	Gasoline sales (as an accessory use)	C	4.3.3	4.3.3.E(1)(h)
	Home occupation	P/C		4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)

9.1.5. CHURCH STREET EXECUTIVE CENTER PLANNED DEVELOPMENT (CSEC PD)

A. STATEMENT OF INTENT

The Church Street Executive Center Planned Development is intended to provide a broad range of office related service uses to benefit both Norfolk citizens and visitors to the city, to encourage the efficient use of land, to promote tourism, to enhance property values and the tax base, to insure high quality of design in commercial developments, and to help implement the economic development policies in the General Plan of Norfolk and other plans adopted by the City Council.

B. SITE PLAN REVIEW

Allowable uses, permitted and Conditional Use Permit, in the Church Street Executive Center (CSEC PD) have the potential for adverse impacts if located and laid out on zoning lots without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible.

Site plan review for commercial districts is required to protect the local economy, maintain safe traffic conditions, maintain the environment and assure harmonious land-use relationships between commercial uses and more sensitive land uses in affected areas.

New construction and substantial reconstruction in Church Street Executive Center shall be subject to site plan review in accordance with the procedures set forth in Section 2.4.18, Major Site Plan.

C. IMPACT CONTROLS AND GENERAL RESTRICTIONS IN THE CHURCH STREET EXECUTIVE CENTER

(1) Residential Uses Not Permitted Below Second Floor

Dwelling units shall not be permitted below the second floor and only at or above the second floor upon issuance of a Conditional Use Permit.

(2) Mechanical Equipment to be Screened

All ground level and roof top mechanical equipment shall be fully screened from view from public streets and residential districts.

(3) Refuse Control

Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing complete screening from public streets and residential districts.

(4) Traffic Generation Managed

Any allowable use which meets the following conditions shall be required to submit a traffic impact analysis:

(a) Any use or combination of uses on a zoning lot whether in one or more structures in which the total gross floor area and/or outdoor retail sales lot area exceeds sixty thousand (60,000) square feet;

(b) Every medical office building, clinic, or office use where the gross floor area exceeds twenty thousand (20,000) square feet;

(c) Every hotel or motel with an excess of two hundred (200) rooms;

(d) Every commercial outdoor recreational facility, stadium, or similar establishment with a parking requirement in excess of one thousand (1,000) spaces;

(e) Restaurants in excess of seven thousand (7,000) square feet of gross floor area.

(5) Sensory and Nuisance Impacts

Processes, equipment, and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within six hundred (600) feet, because of odor, dust, smoke, gases, vapors, noise, vibration, refuse matter or water-carried waste.

Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.

(6) Buffer Yard Requirements

A buffer yard of not less than ten (10) feet shall be required for all commercial uses which are located adjoining, adjacent to or across an alley from any residentially zoned district. The buffer yard required for any zoning lot in a Commercial District shall be maintained as a planted or landscaped area only. Parking, storage, refuse containers or other structures, accessory or otherwise, shall not be located within any required transitional buffer yard. Such buffer yards shall extend the entire length of the abutting residential zoning district.

There shall be opaque fencing or landscaping, not less than six (6) nor more than eight (8) feet in height, installed along the entire length of the abutting residential zone district, except for the depth of a required front or corner side yard in the residential zoning district.

Access drives shall not be located within any required buffer yard.

(7) Lighting

On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

(8) Outdoor Storage or Display

(a) Outdoor storage or display of merchandise, materials or inventory is prohibited except for the storage or display of new and used vehicles, boats, manufactured homes, building materials, plants and garden supplies, farmers markets, and outdoor flea markets in the districts where such uses are permitted.

(b) The outdoor storage or display of merchandise, materials, or inventory shall not be located in any public right-of-way, any required yard area within the lot, or any required parking area.

(c) The outdoor storage or display of materials, merchandise, or inventory shall not include the use of banners, pennants, or strings of pennants.

(d) Outdoor storage areas shall be fully screened from view with opaque fencing or landscaping.

(e) Outdoor display areas abutting Residential Districts shall be fully screened from view with opaque fencing or landscaping.

(9) Pedestrian Access

Designated pedestrian pathways shall be provided and marked from the public sidewalk to the main entrances of the principal building.

Designated pedestrian access shall be provided between parking areas and major entrances of a building or use which is required to provide fifty (50) or more parking spaces, in accordance with the parking standards set forth in Section 5.1, Parking Loading, and Bicycle Standards, of this Ordinance.

Handicapped loading and unloading areas and parking spaces shall be provided in an area convenient to the main entrance to the principal building when required by the Uniform Statewide Building Code.

(10) Hotel-Motel Density

Hotels and motels shall have a minimum of five hundred (500) square feet of lot area for each lodging unit.

(11) Obstruction of Sight Distance Triangles Prohibited

No structure or landscaping shall be erected or installed as to impede visibility above a height of two and one-half feet (2½ feet) within a sight distance triangle as defined in Section 8.3, Definitions and Rules of Measurement.

D. PERMITTED USES

The uses specified as permitted uses in Table 3.3.9, Principal, Accessory, and Temporary Use Table for Commercial Base Zoning Districts, specifically those uses permitted in the C-C district, are permitted as a right in the Church Street Executive Center with a Zoning Certificate provided that they comply with all requirements of this section, the general standards set forth in Article 3, Zoning Districts, and all other applicable requirements of this Ordinance.

In addition warehousing shall be a permitted use provided that no more than 25 percent of the gross leasable area shall be used for warehousing. Warehousing shall only be accessory to the commercial or office uses.

E. CONDITIONAL USES

The uses specified as conditional uses in Table 3.3.9, Principal, Accessory, and Temporary Use Table for Commercial Base Zoning Districts, specifically those uses permitted in the C-C district, shall be permitted in the Church Street Executive Center with a Conditional Use Permit provided they are approved pursuant to the standards and procedures for Conditional Use Permits set forth in Article 3, Zoning Districts, and comply with all other applicable requirements of this Ordinance.

F. OUTDOOR SALE EVENTS

The use of portions of the site for special sales such as sidewalk sales, indoor and outdoor art, craft and plant shows, exhibits and sales shall be permitted subject to the standards for temporary uses established in Section 4.4, Performance Standards for Temporary Uses.

G. OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be accessory to the principal use and shall be in accordance with the regulations of Section 5.1, Parking, Loading, and Bicycle Standards.

H. LANDSCAPING AND BUFFERING

Detailed landscaping and buffering standards applicable are set forth in Section 5.2, Landscaping Standards.

I. SIGNS

Signs shall be allowed in accordance with provisions of Section 5.7, Signs and are the same requirements as set forth for the C-C district.

J. MINIMUM LOT AREA AND LOT WIDTH

The minimum lot areas and widths permitted as follows:

TABLE 9.1.5: MINIMUM LOT AREAS AND WIDTHS

		Minimum Lot Area	Minimum Lot Width
Permitted Uses		5,000 sq. ft.	50 ft.
Conditional Uses	Dwelling Units (above the ground floor)	1,000 sq. ft. per unit	N/A
	Other Conditional Uses	5,000 sq. ft.	50 ft.

K. MAXIMUM BUILDING HEIGHT

The maximum building height permitted in this district is sixty (60) feet.

L. YARD REQUIREMENTS AND OTHER DEVELOPMENT STANDARDS

The yard requirements are the same as those required for the C-C district. Other development standards applicable to uses in this district are set forth elsewhere in this Ordinance, including parking (Section 5.1, Parking, Loading, and Bicycle Standards), signs (Section 5.7, Signs), and landscaping (Section 5.2, Landscaping Standards).

9.1.6. TAYLOR'S LANDING PLANNED DEVELOPMENT (PD-MU TAYLOR'S LANDING)

A. PURPOSE STATEMENT

The Taylor's Landing Planned Development is intended to provide for a mixed-use community with a mid-rise residential development with parking on the first floor, marina, restaurants, offices, retail sales, boat sales and service, boat slips and storage, and related waterfront recreation-oriented activities. The development is located on the eastern side of Shore Drive on Little Creek.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.6(A), Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

No more than one hundred fifty (150) residential dwelling units are permitted.

D. MAXIMUM BUILDING HEIGHT

The building height for the residential condominium structure shall not exceed ninety (90) feet. The building height of all other buildings in the district shall not exceed sixty (60) feet.

E. PARKING REQUIREMENTS

All uses and structures permitted in the district shall comply with the parking provisions of Section 5.1, Parking, Loading, and Bicycle Standards, subject to modification by the specific provisions outlined in Table 9.1.6(B), Table of Off-Street Parking Requirements. Shared parking shall be permitted, as provided in Section 5.1.7.C, Alternative Parking.

F. YARD/SETBACK REQUIREMENTS

The setback along Shore Drive shall be a minimum of ten (10) feet, interior side yard setbacks shall be a minimum of ten (10) feet, and there shall be a zero-foot setback along portions of the property fronting onto Fisherman's Cove. Where applicable, a ten-foot buffer yard shall be provided as set forth in Section 9.1.6.E, Buffer Yard Requirements, below.

G. BUFFER YARD REQUIREMENTS

(1) A buffer yard of not less than five (5) feet shall be required for all commercial uses which are located adjoining, adjacent to, or across an alley from any property zoned residential. The required buffer yard shall be maintained as a planted or landscaped area only. Parking, storage, refuse containers, or other structures, accessory or otherwise, shall not be located within any required buffer yard. Such buffer yards shall extend the entire length of the boundary line of the residential district.

(2) There shall be fencing or landscaping, not less than six (6) nor more than eight (8) feet in height, installed along the entire length of the boundary line of the residential district, except for the depth of a required front or corner side yard in the adjacent or adjoining residential property. Access drives shall not be located within any required buffer yard.

H. SIGNS

The sign standards for commercial and residential uses in Section 5.7, Signs, shall apply, subject to the following provisions:

(1) No more than two (2) freestanding signs shall be permitted on site. One may be located at the Shore Drive entrance, and one may be located at the Wisteria Place entrance.

(2) Each freestanding sign shall not exceed seventy-two (72) square feet per face, shall not exceed a height of sixteen (16) feet, and shall be set back a minimum of five (5) feet from the property line.

I. DESIGN REVIEW

The exterior elevations and materials for all residential and commercial buildings constructed must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

TABLE 9.1.6(A) TABLE OF LAND USES
P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-MU TAYLOR'S LANDING	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Community dock	P	4.2.3.C(1)	4.2.3.C(2)(d)
	Park	P		4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Communication tower, commercial	C	4.2.3.E(1)	4.2.3.E(2)(c)
	Community recreation center	C		4.2.3.E(2)(d)
	Day care center, adult	P		4.2.3.E(2)(g)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
COMMERCIAL USES				
Eating and Drinking Uses	Banquet Hall	C	4.2.3.F(1)	4.2.3.F(2)(b)
	Nightclub	C		4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Health and fitness facility	P	4.2.3.F(3)	4.2.3.F(4)(g)
	Marina	P		4.2.3.F(4)(h)
	Recreation facility, outdoor	P		4.2.3.F(4)(j)
Retail Sales and Service Uses	Artist studio/school/gallery	P	4.2.3.F(5)	4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Convenience store	P/C		4.2.3.F(6)(h)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, contractor	P		4.2.3.F(6)(s)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
Vehicle Sales and Service Uses	Boat dry storage facility	P	4.2.3.F(7)	4.2.3.F(8)(j)
	Boat sales, rental, service, or repair	P		4.2.3.F(8)(k)

TABLE 9.1.6(A) TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-MU TAYLOR'S LANDING**	**PERFORMANCE STANDARDS**	
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)

TABLE 9.1.6(B): TABLE OF OFF-STREET PARKING REQUIREMENTS	
Use	**Formula**
Boat dry storage facility	1 space per 10 boat slips
Boat service	2 spaces per bay plus 1 space per employee
Boat sales	1 space per 1,000 square feet of gross floor area
Multi-family	1.6 spaces per dwelling unit

9.1.7. RIVER'S EDGE AT BERKLEY RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R RIVER'S EDGE AT BERKLEY)

A. PURPOSE STATEMENT

River's Edge at Berkeley Residential Planned Development District (the "district") is intended to provide a residential community containing multi-family residential structures with amenities and a boardwalk facility for the community's residents and the greater Berkley community. The community is located on a site that is approximately 10.2 acres in size of which 5.6 acres is buildable land area along the Berkeley waterfront on the western side of Spotico Creek.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.7, Table of Land Uses, and shall be restricted to the uses listed therein.

C. DEVELOPMENT STANDARDS

(1) Maximum Density

Not more than two hundred eighty (280) total dwelling units shall be constructed within the district.

(2) Location of Buildings

The site shall be improved generally in accordance with the conceptual site plan entitled "Preliminary Layout," prepared by Michael C. Ashe, FAIA Architecture dated July 28, 2016, and placed on file with the department of planning, subject to any revisions required to be made by the city during the city's site plan review and building permit plan review processes.

(3) Design of Buildings

The buildings shall be constructed generally in accordance with the elevations entitled "Rivers Edge @ Berkley," prepared by Michael C. Ashe, FAIA Architecture dated June 16, 2016, and placed on file with the department of planning, subject to any revisions required to be made by the city during the city's site plan review and building permit plan review processes.

(4) Amenities Required

(a) Several amenities to support the residential use shall be provided, including a boardwalk located along the water, a fitness center, a pool, a clubhouse with meeting rooms, maintenance, and security.

(b) The boardwalk located along the water shall remain open for use by the general public.

(c) The construction of the amenities required in subsection (1), above, shall be substantially complete prior to the issuance of a Certificate of Occupancy for any residential building in the district.

(5) Required Number of Stories

The development shall include five (5) residential structures each of which is eight (8) stories in height.

(6) Yard Requirements

No building shall be located in any required yard. The following yards shall be required for each of the following areas within the district:

(a) Along Indian River Road, twenty-five (25) ft.

(b) Along Emmitt Place and all property lines along the western boundary of the district, ten (10) ft.

(7) Chesapeake Bay Protection Act (CBPA) Buffer

No building or parking areas shall be located within fifty (50) ft. of the boundary of any delineated wetland with the exception of pervious parking areas, which shall not be located within thirty-five (35) ft. of the boundary of any delineated wetland.

D. PARKING REQUIREMENTS

A minimum of 1.6 vehicular parking spaces shall be provided for each dwelling unit and bicycle parking shall be provided at the rate set forth under the

regulations applicable to multi-family dwellings in Section 5.1, Parking, Loading, and Bicycle Standards. Covered parking shall be provided under each of the five (5) residential buildings.

E. SIGNS

Signs in this district shall comply with the regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of the sign regulations.

F. LANDSCAPING

All landscaping and buffer yards shall comply with the regulations set forth in Section 5.2, Landscaping Standards, and this district shall be treated as a residential district for application of the landscaping regulations.

TABLE 9.1.7 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-RIVER'S EDGE AT BERKLEY	PERFORMANCE STANDARDS	
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Government office	P	4.2.3.E(1)	4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.8. LITTLE CREEK APARTMENTS PLANNED DEVELOPMENT DISTRICT (PD-R LCA)

A. PURPOSE STATEMENT

The Little Creek Apartments (LCA) Planned Development District is intended to permit the construction of a 120-unit apartment complex with a clubhouse and swimming pool.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in 9.1.8, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

Not more than one hundred twenty (120) residential dwellings shall be constructed within the district.

D. MAXIMUM BUILDING HEIGHT

The building height of the apartment buildings shall not exceed fifty-five (55) feet. The building height of any other building shall not exceed forty-five (45) feet.

E. PARKING REQUIREMENTS

Two (2) spaces shall be provided for each dwelling unit.

F. YARD REQUIREMENTS

The following minimum yards are required:

(1) Front Yard

20 feet.

(2) Side Yard

15 feet.

(3) Rear Yard

25 feet.

(4) Buffer Yard

A buffer yard shall be provided along the interior perimeter of the site and landscaping or fencing not less than four (4) feet and not more than eight (8) feet in height shall be installed in the buffer yard.

G. OPEN SPACE

Minimum open space equivalent to thirty-five (35) percent of net lot area shall be provided.

H. SIGNS

Signs in this district shall conform to the regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of the regulations therein.

TABLE 9.1.8 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R LCA	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)

TABLE 9.1.8 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-R LCA**	**PERFORMANCE STANDARDS**	
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.9. RIVER HOUSE RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R RIVER HOUSE)

A. PURPOSE STATEMENT

The River House Residential Planned Development District ("the district") is intended to provide for the establishment of a residential community containing multi-family dwellings and private boat slips with recreational and water-related uses for the exclusive use of its residents. The district consists of approximately 7.5 acres of land. The residential component of the district will be created as one or more multi-family structures, including several multistory structures.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in 9.1.9, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than one hundred ninety-four (194) dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be sixty-five (65) feet; provided, however, that a feature which is not larger than thirty (30) percent of the square footage of the first floor of the structure may exceed the maximum height limit by ten (10) feet, provided that such feature is set back at least twenty (20) feet from the property lines.

E. PARKING REQUIREMENTS

There shall be 1.8 parking spaces per dwelling unit.

F. OPEN SPACE

Not less than forty (40) percent of the area of the land located within the district shall be open space.

G. YARD REQUIREMENTS

All structures shall be set back a minimum of ten (10) feet from property lines, provided that structures located along property lines abutting Granby Street or Llewellyn Avenue may be located with a zero-foot setback from the property line.

H. LOCATION AND MASSING OF BUILDINGS

The general architectural appearance of the residential buildings shall be substantially compatible with the exhibit titled "The River House Apartments," dated August 15, 2007, and prepared by Cox, Kliewer & Company, P.C., and the general site layout shall be substantially compatible with the exhibit titled "The River House Apartments - Conceptual Plan," dated August 28, 2007, and prepared by Langley & McDonald, Inc., both of which have been placed on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

TABLE 9.1.9 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R RIVER HOUSE	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.10. WATERMARK RESIDENTIAL PLANNED DEVELOPMENT (PD-R WM)

A. PURPOSE STATEMENT

The Watermark Planned Development District is intended to permit the construction of three hundred thirty (330) residential dwelling units and

associated supporting uses, including onsite amenities and resident services. The district consists of approximately twenty-one (21) acres of land including wetlands.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in 9.1.10, Table of Land Uses, and shall be restricted to the uses listed therein. Accessory uses shall be as permitted for multi-family development in Section 4.3, Performance Standards for Accessory Uses.

C. DEVELOPMENT STANDARDS

(1) Maximum Density

Not more than three hundred thirty (330) total dwelling units shall be constructed within the district.

(2) Location of Buildings

The general site layout of the buildings shall be substantially consistent with the exhibit titled "The Watermark—Conceptual Site Plan" dated January 2, 2015, prepared by Clark-Nexsen, and placed on file with the Department of Planning ("the Plan"), subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

(3) Maximum Building Height

The maximum height of buildings shall be limited in accordance with distinctive areas within the district as follows:

(a) A maximum height of forty-nine (49) feet for the multi-family buildings identified as Buildings 1, 2, 3, and 4 in the area of the district corresponding to the portion labeled "Phase 1 - Watermark Apartments" on the Plan (the "Phase I Multi-Family Buildings").

(b) A maximum height of thirty-seven (37) feet for the townhouse buildings identified as Buildings 1 through 12 in the area of the district corresponding to the portion labeled "Westport Commons & Townhomes - Phase I" and "Westport Commons & Townhouses—Phase II" on the Plan (the "Townhouse Buildings").

(c) A maximum height of forty-nine (49) feet for the multi-family buildings identified as Buildings 14 and 15 in the area of the district corresponding to the portion labeled "Westport Commons & Townhouses—Phase II" on the Plan (the "Phase II Multi-Family Buildings").

(4) Yard Requirements

The following yards shall be required for each of the following locations:

(a) Along Newport Avenue

Ten (10) feet.

(b) Corner Side Yards

Ten (10) feet.

(c) Side Yards of Townhouse End Units

Five (5) feet.

(d) All Rear Yards

Ten (10) feet.

(5) Design of Buildings

(a) Residential Buildings

The exterior elevations and materials for each building constructed in the district must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

(b) Amenities

The layout, design, exterior elevations, and materials of buildings and structures related to recreational amenities must be reviewed and approved in accordance with the city's design review process in order to determine that each is consistent with the location and massing depicted in the Plan and complementary of the designs approved for the related residential buildings.

(6) Amenity Types Required

(a) Phase I Multi-Family Buildings

A swimming pool adjacent to Building 4, a clubhouse and fitness room in or adjacent to Building 4, and a cabana or gazebo adjacent to the pool shall be constructed as amenities to the Phase I Multi-Family Buildings.

(b) Phase II Multi-Family Buildings and Townhouse Buildings

A swimming pool located west of Building 15, a clubhouse located north of Building 15 (including a fitness center, meeting rooms, catering kitchen, and game room), a pier with canoe or kayak dock and storage rack located in the western portion of the district, an outdoor kitchen (including grills, bar, and fire pit) along the water in the western portion of the district, and an activity lawn in the western portion of the district shall be constructed as amenities to the Phase II Multi-Family Buildings and Townhouse Buildings.

(7) Phased Construction of Amenities

(a) Phase I Multi-Family Buildings

The construction of the amenities to the Phase I Multi-Family Buildings shall be substantially complete prior to the issuance of a Certificate of Occupancy for any of the residential buildings related thereto.

(b) Phase II Multi-Family Buildings and Townhouse Buildings

The construction of the amenities to the Phase II Multi-Family Buildings and the Townhouse Buildings shall be substantially completed prior to the issuance of a Certificate of Occupancy for any residential buildings related thereto other than the first two (2) townhouse buildings.

(8) Open Space

Not less than twenty-five percent (25%) of the total net lot area of parcels located within the district shall be open space.

D. PARKING REQUIREMENTS

Not less than 1.66 parking spaces shall be provided within the district for each dwelling unit, including all tandem configurations. On-street parking spaces along Newport Avenue shall not satisfy any portion of this parking requirement.

E. SIGNS

Signs in the district shall conform to regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of regulations therein.

F. LANDSCAPING

A buffer not less than four (4) feet and not more than eight (8) feet in height shall be constructed of fencing or bushes, hedges, or other appropriate greenery along the interior perimeter of the site.

TABLE 9.1.10 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R WM	PERFORMANCE STANDARDS	
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
	Dwelling, townhouse	P		4.2.3.D(2)(f)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Government office	P	4.2.3.E(1)	4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.11. PROMENADE POINTE APARTMENTS RESIDENTIAL PLANNED DEVELOPMENT (PD-R PROMENADE POINTE)

A. PURPOSE STATEMENT

The Promenade Pointe Apartments Residential Planned Development is intended to provide for the establishment of a residential complex taking full advantage of the highly-desirable views of Wayne Creek and its adjacent, pristine tidal wetland areas which form a majority of the development's boundary.

The community is located at the southwest corner of the intersection of Tidewater Drive and Roland Drive and consists of a total area of approximately 5.8 acres.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.11, Table of Land Uses, and shall be restricted to the uses listed therein.

C. DEVELOPMENT STANDARDS

(1) Maximum Density

The district permits the development of not more than one hundred eighty-three (183) residential dwellings in the entire district accounting for a density of not more than thirty-five (35) residential units per acre. The residential dwellings will generally consist of: seventy-eight (78) one-bedroom, ninety-four (94) two-bedroom and fifteen (15) three-bedroom luxury apartments.

(2) Maximum Building Height

The maximum building height permitted in the district shall be sixty (60) feet.

(3) Yard Requirements

All residential structures will be situated a minimum of ten (10) feet from Tidewater Drive, thirty-five (35) feet from Roland Drive, and five (5) feet from any other property line or wetland delineation line.

(4) Open Space

This district shall provide open space of not less than nineteen (19) percent, exclusive of wetlands. All sidewalks, patios, pools, gazebos and similar improvements intended for the enjoyment and use of all residents may be included as open space.

(5) Site Development

The property shall be developed in substantial conformity with the site plan entitled "Promenade Pointe, Bonaventure Realty Group, LLC, Tidewater Drive, Norfolk Virginia Preliminary Site Plan" dated June 21, 2010, and prepared by Cox, Kliewer & Company, P.C., subject to any modification made in response to a request by City Council during the zoning approval process

or to a request by the city during the site plan approval process. In the event of a conflict between the final, approved site plan and the parking requirements of Section 9.1.11.D, Off-Street Parking, below, the site plan shall be controlling. Notwithstanding the provisions of this subsection, there shall be no right of emergency access from Roland Drive.

(6) Design Review

All buildings constructed in accordance with the site development plan identified in subsection (5), above, shall be reviewed in accordance with the city's design review process prior to issuance of any building permit.

D. OFF-STREET PARKING

(1) General

All off-street parking regulations found in Section 5.1, Parking, Loading, and Bicycle Standards, shall apply in the district, with the exception of those that conflict with the specific regulations set forth in this section.

(2) Required Parking Spaces

(a) Not less than 1.6 parking spaces per dwelling unit shall be provided, and

(b) Not less than one (1) parking space shall be provided for each one-bedroom dwelling unit and not less than two (2) parking spaces shall be provided for each dwelling unit having either two bedrooms or three bedrooms.

(3) Size of Parking Stalls

The total parking spaces required for this district shall be constructed and striped as follows:

(a) In order to accommodate compact automobiles, no more than twenty (20) percent of the parking stalls shall be not less than sixteen (16) feet deep, eight (8) feet wide, and serviced by a drive aisle not less than twenty-four (24) feet wide.

(b) For all other automobiles, a minimum of eighty (80) percent of the parking stalls shall be not less than nineteen (19) feet deep, eight (8) feet wide, and serviced by a drive aisle not less than twenty-four (24) feet wide.

(4) Driveways

The width of driveways shall conform to the requirements found in Section 5.1, Parking, Loading, and Bicycle Standards, except where an alternative width is approved by the department of public works in which case such alternative width shall be permitted.

(5) Loading Berths

No loading berths are required.

E. SIGNS

Signs in the district shall conform to the regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of the regulations therein.

F. LANDSCAPING

(1) Interior Parking Lot Green Space

(a) This district shall provide green space for parking lot of not less than ten (10) percent of the entire parking field, excluding those portions of the field that are covered by any portion of a building. Such calculation may include any green space buffer areas provided between the paved parking surface and Tidewater Drive or Roland Drive.

(b) The minimum width of linear islands within the parking lot shall be six (6) feet. Typical landscape islands within the parking lot shall be a minimum of seven (7) feet wide and eighteen (18) feet long.

(2) Streetscape

(a) A landscape buffer not less than eight (8) feet wide shall be established for the entire length of the property frontage along Tidewater Drive and Roland Drive.

(b) Along all portions of the property frontage along any streets that are not located in a wetland area, a four-foot-tall masonry or stone wall located three (3) feet from the property line shall be installed. The space between the wall and the property line shall be improved with evergreen shrubs to be maintained at a maximum height of three (3) feet. The side of the wall facing the interior of the property shall be improved with a mixture of evergreen and canopy trees consistent with the requirements of Section 5.3, Perimeter Buffers.

(3) Plant Materials

The selection of both large and small canopy trees shall be derived from that list of preferred trees for street development as published by the City of Norfolk, Division of Parks and Urban Forestry.

(a) Large canopy trees planted on site shall have a minimum caliper of two (2) inches and shall be twelve (12) to fourteen (14) feet in height at the time of planting.

(b) Small canopy trees shall be six (6) to eight (8) feet in height at the time of planting.

G. RECREATIONAL AMENITIES

The active recreational components of this community shall include at least the following:

(1) An indoor fitness center, club room, and internet café totaling at least two thousand four hundred (2,400) square feet in area.

(2) A gazebo, walkways, and benches providing views of the waterfront.

(3) A swimming pool with associated patios, cooking facilities, and roofed structures to provide shade.

(4) A bicycle storage room capable of storing at least twenty-four (24) bicycles.

(5) A pier, canoe launch and pedestrian pathways adjacent to wetland areas which shall all be available not only to residents of the property, but also to local schools for educational purposes specifically related to wetlands and the Lafayette River Ecosystem, subject to reasonable limitations on access based on time of day, meteorological conditions, ecological considerations and public safety.

TABLE 9.1.11 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R PROMENADE POINTE	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Community dock	P	4.2.3.C(1)	4.2.3.C(2)(d)
	Park	P		4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.12. EDWARD STREET APARTMENTS RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R EDWARD ST.)

A. PURPOSE STATEMENT

The Edward Street Apartments Residential Planned Development District ("the district") is intended to provide for the establishment of a residential community containing multi-family dwellings. The development consists of approximately 7.7 acres of land improved by one or more multistory buildings.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in 9.1.12, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than one hundred eighty (180) dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be fifty (50) feet.

E. PARKING REQUIREMENTS

Not less than 1.7 parking spaces per dwelling unit shall be provided.

F. OPEN SPACE

Not less than twenty (20) percent of the area of the land located within the development shall be useable open space.

G. YARD REQUIREMENTS

All structures shall be set back a minimum of five (5) feet from all property lines abutting International Boulevard. All structures shall be set back a minimum of ten (10) feet from all other property lines.

H. LOCATION AND MASSING OF BUILDINGS

(1) The general site layout and massing of the buildings shall be substantially compatible with the exhibit titled "Edward Street Apartments—Preliminary Site Plan," dated May 7, 2010, and prepared by Cox, Kliewer & Company, P.C., subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

(2) All buildings constructed in accordance with the site development plan identified in subsection (1), above, shall be reviewed in accordance with the city's design review process prior to issuance of any building permit.

TABLE 9.1.12 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R EDWARD ST.	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				

TABLE 9.1.12 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-R EDWARD ST.**	**PERFORMANCE STANDARDS**	
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.13. PARK CRESCENT RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R PARK CRESCENT)

A. PURPOSE STATEMENT

The Park Crescent Residential Planned Development Residential District ("the district") is intended to provide for improvements to an existing residential community containing multi-family residential structures and related amenities. The community is located on approximately twenty-two (22) acres located west of North Military Highway along both sides of Crescent Way. The amenities to accompany the residential structures in the district may include a fitness center, clubhouse, swimming pool, and office facilities to support and service the residential units.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.13, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than four hundred (400) dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be fifty (50) feet.

E. PARKING

(1) Off-Street Parking

Not less than 1.7 parking spaces per dwelling unit shall be provided.

(2) Parking Space Dimensions

Each parking space shall be not less than nine (9) feet in width and eighteen (18) feet in length.

F. OPEN SPACE

Not less than thirty-five (35) percent of the area of the land located within the development shall be useable open space.

G. YARD REQUIREMENTS

All structures shall be set back a minimum of twenty-five (25) feet from North Military Highway, ten (10) feet from Crescent Way, and five (5) feet from all other property lines. Parking spaces may be located within required yards.

H. BUILDING ARCHITECTURE

All residential buildings constructed in the district must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

TABLE 9.1.13 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R PARK CRESCENT	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.14. THE POINTE AT PICKETT FARMS RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R PICKETT FARMS)

A. PURPOSE STATEMENT

The Pointe at Pickett Farms Residential Planned Development Residential District ("the district") is intended to provide for the establishment of a residential community containing multi-family dwellings. The district consists of

approximately twenty-four (24) acres of land and will be developed with twelve (12) three-story buildings.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.14, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than three hundred (300) dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be fifty (50) feet.

E. PARKING REQUIREMENTS

Not less than 1.7 parking spaces per dwelling unit shall be provided.

F. OPEN SPACE

Not less than twenty (20) percent of the area of the land located within the development shall be useable open space.

G. YARD REQUIREMENTS

All structures shall be set back a minimum of twenty (20) feet from Greenplain Road, Picket Road, Quill Road, and Typo Avenue and five (5) feet from all other property lines.

H. LOCATION AND MASSING OF BUILDINGS

The general site layout of the buildings shall be substantially consistent with the exhibit titled "The Pointe at Pickett Farms—Preliminary Site Plan," dated December 13, 2010, prepared by Cox, Kliewer & Company, P.C. and on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

I. BUILDING ARCHITECTURE

All residential buildings constructed in the district must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

J. VEHICULAR ACCESS FOR EMERGENCY VEHICLES

Any vehicular access to the property from any right-of-way other than Greenplain Road or Pickett Road, Quill Road, and Typo Avenue shall be constructed and used as follows:

(1) The access is designated for use only by emergency vehicles;

(2) The access shall not be used by residents or guests;

(3) The access remains closed to vehicular traffic at all times other than during an emergency; and

(4) The access is designed so that no persons other than emergency personnel can open the access.

TABLE 9.1.14 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R PICKETT FARMS	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.15. 1ST BAY PLANNED DEVELOPMENT DISTRICT (PD-MU 1ST BAY)

A. PURPOSE STATEMENT

The 1st Bay Planned Development District ("the District") is intended to provide for the establishment of a mixed-use complex located on Ocean View Avenue and Pretty Lake Avenue between 1st Bay and 2nd Bay Streets. The development will consist of a mix of townhouses, multi-family buildings, and approximately fifteen thousand (15,000) gross square feet of retail/office space and storage units.

B. USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.15(B), Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The District permits the development of not more than 195 dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be one hundred twenty-two (122) feet.

E. PARKING REQUIREMENTS

No less than a total of four hundred one (401) parking spaces shall be provided. No more than eighty (80) of the total number of parking spaces shall be designated for compact vehicles and shall be not less than eight (8) feet in width and sixteen (16) feet in length.

F. RECREATION AND OPEN SPACE

(1) Not less than twenty (20) percent of the area of the land located within the development shall be useable open space.

(2) The active recreational components of this community shall include at least the following:

(a) An indoor fitness center, club room, and internet café;

(b) A gazebo with accompanying walkway positioned for the enjoyment of water views;

(c) Patios, outdoor cooking facilities, and roofed pavilions; and

(d) Pedestrian walkways and associated park benches.

G. YARD REQUIREMENTS

(1) All structures shall be set back from each property line to the extent indicated in the following table:

TABLE 9.1.15(A): YARD REQUIREMENTS

Principal Building Frontage	Front Yard	Side Yard (interior and corner side yards)	Rear Yard
East Ocean View Avenue	16 ft.	5 ft.	15 ft.
1st Bay Street (east side)	10 ft.		
1st Bay Street (west side)	15 ft.		
2nd Bay Street	10 ft.		
Pretty Lake Avenue	5 ft.		

(2) Roof overhangs are permitted to extend into any required yard.

H. LOCATION AND MASSING OF BUILDINGS

The general site layout of the buildings shall be substantially consistent with the exhibit titled "Conceptual Site Layout & Landscape Plan of 1st Bay Development," dated August 25, 2010, prepared by Ionic Design Studios and on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

TABLE 9.1.15(B) TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-MU 1ST BAY**	**PERFORMANCE STANDARDS**	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Day care center, adult	P		4.2.3.E(2)(g)
	Day care center, child	P		4.2.3.E(2)(h)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
COMMERCIAL USES				
Eating and Drinking Uses	Nightclub	C	4.2.3.F(1)	4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Health and fitness facility	P	4.2.3.F(3)	4.2.3.F(4)(g)
Retail Sales and Service Uses	Artist studio/school/gallery	P	4.2.3.F(5)	4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
	Self-service storage units	P		4.2.3.F(6)(x)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)

9.1.16. WATER'S EDGE MIXED-USE PLANNED DEVELOPMENT DISTRICT (PD-MU-WE)

A. PURPOSE STATEMENT

The Water's Edge Mixed-Use Planned Development District ("the District) is intended to provide for the establishment of an apartment complex containing multi-family structures and related amenities, and a small commercial component

at the foot of the Campostella Bridge. The development is located on a site approximately seventeen (17) acres in size and will include approximately two hundred forty-six (246) units consisting of eight (8) four-story structures, two (2) two-story structures, a waterfront path available for use by the public, a clubhouse, a small boat dock, and a commercial component with no more than five thousand (5,000) square feet of space located at the entrance of the property.

B. LAND USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.16, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM RESIDENTIAL DENSITY

The District permits the development of not more than two hundred forty-six (246) dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be fifty-five (55) feet.

E. PARKING REQUIREMENTS

All parking shall comply with the provisions of Section 5.1, Parking, Loading, and Bicycle Standards, subject to the following modifications:

(1) Not less than 1.7 parking spaces per residential dwelling unit shall be provided.

(2) Any parking spaces designated for a compact automobile shall be not less than eight (8) feet in width and sixteen (16) feet in length.

(3) Not more than five (5) percent of the total parking may be designated for use by compact automobiles.

(4) No more than five (5) compact automobile spaces shall be positioned adjacent to one another.

(5) Not less than four (4) parking spaces for each one thousand (1,000) square feet of commercial space shall be provided.

F. OPEN SPACE

Not less than twenty (20) percent of the land located within the development shall be useable open space. For purposes of this provision, areas improved by sidewalks, trails, plazas, pools, and other amenity structures shall be treated as useable open space.

G. RECREATION

Recreational components of the District shall include all of the following:

(1) A clubhouse not less than one thousand two hundred fifty (1,250) square feet in area;

(2) A shade structure and accompanying walkways positioned to provide for enjoyment of water views;

(3) An amenity adjacent to the clubhouse that shall be developed with one or more of the following: a pool, a playground, or an outdoor plaza including seating;

(4) A trail not less than five (5) feet in width, made of pervious material, located adjacent to water and wetlands areas, and available for use by the public and shall include wayfinding signage installed to guide pedestrian traffic from Campostella Road to the trail, as approved by the Planning Director; and

(5) A small boat dock for the use of temporary boat docking. No permanent slips or boat uses are permitted.

H. LANDSCAPING

All landscaping shall comply with the provisions of Section 5.2, Landscaping Standards, subject to the following modifications:

(1) Parking Area Plantings

(a) Not less than eight (8) percent of the parking area shall be landscaped with grasses, trees, or other vegetation.

(b) Landscape islands within the parking area shall be a minimum of eight (8) feet in width and nineteen (19) feet in length.

(2) Plant Materials

(a) Large and medium shade trees shall be not less than two (2) inches in caliper at the time of planting.

(b) Small flowering trees shall be not less than eight (8) feet tall at the time of planting.

(c) Evergreen trees shall be not less than six (6) feet tall at the time of planting.

(d) The species and variety of trees planted on the property shall be derived from a list maintained by or approved by the city's Bureau of Parks and Forestry.

I. YARD REQUIREMENTS

The following minimum yards are required:

(1) Residential

(a) Front Yard

(i) For all two-story buildings: 15 feet.

(ii) For all three-story buildings: 20 feet.

(b) Corner Side Yard

15 feet.

(c) Interior Side Yard

10 feet.

(d) Rear Yard

25 feet.

(2) Commercial

(a) Front Yard

10 feet.

(b) Corner Side Yard

5 feet.

(c) Interior Side Yard

0 feet.

(d) Rear Yard

0 feet.

J. BUILDING ARCHITECTURE

(1) All buildings constructed in the District must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

(2) The following features shall be incorporated into the architecture design of the buildings. Variations of the design elements identified below may be approved through the design review process, thereby modify these requirements:

(a) The exterior detail of the buildings shall include façade offsets and stacked-column porches.

(b) The brick shall have a hand-made look and shall consist of Statesville "Oyster Bay Oversized Tumbled."

(c) Windows shall have a traditional three-over-one late-Victorian styling with shutters.

(d) Dormers shall be situated within the roofline with gable ends.

(e) The siding shall consist of a textured HardiePlank with the "Heathered Moss" color.

(f) The entryway to the development shall have the appearance of a gated arrival area.

(g) An enclosed, landscaped courtyard with benches or a fountain shall be located between the two buildings in the center of the parking field.

K. LOCATION AND MASSING OF BUILDINGS

The general site layout of the buildings shall be substantially consistent with the exhibit titled "Water's Edge Apartments—Conceptual Development Plan," dated May 27, 2011, prepared by Clark Nexsen, Inc. and on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

TABLE 9.1.16 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-MU-WE	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Day care center, adult	P		4.2.3.E(2)(g)
	Day care center, child	P		4.2.3.E(2)(h)
	Government office	P		4.2.3.E(2)(j)
	Membership organization	P		4.2.3.E(2)(n)
	Religious institution	P		4.2.3.E(2)(p)
Transportation and Utility Uses	Parking facility	P	4.2.3.E(3)	4.2.3.E(4)(d)
	Utility facility, minor	P		4.2.3.E(4)(i)
COMMERCIAL USES				
Eating and Drinking Uses	Nightclub	C	4.2.3.F(1)	4.2.3.F(2)(d)
	Restaurant	P/C		4.2.3.F(2)(f)
Recreation Uses	Cinema or theater	P	4.2.3.F(3)	4.2.3.F(4)(c)
	Commercial recreation center	C		4.2.3.F(4)(d)
	Country club	P		4.2.3.F)(4)(f)
	Health and fitness facility	P		4.2.3.F(4)(g)
	Recreation facility, outdoor	C		4.2.3.F(4)(j)
Retail Sales and Service Uses	Artist studio/school/gallery	P		4.2.3.F(6)(b)
	Bank or other financial institution	P		4.2.3.F(6)(e)
	Consignment shop	C		4.2.3.F(6)(g)
	Convenience store	C		4.2.3.F(6)(h)
	Farmer's market	P		4.2.3.F(6)(j)
	Music, dance, or martial arts studio/school	P		4.2.3.F(6)(p)
	Office	P		4.2.3.F(6)(r)
	Office, medical or dental	P		4.2.3.F(6)(t)
	Personal service business	P/C		4.2.3.F(6)(v)
	Retail goods establishment	P/C		4.2.3.F(6)(w)
	Veterinary hospital or clinic	P		4.2.3.F(6)(dd)

TABLE 9.1.16 TABLE OF LAND USES P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT NOT LISTED = PROHIBITED				
USE CATEGORY	**USE TYPE**	**PD-MU-WE**	**PERFORMANCE STANDARDS**	
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)
	Live entertainment	C		4.3.3.E(1)(j)
	Outdoor seating (as accessory to an eating and drinking use)	C		4.3.3.E(1)(l)
	Sale of alcoholic beverages, off-premises	C		4.3.3.E(1)(o)
	Sale of alcoholic beverages, on-premises	C		4.3.3.E(1)(p)

9.1.17. THE CROSSINGS AT CAMPOSTELLA STATION RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (PD-R CAMPOSTELLA STATION)

A. PURPOSE STATEMENT

The Crossings at Campostella Station Residential Planned Development District is intended to provide for the development of a site approximately nine (9) acres in size, including up to one hundred fifty-six (156) multi-family dwelling units and twenty-five (25) single-family homes.

B. LAND USES

Uses in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.17, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

The district permits the development of not more than one hundred fifty-six (156) multi-family dwelling units and not more than twenty-five (25) single-family dwelling units.

D. MAXIMUM BUILDING HEIGHT

The maximum building height of multi-family dwelling buildings shall be fifty-five (55) feet and the maximum building height for single-family dwelling buildings shall be thirty-five (35) feet.

E. PARKING REQUIREMENTS

All parking shall comply with the provisions of Section 5.1, Parking, Landscaping, and Bicycle Standards, of this Ordinance, subject to the following modifications:

(1) Not less than 1.7 off-street parking spaces per unit shall be provided for the multi-family dwelling units.

(2) Not less than two (2) off-street parking spaces shall be provided for each single-family dwelling unit.

F. USEABLE OPEN SPACE

Not less than twenty (20) percent of the area of the land located within the development shall be usable open space.

G. YARD REQUIREMENTS

The following minimum yards are required:

(1) Multi-Family

(a) Front Yard

20 feet.

(b) Side Yard

15 feet.

(c) Rear Yard

25 feet.

(d) Buffer Yard

Buffer yards, including landscaping or fencing not less than four (4) feet and not more than eight (8) feet in height, shall be established and maintained as follows:

(i) A 25-foot wide buffer yard in all areas where a parcel improved with a multi-family use adjoins a parcel with a single-family use.

(ii) A 10-foot wide buffer yard in all areas where a parcel improved with a parking area serving a multi-family use adjoins a parcel with a single-family use.

(2) Single-Family

(a) Front Yard

25 feet.

(b) Side Yard

5 feet.

(c) Side Yard Adjacent to a Street

10 feet.

(d) Rear Yard

25 feet.

H. LOCATION, MASSING, AND DESIGN OF BUILDINGS

(1) The general site layout of the buildings shall be substantially consistent with the exhibit titled "Berkley Apartments - Preliminary Site Plan" dated June 21, 2013, prepared by Cox, Kliewer & Company, P.C. and on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

(2) All residential buildings constructed in the district must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

I. LANDSCAPING

All landscaping shall comply with the provisions of Section 5.2, Landscaping Standards, of this Ordinance, subject to such reasonable modifications as may be required by the city in order to comply landscaping features defined in the exhibit titled "Berkley Apartments - Preliminary Site Plan" dated June 21, 2013, prepared by Cox, Kliewer & Company, P.C. and on file with the department of planning.

TABLE 9.1.17 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R CAMPOSTELLA STATION	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
	Dwelling, single-family detached	P		4.2.3.D(2)(d)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.18. CHURCH STREET STATION RESIDENTIAL PLANNED DEVELOPMENT (PD-R CHURCH STREET STATION)

A. PURPOSE STATEMENT

The Church Street Station Residential Planned Development District is intended to provide for the development of a residential community containing a mixture of eighty-one (81) units for single-room occupancy supportive housing, including

associated spaces, and eighty (80) traditional multi-family dwelling units. The development sites includes approximately four (4) acres of land located along the eastern line of Church Street adjacent to the southern line of the right-of-way for the Norfolk Southern Railroad Lamberts Point Line. Because of the unusual shape of the boundaries of the site, the singular access to an arterial street, and the presence of an existing public utility building in the narrowest portion of the property, development up to the full density permitted by this zoning district should be phased to ensure that the public facilities and other site features are adequate and sufficient to ensure public health, safety, and the general welfare.

B. LAND USES

Uses in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.18, Table of Land Uses, and shall be restricted to the uses listed therein.

C. PHASED DEVELOPMENT

(1) Initial Phase

The first phase of any development in the district shall be limited as follows:

(a) Maximum Density

No more than one hundred twenty-one (121) residential dwelling units shall be permitted.

(b) Location and Massing of Buildings

The general site layout, massing of the buildings, and location of recreational equipment constructed during the initial phase of development shall be substantially consistent with the exhibit titled "Church Street Planned Development" prepared by VIA Design Architects, P.C., dated February 27, 2013 [sic], and placed on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

(2) Later Phases

No construction of any buildings or other features not represented in the phase one exhibit identified above shall be permitted for two (2) years after the construction of the initial phase is completed and certificates of occupancy for each building included in the initial phase have been issued. Upon completion of all phases of development, the following limitations shall apply:

(a) Maximum Density

The district permits the development of not more than one hundred sixty-one (161) residential dwelling units.

(b) Location and Massing of Buildings

The general site layout and massing of the buildings shall be substantially consistent with the exhibit titled "Church Street Planned Development" prepared by VIA Design Architects, P.C., dated January 28, 2013 [sic], and placed on file with the department of planning, subject to such reasonable modifications as may be required by the city for final site development or site plan approval.

D. MAXIMUM BUILDING HEIGHT

The maximum building height shall be seventy-five (75) feet.

E. PARKING REQUIREMENTS

All parking shall comply with the provisions of Section 5.1, Parking, Loading, and Bicycle Standards, subject to the following modifications:

(1) Not less than 0.5 off-street parking spaces per unit shall be provided for the supportive housing dwelling units.

(2) Not less than 1.5 off-street parking spaces per unit shall be provided for the multi-family housing dwelling units.

F. OPEN SPACE

Not less than twenty (20) percent of the area of the land located within the development shall be useable open space. For purposes of this provision, areas improved by sidewalks, trails, plazas, and other amenity structures shall be treated as usable open space.

G. YARD REQUIREMENTS

The following minimum yards are required:

(1) All structures shall be set back a minimum of five (5) feet from the property lines abutting the railroad.

(2) All structures shall be set back a minimum of ten (10) feet from all property lines abutting a residential or commercial zoning district.

(3) No minimum setback for buildings is required along Church Street or O'Keefe Street.

H. DESIGN OF BUILDINGS

All buildings constructed in the district must be reviewed and approved in accordance with the city's design review process prior to issuance of any building permit.

I. LANDSCAPING

All landscaping shall comply with the provisions of Section 5.2, Landscaping Standards, subject to such reasonable modifications as may be required by the city in order to accommodate the landscaping features defined in the exhibit

titled "Church Street Planned Development" prepared by VIA Design Architects, P.C., dated January 28, 2013 [sic], and placed on file with the department of planning.

TABLE 9.1.18 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R CHURCH STREET STATION	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
Group Living Uses	Assisted housing	P	4.2.3.D(3)	4.2.3.D(4)(a)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.19. TALBOT HALL RESIDENTIAL PLANNED DEVELOPMENT (PD-R TALBOT HALL)

A. PURPOSE STATEMENT

The Talbot Hall Planned Development Residential District is intended to permit the development of single-family homes and the preservation of the historic Talbot Hall Manor House, constructed in 1799 on a site encompassing 9.2 acres.

B. LAND USES

Uses in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.19, Table of Land Uses, and shall be restricted to the uses listed therein.

C. MAXIMUM DENSITY

Not more than fourteen (14) single-family dwellings shall be constructed within the district.

D. MAXIMUM BUILDING HEIGHT

The maximum building height for single-family dwellings shall be thirty-five (35) feet.

E. PARKING REQUIREMENTS

At least two (2) off-street parking spaces shall be provided for each single-family dwelling.

F. YARD REQUIREMENTS

The following minimum yards are required:

(1) Front Yard

15 feet.

(2) Side Yard

5 feet.

(3) Rear Yard

50 feet.

G. BUFFER YARD

A buffer yard not less than fifty (50) feet in width shall be maintained between the delineated upper limits of wetlands as defined under applicable provisions of state law and any principal or accessory structure. No building shall be located within this buffer yard.

H. TALBOT HALL PRESERVATION

The existing Talbot Hall Manor House shall be preserved on its own lot with a minimum of two hundred (200) feet of frontage along a public street.

TABLE 9.1.19 TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R TALBOT HALL	PERFORMANCE STANDARDS	
CONSERVATION AND OPEN SPACE USES				
Conservation and Open Space Uses	Park	P	4.2.3.C(1)	4.2.3.C(2)(f)
RESIDENTIAL USES				
Household Living Uses	Dwelling, single-family detached	P	4.2.3.D(1)	4.2.3.D(2)(d)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Community recreation center	P	4.2.3.E(1)	4.2.3.E(2)(d)
	Government office	P		4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.20. PINEWELL STATION RESIDENTIAL PLANNED DEVELOPMENT (PD-R PINEWELL STATION)

A. PURPOSE STATEMENT

The Pinewell Station Planned Development District is intended to permit the construction of one hundred forty-five (145) residential dwelling units and related onsite amenities and resident-oriented services. The district consists of approximately 5.8 acres of land.

B. PERMITTED USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.20, Table of Land Uses, and shall be restricted to the uses listed therein. Accessory uses shall be as permitted for multi-family development in Section 4.3, Performance Standards for Accessory Uses.

C. DEVELOPMENT STANDARDS

(1) Maximum Density

Not more than one hundred forty-five (145) total dwelling units shall be constructed within the district.

(2) Location of Buildings

The general site layout of the buildings shall be substantially consistent with the exhibit titled "The Pinewell Station - Site Plan" dated January 5, 2016, and placed on file with the department of planning ("the development plan"), subject to such reasonable modifications as may be required by the city during the site plan review or building permit plan review processes.

(3) Maximum Building Height

The maximum height of buildings shall be limited as follows:

(a) For the multi-family buildings identified as buildings A, B, and C on the Development Plan: 75 ft.

(b) For the leasing office amenity building identified as building D on the Development Plan: 35 ft.

(4) Yard Requirements

The following yards shall be required for each of the following areas within the district:

(a) Along all district boundaries, including East Ocean View Avenue and Norfolk Avenue: 10 ft.

(b) Distance between buildings: 30 ft.

(5) Design of Buildings

(a) Residential Buildings

Prior to the issuance of any building permit, the exterior elevations, the exterior design, elevations, materials and fenestration for each building constructed in the district must be reviewed and approved in accordance with the city's design review process in order to determine that they are consistent with the design guidelines titled "Architectural Design" developed for this district and placed on file with the department of planning ("the district design guidelines").

(b) Amenities

The layout, design, exterior elevations, and materials of buildings and structures related to recreational amenities must be reviewed and approved in accordance with the city's design review process in order to determine that each is consistent with the location and massing depicted in the development plan and the district design guidelines.

(c) Materials

The materials that can be used for building exteriors are limited to stucco, wood clapboard, brick, cementitious siding, composite materials or pressure-treated wood for all trim, and composite materials for all railings.

(6) Amenity Required

(a) Leasing Office and Fitness Room

A stand-alone leasing office, with fitness room, shall be constructed as an amenity to the residential units in the district.

(b) Multi-Family Buildings

The construction of the amenity building shall be complete prior to the issuance of a Certificate of Occupancy for any of the residential buildings related thereto.

(c) Usable Open Space

Not less than twenty-five (25) percent of the total lot area of parcels within the district shall be usable open space.

D. PARKING REQUIREMENTS

A minimum of 1.9 parking spaces shall be provided for each dwelling unit.

E. SIGNS

Signs in this district shall comply with the regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of the sign regulations.

F. LANDSCAPING

All landscaping and buffer yards shall comply with the regulations set forth in Section 5.2, Landscaping Standards, and Section 5.3, Perimeter Buffers, and this district shall be treated as a residential district for application of those regulations.

TABLE 9.1.20 TABLE OF LAND USES
P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R PINEWELL STATION	PERFORMANCE STANDARDS	
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Government office	P	4.2.3.E(1)	4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.21. AZALEA GARDEN PLACE RESIDENTIAL PLANNED DEVELOPMENT (PD-R AZALEA GARDEN PLACE)

A. PURPOSE STATEMENT

The Azalea Garden Plan Planned Development District is intended to permit the construction of 50 residential dwelling units and related onsite amenities and resident-oriented services. The district consists of approximately 3.31 acres of land.

B. PERMITTED USES

Land uses permitted in the district shall be permitted by right or by Conditional Use Permit as specified in Table 9.1.21, Table of Land Uses, and shall be restricted to the uses listed therein. Accessory uses shall be as permitted for multi-family development in Section 4.3, Performance Standards for Accessory Uses.

C. DEVELOPMENT STANDARDS

(1) Maximum Density

Not more than 50 total dwelling units shall be constructed within the district.

(2) Location of Buildings

The general site layout of the buildings shall be substantially consistent with the exhibit titled "The Edge at Azalea Garden, Concept Plan A" dated May 21, 2020, and placed on file with the Department of Planning ("the Development Plan"), subject to such reasonable modifications as may be required by the city during the site plan review or building permit plan review processes.

(3) Elevations

Prior to the issuance of any building permit, the exterior elevations, the exterior design, elevations, materials and fenestration for each building constructed in the district must be reviewed and approved in accordance with the city's design review process, subject to such reasonable modifications as may be required by the city during the site plan review or building permit plan review processes.

(4) Maximum Building Height

The maximum height of buildings shall be limited to 35 feet.

(5) Yard Requirements

The following yards shall be required for each of the following areas within the district:

(a) Along Azalea Garden Road: 15 ft.

(b) Distance between buildings: 10 ft.

(c) Side yard along the eastern and western district boundary lines: 10 ft.

(d) Rear yard: 20 ft.

(6) Amenities Required

(a) A playground shall be constructed as an amenity to the residential units and shall be located generally as shown on the Development Plan.

(b) A Dog Park shall be constructed as an amenity to the residential units and shall be located generally as shown on the Development Plan.

(c) A walking path around the wet pond shall be constructed as an amenity to the residential units and shall be located generally as shown on the Development Plan.

(7) Usable Open Space

Not less than 20% of the total lot area of parcels within the district shall be usable open space.

(8) Emergency Access

An access for use by emergency services only may be provided from Robin Hood Road, but such access shall not be used by residents or guests.

D. PARKING REQUIREMENTS

(1) Resident Parking

A minimum of one (1) interior and one (1) garage parking space shall be provided for each dwelling unit.

(2) Guest Parking

An additional 21 spaces of visitor and overflow parking shall be provided throughout the district.

E. SIGNS

Signs in this district shall comply with the regulations set forth in Section 5.7, Signs, and this district shall be treated as a residential district for application of the sign regulations.

F. LANDSCAPING

All landscaping and buffer yards shall comply with the regulations set forth in Section 5.2, Landscaping Standards, Section 5.3, Perimeter Buffers, and Section 5.4, Screening, and this district shall be treated as a residential district for application of those regulations.

TABLE 9.1.21: TABLE OF LAND USES

P = PERMITTED BY RIGHT C = ALLOWED ONLY WITH APPROVAL OF A CONDITIONAL USE PERMIT
NOT LISTED = PROHIBITED

USE CATEGORY	USE TYPE	PD-R AZALEA GARDEN PLACE	PERFORMANCE STANDARDS	
RESIDENTIAL USES				
Household Living Uses	Dwelling, multi-family	P	4.2.3.D(1)	4.2.3.D(2)(c)
PUBLIC, CIVIC, AND INSTITUTIONAL USES				
Community Service Uses	Government office	P	4.2.3.E(1)	4.2.3.E(2)(j)
Transportation and Utility Uses	Utility facility, minor	P	4.2.3.E(3)	4.2.3.E(4)(i)
ACCESSORY USES				
Accessory Uses	Home occupation	P/C	4.3.3	4.3.3.E(1)(i)

9.1.22. OTHER APPROVED PLANNED DEVELOPMENTS

Other Planned Development districts were approved under earlier zoning ordinances that were not included in the prior zoning ordinance. Those districts are included on the zoning map and have development and use standards adopted by Council ordinance. The uses and development standards for those districts shall be determined by the ZA, in accordance with the adopted Council ordinance. Those districts are listed below:

A. PDMU-1;

B. PDMU-2;

C. PDMU-3;

D. PDMU-4;

E. PDR-5;

F. PDR-6;

G. PDR-7;

H. PDR-8;

I. PDR-9;

J. PDR-10; and

K. PDR-11.

9.2 APPROVED OVERLAY DISTRICTS

Overlay districts identified in this section were approved under the previous zoning ordinance, and are carried forward to this Ordinance and identified on the Official Zoning Map. Lands subject to these overlay districts shall comply with the standards and requirements of the overlay district in which they are located.

9.2.1. NORFOLK INTERNATIONAL AIRPORT LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (NIA-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Alternative Sign Overlay District to establish a consistent and harmonious sign program for Norfolk International Airport, providing clear identification and directional information to citizens and visitors using the airport. In addition, it is the intent of this district to enhance the appearance of Norfolk International Airport as a principal gateway to the City of Norfolk.

B. EXTERIOR SIGNAGE PROGRAM

This Localized Alternative Sign Overlay District ratifies and continues the program of public identification, directional, and informational signs at the airport established by use permit (Ordinance No. 34,643, July 28, 1987) in accordance with the report, Norfolk International Airport—Exterior Signage Program (Architectural Graphics, Inc. 1987).

C. HANGER FACILITIES

Corporate logos or signs identifying the owner or operator of a hanger facility may be placed on the walls of the building. Each owner or operator may have two signs. Such signs shall be limited to 40 square feet each, with one to be placed on a wall facing a public street and one on a wall facing the airfield.

D. AIR CARGO TERMINAL

Corporate logos or signs identifying firms leasing space in the air cargo terminal buildings may be placed on the walls over each loading bay. Each firm may have two signs. Such signs shall be limited to eighteen (18) square feet each, with one to be placed on a wall facing a public street and one on a wall facing the airfield.

9.2.2. JANAF SHOPPING CENTER LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT JANAF-LASO

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Alternative Sign Overlay District to allow sufficient center and tenant identification along Virginia Beach

Boulevard and Military Highway. The signage provides adequate tenant visibility at the intersection of Military Highway and Virginia Beach Boulevard, taking into account the diagonal presentation of Janaf Shopping Center and the development of its outparcels, and is required in order to attract and retain tenants. There are several outparcels located along Virginia Beach Boulevard that obstruct the view of the shops from the adjoining streets. Due to the size and scale of the Shopping Center and the adjacent parking areas, the Localized Sign Overlay District provides identification of the Center and directional signage to non-commercial uses within the Center.

B. REGULATIONS

Regulations contained in Section 5.7, Signs, shall apply to Janaf Shopping Center, except as indicated below.

C. SHOPPING CENTER SIGNS

Janaf Shopping Center shall be permitted one shopping center identification sign for each principal entrance not to exceed two faces, neither of which may exceed sixty (60) square feet of surface area. The shopping center identification sign may be a freestanding sign. The shopping center name and up to five shopping center tenants' names may be displayed on each shopping center identification sign.

D. INTERIOR SIGNS

There shall be three types of signs located within the interior of the shopping center:

(1) Non-Commercial Freestanding Signs

Signs which direct traffic to the non-commercial uses located within the shopping center. These signs shall be located at the main entrances on the interior of the shopping center. These signs shall be four (4) feet tall by two (2) feet wide with two (2) sign faces.

(2) Banners

Banners shall be located on light poles within the parking area within the shopping center and along the center drive. Those banners on light poles shall be ten (10) feet tall by five (5) feet wide while those banners along the drive shall be five (5) feet tall by two and one-half (2½) feet wide.

(3) Aluminum Flag Signage

Aluminum flag type signage shall be located on the accent towers of the front facade of the interior shopping center. These signs shall be four (4) feet tall by ten (10) feet wide.

9.2.3. PALACE SHOPS LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Alternative Sign Overlay District to establish a consistent sign program for the Palace Shops Shopping Center. The program provides for adequate center identification signage and separate tenant signage and is required to attract and retain tenants.

B. REGULATIONS

Regulations contained in Section 5.7, Signs, shall apply to the Palace Shops except as presented below.

C. CENTER AND TENANT IDENTIFICATION SIGNAGE

The Palace Shops shall be permitted an identification sign for each of the following locations:

(1) 20th Street.

(2) 21st Street.

(3) Corner of 22nd Street and Llewellyn Avenue.

(4) Corner of 22nd Street and DeBree Avenue.

The double-faced signage shall not exceed thirty-six (36) square feet per face and will denote the shopping center identification sign as well as the tenant named. The height of the sign shall not exceed twelve (12) feet. The height of the support posts shall not exceed sixteen (16) feet.

Tenant identification signage:

The tenant located at 330 W. 21st Street shall be permitted a twenty-five (25) square feet sign on each of the four (4) sides of the chimney.

9.2.4. MILITARY CIRCLE LOCALIZED SIGN ALTERNATIVE SIGN OVERLAY DISTRICT

A. PURPOSE

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of the Localized Alternative Sign Overlay District (hereafter, the "district") to establish a consistent and harmonious sign program for Military Circle, providing clear identification and directional information to citizens and visitors using the property and allowing signage with size, scale and design appropriate for a major regional shopping mall.

B. DEFINITIONS

The term "mall" shall include the land comprising Military Circle Mall, as particularly described in the report entitled "Military Circle Signage Program" (hereinafter, the "Military Circle Signage Program Report") prepared by David Vandivere & Associates and filed with the planning department.

C. VIRGINIA BEACH BOULEVARD ENTRANCE SIGNAGE PROGRAM

The owner shall be allowed to erect illuminated signage at the public thoroughfare entrances to the property as follows:

(1) The owner shall erect an illuminated sign at the Virginia Beach Boulevard entrance to the property. Such sign shall contain no more than two (2) sides and be located at least fifteen (15) feet from the public right-of-way boundary line and shall not exceed nineteen (19) feet in height and sixty-four (64) square feet per face.

(2) The owner shall be allowed to erect an illuminated sign at the Military Highway entrance to the property. Such sign shall contain no more than two (2) sides and be located at least fifteen (15) feet from the public right-of-way boundary line and shall not exceed twenty-two (22) feet in height and ninety (90) square feet per face. Such sign may contain an additional forty-five (45) square feet per face for hotel and restaurant identification.

D. DIRECTIONAL SIGNAGE

At the locations shown on the perimeter map of the Mall Signage program and at such other locations within the Mall as the owner shall designate, the owner may erect illuminated directional signage provided such signage is consistent in size and height with the directional signage shown on pages 5 and 11 of the Mall Signage Program.

E. MAJOR TENANT SIGNAGE

In addition to entrance signage, the owner shall be allowed to place illuminated corporate logos and signs identifying the owner, operator and/or tenant of each respective hotel, principal restaurant, and anchor store located at the Mall on each exterior elevation of the hotel, principal restaurant, and anchor store (the locations of all anchor stores being designated in the Mall Signage Program). Such signs shall not exceed ten (10) percent of the total square footage of the exterior elevation upon which such sign is installed.

F. OUTPARCEL SIGNAGE

A freestanding illuminated sign may be erected on each outparcel adjacent to the property and such sign shall, at the option of the owner or operator, either comply with the regulations contained in Section 5.7, Signs, or comply with the following: (i) each such sign shall be located at least fifteen (15) feet from the public right-of-way boundary line, (ii) contain no more than two (2) sides and

each such sign shall not exceed seventy-five (75) square feet per face and (iii) each such sign shall not exceed sixteen (16) feet in height. In addition, each outparcel building shall be allowed wall, awning, or other building-mounted signs on each building elevation subject to the size and height limitations contained in Section 5.7, Signs. Notwithstanding the aforesaid, one outparcel tenant marquee sign may be substituted for one above described outparcel sign in the Military Circle Mall Signage Program which exceeds the prescribed sign height by no more than three (3) feet and the prescribed square footage by no more than thirty-five (35) square feet per sign face.

G. SIGNAGE NOT GOVERNED BY THIS LOCALIZED SIGN OVERLAY DISTRICT

This section supplements the general signage ordinance, and any signage located within the boundaries of the district which is not specifically referred to in the Mall Signage Program shall be governed by the provisions of Section 5.7, Signs.

9.2.5. MILITARY CROSSING LOCALIZED SIGN OVERLAY DISTRICT

A. PURPOSE

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Sign Overlay District to allow sufficient center and tenant identification along Virginia Beach Boulevard. While the shopping center is oriented to the southeast corner of Virginia Beach Boulevard and Glenrock Road, the actual shops have no visibility from Glenrock Road and limited visibility from Virginia Beach Boulevard. There are several outparcels located along Virginia Beach Boulevard that obstruct the view of the shops from the adjoining streets.

B. CENTER AND TENANT IDENTIFIERS

One sign for each major entrance on Virginia Beach Boulevard not to exceed twenty-three (23) feet in height with three (3) readable sides. Each side shall be allowed one hundred forty-four (144) square feet of sign area.

9.2.6. NAUTICUS LOCALIZED SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Sign Overlay District to establish a consistent sign program for Nauticus. The program provides adequate signage for Nauticus and the Hampton Roads Naval Museum.

B. NAUTICUS SIGNAGE

Nauticus shall be permitted three (3) signs, all to be located on the facade of the structure.

(1) Two (2) of the three (3) signs shall not exceed four hundred thirty-one (431) square feet each.

(2) One of the signs shall not exceed one hundred sixty-one (161) square feet.

9.2.7. MACARTHUR CENTER LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT

There is hereby created a localized Sign overlay district for MacArthur Center. The property encompassed by the district is known as 300 Monticello Avenue and is more fully described as follows:

The property fronts four hundred forty-three (443) feet, more or less, along the eastern line of Monticello Avenue, beginning three hundred thirty-eight (338) feet, more or less, north of City Hall Avenue and running northwardly.

A. PURPOSE

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Alternative Sign Overlay District to provide for tenant identification signage for MacArthur Center along its Monticello Avenue facade at locations where their lowest portions are at or above a height of twenty (20) feet above curb level.

B. REGULATIONS

Regulations contained in Section 5.7, Signs, shall apply to the MacArthur Center, except as indicated below.

C. TENANT SIGNAGE

(1) Four (4) wall-mounted signs shall be permitted on the four (4) wall locations of the Monticello Avenue facade as noted on the attached exhibit which is on file with the city. Signs are to display corporate names of restaurant, eating and drinking, or entertainment establishment tenants located within the mall only, which have no other signage displayed anywhere on the exterior of the center.

(2) Each such sign: (1) shall be centered, both horizontally and vertically, within its brick frame; (2) shall not exceed forty (40) square feet in actual sign coverage; (3) shall use the corporate font style of the tenant; (4) shall be constructed of individual letters with a black enamel satin finish with reverse channel "halo" illumination using white neon tubing or LED lights as the light source, not visible from the front of the sign; and (5) shall have no exposed conduit connections. For purposes of this regulation, the brick frame is defined as the inside of the bricks which form the decorative rectangular area of wall wherein the sign is to be placed.

(3) One tenant of any category, occupying twenty thousand (20,000) or more square feet, shall be permitted a single wall sign on the gable frame centered above the porte cochere on Monticello Avenue, as shown on the attached

exhibits. The sign: (1) shall be centered horizontally and located proportionally within the gable's decorative triangle; (2) shall not exceed sixty (60) square feet in area; (3) shall use the corporate font style of the tenant; (4) shall be constructed of either (i) individual letters with a black enamel satin finish with reverse channel "halo" illumination using white neon tubing or LED lights as the light source (not visible from the front of the sign), or (ii) internally illuminated, white or black-faced, freestanding closed-face channel letters, with natural metal, white or black letter returns; (5) shall have no more than thirty (30) percent of its area devoted to a colored background; (6) shall limit any color used in the background to colors related to tenant corporate branding; and (7) shall have no exposed conduit connections.

9.2.8. LOCALIZED SIGN OVERLAY DISTRICT FOR TOWN POINT

A. PURPOSE

Town Point is unique in Norfolk as it provides a series of entertainment and cultural venues along the waterfront in Downtown Norfolk. The unique character of the area lends itself to exceptional economic and cultural vibrancy distinguished by bold architecture and defined open spaces complemented by exceptional, lively and animated signage. The special standards for signage established for this distinctive area are intended to protect the safety and welfare of the public while recognizing the unique character of the area.

B. LOCATION

The properties encompassed by this overlay district are located between the south side of Waterside Drive and the Elizabeth River extending between and including the USS Wisconsin to the west and the Waterside Festival Marketplace to the east. The properties comprise four (4) venues, more particularly described as follow:

(1) Waterside

Property located on the southwest corner of Waterside Drive and Atlantic Street, fronting six hundred (600) feet, more or less, along the southern line of Waterside Drive and running westwardly; premises now or formerly numbered 333 Waterside Drive and generally known as The Waterside Festival Marketplace.

(2) Town Point Park

Properties in the area generally bounded on the south by the Elizabeth River, on the east by the extension of Atlantic Street, on the north by Waterside Drive, on the northwest by West Main Street; not including properties identified and described herein as Waterside, Half Moone Cruise Center, and Nauticus; property fronts one thousand nine hundred five (1,905) feet, more or less, along the southern line of Waterside Drive.

(3) Half Moone Cruise Center

Property located on the southwest corner of Waterside Drive and West Main Street, property fronts fifty-two (52) feet, more or less, along the western line of Waterside Drive and seven hundred fifty (750) feet, more or less, along the southern line of West Main Street; premises numbered 111 Waterside Drive.

(4) Nauticus

Property located on the northwest corner of Waterside Drive and West Main Street, property fronts five hundred (500) feet, more or less, along the western line of Waterside Drive and one thousand two hundred fifty (1,250) feet, more or less, along the northern line of West Main Street; premises numbered 1 Waterside Drive.

C. DEFINITIONS

The following definition applies exclusively to the regulations contained in this overlay district. All definitions for sign types not defined herein are found in Section 5.7, Signs.

Display panel. A single panel or combination of panels capable of displaying messages in the form of text, images, video and animation. The display may be made in any format, including but not limited to electric, electronic, mechanical, static, and print technologies. Messages may include information about goods, services, entertainment or attractions sold or offered at a location other than the premises on which the sign is erected.

D. DISTRICT REGULATIONS

The regulations of Section 5.7, Signs, shall apply except with regard to the specific regulations set forth herein, in which case these overlay district regulations shall apply.

(1) Sign Types

The following types of signs shall be permitted within this overlay district:

(a) A-Frame sign.

(b) Activity sign.

(c) Awning sign.

(d) Banner (secured and unsecured).

(e) Directional or informational sign.

(f) Display panel.

(g) Flag, pennant or other moving or animated sign.

(h) Flashing sign.

(i) Freestanding sign.

(j) Identification sign.

(k) Illuminated sign.

(l) Joint identification sign.

(m) Marquee.

(n) Marquee sign.

(o) Monument sign.

(p) Projecting sign.

(q) Public service message board.

(r) Pylon sign.

(s) Roof sign.

(t) Wall sign.

(u) Window sign.

(2) Signs Permitted

Signs permitted in this overlay district shall be limited in location, sign face area, and height as shown in Table 9.2.8, Sign Dimensional Standards.

(3) Sign Face Area Calculations

For signs attached to the building at Waterside, sign faces shall only count towards the maximum cumulative sign face area on one elevation of the building. The sign face area of any sign located on the corner of any building elevation will be counted towards the allotment for either of the adjoining elevations, but not both.

(4) Landscaping

The landscaping requirements of Section 5.7, Signs, shall not apply to signs located at Waterside.

TABLE 9.2.8: SIGN DIMENSIONAL STANDARDS

Venue	Locations Where Signs Are Permitted	Maximum Cumulative Sign Face Area (sq. ft.)	Maximum Height (ft. above grade)
Nauticus	All elevations of building and freestanding	2,000	45
Half Moone Cruise Center	All elevations of building and freestanding	2,000	45
Town Point Park	All areas and elevations of buildings	1,000	25

TABLE 9.2.8: SIGN DIMENSIONAL STANDARDS			
Venue	**Locations Where Signs Are Permitted**	**Maximum Cumulative Sign Face Area (sq. ft.)**	**Maximum Height (ft. above grade)**
Waterside	Freestanding	10,500	50
Waterside	North elevation of building	9,050	60
Waterside	South elevation of building	6,050	60
Waterside	East elevation of building	1,050	60
Waterside	West elevation of building	2,250	60

9.2.9. ROOSEVELT GARDENS LOCALIZED SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this localized sign overlay district to upgrade and consolidate the existing freestanding sign package while still retaining the frontage for existing tenants at the center.

B. CENTER AND TENANT IDENTIFICATION SIGNAGE

(1) The Roosevelt Gardens Shopping Center shall be permitted an identification sign for each of the following locations:

(a) The southwest corner of the shopping center.

(b) Within thirty (30) feet of eastern edge of the eastern most entranceway adjacent to East Little Creek Road.

(2) Each above-described double-faced sign shall not exceed one hundred thirty (130) square feet per face and will include the shopping center identification sign as well as tenant names. The height of the signs shall not exceed fourteen (14) feet. The height of the support posts shall not exceed sixteen (16) feet.

(3) Tenant Identification Signage:

(a) Outparcel #2 may have two (2) tenant identification signs, one to be located at the existing entrance from Halprin Drive and one to be located at the existing entrance from East Little Creek Road. The sign to be located on East Little Creek Road shall not exceed seventy-four (74) square feet per sign face. The sign located on Halprin Drive shall not exceed thirty-two (32) square feet per sign face.

(b) Outparcel #3 may have one monument type sign on the east side of the western most existing entrance along East Little Creek Road. The sign shall not exceed seventy-five (75) square feet per sign face.

(c) Two (2) additional freestanding individual tenant signs may be located on East Little Creek Road. One of the signs shall be double-faced and not exceed one hundred (100) square feet. The second sign shall be double-faced and not exceed forty (40) square feet per sign face.

9.2.10. MEDICAL CENTER SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this sign overlay district to upgrade and improve identification of the multiple uses located within the medical complex. Details regarding the size, materials, colors and placement of the signage are contained in design/planning project review final documentation prepared by architectural graphics dated August 10, 2001, and the Sentara Norfolk Heart Hospital documents also made a part of the final documentation, depicting a site plan and sign elevations, dated 2005.

B. BUILDING IDENTIFIER SIGNAGE

Signage which identifies individual buildings within the institutional campus.

C. PEDESTRIAN DIRECTIONAL SIGNAGE

Signage which is pedestrian in scale and nature that provides direction to those traversing the institutional campus by foot.

D. PARKING IDENTIFIER SIGNAGE

Signage which directs automobile traffic to appropriate parking areas.

E. VEHICULAR DIRECTIONAL SIGNAGE

Signage which directs automobile traffic within the institutional complex.

9.2.11. SUPER K-MART LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (SUPER K-MART LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Alternative Sign Overlay District to allow sufficient center and tenant identification along Military Highway and Norview Avenue. The signage provides adequate tenant visibility on Military Highway and Norview Avenue, taking into account the development of its outparcels, and is required in order to attract and retain interior tenants. There are three (3) outparcels located along Military Highway that obstruct the view of

the shopping center from the adjoining streets. Due to the size and scale of the shopping center and the adjacent parking areas, the Localized Alternative Sign Overlay District provides identification of the center and internal tenants.

B. REGULATIONS

Regulations contained in Section 5.7, Signs, shall apply to Super K-Mart Shopping Center, except as indicated below.

C. SHOPPING CENTER SIGNS

The Super K-Mart Shopping Center shall be permitted two shopping center identification signs for the one principal entrance on Military Highway and one on Norview Avenue. Each sign shall not exceed two (2) faces, neither of which total signage may exceed one hundred seventeen (117) square feet. The shopping center identification sign may be a freestanding sign.

9.2.12. KIMNACH FORD LOCALIZED SIGN OVERLAY DISTRICT (FORD-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this Localized Sign Overlay District to allow sufficient identification along Virginia Beach Boulevard. The site is unusually large and the Overlay provides adequate tenant visibility on Virginia Beach Boulevard.

B. REGULATIONS

Regulations contained in Section 5.7, Signs, Section 5.2, Landscaping Standards, and Section 5.3, Perimeter Buffers, shall apply to 6401 E. Virginia Beach Boulevard, except as indicated below.

(1) Freestanding Signs

Kimnach Ford shall have three freestanding signs subject to the following requirements:

(a) Two (2) of the freestanding signs will be sixteen (16) feet tall and have two (2) faces with sixty-nine (69) square feet each.

(b) One freestanding sign will be sixteen (16) feet tall with two (2) oval faces measuring 17' 5" by 7' 3½".

9.2.13. BEST SQUARE SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this localized sign overlay district to allow sufficient center and tenant identification along Military Highway. The signage provides adequate tenant visibility on Military Highway, taking into account the

development of its outparcels and its location along a service road, and is required in order to attract and retain interior tenants. There are two (2) outparcels located along Military Highway that obstruct the view of the shopping center from the adjoining street. Due to the size and scale of the shopping center and the adjacent parking areas, the localized sign overlay district provides identification of the center and internal tenants.

B. SINGLE TENANT IDENTIFIER SIGN

There shall be one freestanding single tenant identifier sign on the southern portion of the site near the entrance ramp to Interstate 264. The sign may be twenty-three (23) feet in height with two (2), one hundred forty-four-square-foot-sign faces (total of two hundred eighty-eight (288) square feet).

C. SHOPPING CENTER IDENTIFIER

There shall be one center identifier sign located at the main entrance. The sign may contain two (2) faces and be sixteen (16) feet tall by twelve (12) feet wide (total of one hundred ninety-two (192) square feet).

D. OUTPARCEL SIGNS

There may be two (2) outparcel signs.

E. EXISTING FREESTANDING SIGNAGE

The existing nonconforming freestanding outparcel sign located at 465 N. Military Highway shall be removed and may be replaced with a sign built in conformance with the City of Norfolk Zoning Ordinance, 1992, as amended.

The freestanding outparcel sign located at 471 N. Military Highway may be twenty-four (24) feet in height with two (2) seventy-square-foot sign faces (total of one hundred forty (140) square feet).

9.2.14. WELLS THEATER LOCALIZED SIGN OVERLAY DISTRICT

A. PURPOSE

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this localized alternative sign overlay district to provide for event advertising for the Wells Theater along the Monticello Avenue facade.

B. FAÇADE FRONTING ON MONTICELLO AVENUE

(1) One twelve-foot by twenty-five-foot horizontal banner (three hundred (300) square feet).

(2) Five (5) eight-foot by twenty-five-foot vertical banners (two hundred (200) square feet).

C. FAÇADE FRONTING ON TAZEWELL AVENUE

(1) Two (2) seven-inch by seventy-inch side marquee (six and eight-tenths (6.8) square feet).

(2) One two-foot by ten-foot front marquee (twenty (20) square feet).

9.2.15. CALVARY REVIVAL CHURCH LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to allow sufficient identification for Calvary Revival Church along Poplar Hall Drive. The property to which the overlay district would apply consists of two (2) buildings fronting on Poplar Hall Drive, known as the sanctuary building and the executive building. While the applicable provisions of the underlying zoning district may not provide adequately visible identification signage because of the unusual length and orientation of the property, this overlay district permits sufficient signage.

B. REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this overlay district, in which case these overlay district regulations shall apply.

C. FREESTANDING SIGNS

Two freestanding signs shall be permitted provided each conforms as follows:

(1) One freestanding sign with an electronic changeable copy sign shall be placed along Poplar Hall Drive and in front of the main entrance to the sanctuary building. This sign shall be no more than twelve (12) feet in height and no more than ten (10) feet in width and shall have two faces measuring no more than sixty-four (64) square feet per face. Each face may contain a color LED screen but such shall not exceed three (3) feet, four (4) inches in height and eight (8) feet in width.

(2) One freestanding sign shall be placed along Poplar Hall Drive and in front of the main entrance to the executive building. This sign shall be no more than ten (10) feet in height and no more than six (6) feet in width and shall have two (2) faces measuring no more than twenty-four (24) square feet per face.

D. WALL SIGNAGE

One wall sign shall be permitted provided it conforms as follows:

(1) The letters shall be mounted on the sanctuary building wall facing Poplar Hall Drive and may be illuminated from below. The letters shall be no more than four (4) feet in height and, altogether, no more than sixty (60) feet in length.

The total square footage of the wall sign shall be no more than one square foot for each linear foot of the building length facing Poplar Hall Drive.

9.2.16. CHRISTIAN FELLOWSHIP CHURCH LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to allow sufficient identification for Christian Fellowship Church located along Azalea Garden Road. The property to which the overlay district would apply is improved by two (2) buildings fronting Azalea Garden Road, known as the sanctuary building and the administrative building.

B. REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this section, in which case these overlay district regulations shall apply.

C. FREESTANDING SIGNS

Two (2) freestanding signs shall be permitted provided each conforms as follows:

(1) Each sign shall be no more than twelve (12) feet in height, no more than six (6) feet in width, and shall have two (2) faces measuring no more than twenty-seven (27) square feet per face for a total of fifty-four (54) square feet.

(2) One freestanding sign shall be placed along Azalea Garden Road in front of the main entrance to the sanctuary building.

(3) One freestanding sign shall be placed along Azalea Garden Road in front of the administrative (sic).

D. WALL SIGNAGE

Two wall signs shall be permitted provided each conforms as follows:

(1) Only one wall sign shall be permitted on each face of the building which fronts a public right-of-way, except that where the length of such a face exceeds one hundred (100) feet, a second sign shall be permitted.

(2) The area allotment for all wall signs facing the same right-of-way shall be two (2) percent of the surface area of the building façade.

(3) Where a freestanding sign is located facing a right-of-way, the area of the face of the freestanding sign shall be deducted from the square footage allotment which otherwise would be available for a wall sign located on the side of the building facing the same right-of-way.

9.2.17. THOMAS CORNER LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (TC-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to allow for sufficient shopping center and tenant identification for the multiple tenants of the shopping center located at the southwest corner of East Virginia Beach Boulevard and Kempsville Road, to enhance and facilitate ingress to the shopping center for northbound vehicular traffic on Kempsville Road, and to attract and retain tenants. Signage permitted by this overlay district will be sufficient to adequately identify tenants from East Virginia Beach Boulevard and Kempsville Road, taking into account the development on the shopping center's northern outparcel, the shopping center's location behind an elevated highway, and the difficulty of seeing and accessing the shopping center by automobile from the northbound lanes of Kempsville Road, as well as support the attraction and retention of tenants.

B. REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this overlay district, in which case these overlay district regulations shall apply.

C. FREESTANDING SIGNS

Two (2) freestanding signs shall be permitted with one located at each of the two (2) principal entrances to the site. Neither sign shall exceed fourteen (14) feet in height. Each sign may have two (2) sign faces, each of which shall be limited to not more than eighty-four (84) square feet in area. Details regarding the dimensions and materials of the freestanding signs permitted to be erected by this overlay district are contained in the document labeled "Pylon Sign Elevations - Exterior Alterations to the Thomas Corner Shopping Center," prepared by Randolph T. Hicks, AlA, dated November 27, 2012, and placed on file with the department of planning.

9.2.18. SALVATION ARMY KROC CENTER LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (KROC-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to provide adequate site identification and informational signage for the Salvation Army Ray and Joan Kroc Corps Community Center, located at the intersection of East Princess Anne Road and Ballentine Boulevard.

B. REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this section, in which case these overlay district regulations shall apply.

C. FREESTANDING SIGNS

A maximum of four (4) monument signs shall be permitted provided each conforms as follows:

(1) Electronic monument signs. Two (2) signs may contain light-emitting diode (LED) displays and shall be subject to the following restrictions:

- **(a)** One may be located mid-block along East Princess Anne Road and one may be located mid-block along Ballentine Boulevard;
- **(b)** Each sign shall not exceed seventeen (17) feet in length, eight (8) feet four (4) inches in height and shall be limited to two (2) sign faces not to exceed one hundred (100) square feet in area per face;
- **(c)** Each sign shall have no more than one LED display panel and the panel shall not exceed four (4) feet in height and ten (10) feet in length; and
- **(d)** The materials of the monument signs shall be consistent with those on the principal building.

(2) Other monument signs. Two (2) signs without any LED displays may installed, subject to following restrictions:

- **(a)** One may be located at the parking lot entrance from Godfrey Avenue and one may be located at the parking lot entrance from Dogan Street;
- **(b)** The signs shall not be located within four (4) feet to a property line;
- **(c)** Each sign shall not exceed six (6) feet in length, seven (7) feet in height and shall be limited to two (2) sign faces not to exceed twenty-five (25) square feet in area per face.
- **(d)** The materials of the monument signs shall be consistent with those on the principal building.

(3) The location of all freestanding signs must be approved by the department of public works prior to initial installation in order to ensure that sight-lines for vehicular turns are not obstructed and that no other interference with traffic safety is created.

9.2.19. SENTARA LEIGH LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (SENTARA LEIGH-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to allow for sufficient

medical center and tenant identification for the multiple tenants of the Sentara Leigh Medical Center and to enhance and facilitate vehicular access to and within the center located southeast of the intersection of Kempsville Road and East Virginia Beach Boulevard.

B. DISTRICT REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this overlay district, in which case these overlay district regulations shall apply.

C. SIGNS

(1) Types of Signs

The following types of signs are permitted in the district:

(a) Vehicular directional signs.

(b) Freestanding signs.

(c) Wall signs.

(2) Sign Regulations

Signs permitted in this overlay district shall be limited in location, sign face area, and height as shown in Table 9.2.19, Sign Dimensional Standards.

(3) Illumination

All signs may be internally illuminated except for freestanding signs no more than four (4) feet in height and vehicular directional signs no more than eight (8) feet in height.

TABLE 9.2.19: SIGN DIMENSIONAL STANDARDS

Sign Type	Sign Structure	Locations Where Signs are Permitted	Maximum Number	Maximum Area (sq. ft.)	Maximum Height (measurement above grade)
Vehicular Directional	Monument (2 faces)	Internal to medical center	1	24 (per sign face)	5 ft.
		Along Kempsville Road	4	66 (per sign face)	12 ft.
		Along Virginia Beach Boulevard	2	66 (per sign face)	12 ft.
		Internal to medical center	9	38 (per sign face)	8 ft.
Freestanding	With electronic changeable copy (2 faces,	Along Kempsville Road	1	169 (per sign face)	12 ft.

TABLE 9.2.19: SIGN DIMENSIONAL STANDARDS					
Sign Type	**Sign Structure**	**Locations Where Signs are Permitted**	**Maximum Number**	**Maximum Area (sq. ft.)**	**Maximum Height (measurement above grade)**
	electronic copy limited to 21 sq. ft. per face)				
	Monument (1 face)	Internal to campus	1	96	4 ft.
			1	42	20 ft.
Wall	Wall (1 face)	Hospital building	1	77	37 ft. 8 in.
		Hospital tower	2	281	192 ft.
		Hospital building or medical building	2	66	24 ft.
		Hospital building	1	30	20 ft.
		Medical building	2	42	16 ft.
		Medical building	1	42	17 ft. 3 in.
		Hospital building	2	44	3 ft. 8 in.
		Hospital building	1	30	12 ft. 3 in.
		Hospital building	1	30	15 ft.

9.2.20. LITTLE CREEK MARKETPLACE LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT (LCM-LASO)

A. PURPOSE STATEMENT

In accordance with the provisions of Section 11-15 of the Zoning Ordinance of the City of Norfolk, 1992, it is the intent of this overlay district to allow sufficient anchor and tenant identification along Tidewater Drive and East Little Creek Road for the shopping center and associated parking areas. The signage provides adequate interior anchor and non-anchor tenant visibility on Tidewater Drive and East Little Creek Road while considering the development of outparcels.

B. REGULATIONS

The regulations contained in Section 5.7, Signs, shall apply to any property included in this overlay district except with regard to the specific regulations set forth in this section, in which case these overlay district regulations shall apply.

C. SIGNS

(1) Types of Signs

The following types of signs are permitted in the district:

(a) Freestanding signs, limited to monument style.

(b) Wall signs.

(c) Canopy signs.

(2) Sign Regulations

Signs permitted in this overlay district shall be limited in location, sign face area, and height as shown in Table 9.2.20, Sign Dimensional Standards.

TABLE 9.2.20: SIGN DIMENSIONAL STANDARDS

Sign Type	Number of Faces	Locations Where Signs are Permitted	Maximum Number	Maximum Area	Maximum Height	Setback
Freestanding Monument	2	Entrance on Tidewater Drive	1	340 sq. ft. (per sign face) [1]	24 ft.	20 ft. from right-of-way
		Entrance on Little Creek Road	1	340 sq. ft. (per sign face) [1]	24 ft.	35 ft. from edge of paved roadway
		Northwest corner of site	1	149 sq. ft. (per sign face)	24 ft.	5 ft. from right-of-way
Wall	1	Affixed to building of anchor tenant and facing public street, drive aisle, or parking	None	1½ sq. ft. per linear ft. of building façade (32 sq. ft. minimum)	N/A	N/A
		Affixed to building of non-anchor tenant and facing public street, drive aisle, or parking	None	1½ sq. ft. per linear ft. of building façade (32 sq. ft. minimum)	N/A	N/A
Canopy	1	Canopy at gas station	None	½ sq. ft. per linear ft. of canopy facing a public street, drive aisle, or parking lot	N/A	N/A

Notes: **ft. = feet**

[1] Two (2) panels totaling 190 sq. ft. must be allocated for anchor tenant signage; up to eight (8) individual panels totally 95 sq. ft. must be allocated to non-anchor tenant signage; and 54 sq. ft. must be allocated to shopping center identification signage.

9.2.21. PICADILLY MEWS SITING OVERLAY DISTRICT

A. PURPOSE STATEMENT

The Picadilly Mews Residential Siting Overlay District would enhance the quality of the residential development by providing reduced front and rear yards to accommodate comparable single-family housing architectural design standards and floor plans on all of the variable sizes of building lots within the district.

B. FRONT YARDS

Front yards shall be a minimum of 20 feet.

C. REAR YARDS

Rear yards shall be a minimum of 15 feet.

D. PROPERTY COVERED

The property covered by this siting overlay district are those 13 residential lots extending along both sides of Trafalgar Court beginning at the southern line of Picadilly Street and running southwardly to the terminus of Trafalgar Court.

9.2.22. WEST FREEMASON AREA DEVELOPMENT TRANSITION OVERLAY

A. PURPOSE STATEMENT

It is the intent of the West Freemason Area Development Transition Overlay District to provide for the compatible development of portions of a Downtown zoning district which abut a West Freemason Historic and Cultural Conservation District.

B. BUILDING HEIGHTS

Buildings up to 90 feet in height shall be permitted; provided, however, that any development located within 35 feet of the northern line of West Bute Street shall not exceed 65 feet in height.

9.2.23. HARRIS TEETER OVERLAY DISTRICT

A. PURPOSE STATEMENT

It is the intent of this overlay district to facilitate redevelopment of the commercial area in the Ghent Square planned development while accounting for existing conditions within the development.

B. PARKING, LANDSCAPE PLANTINGS, AND BUFFERS

The parking and landscape planting and buffers shall comply with the elements shown on the development plan entitled "Harris Teeter Store No. 378, Prel. Planting Plan", prepared by Kimley-Horn and Associates, dated August 29, 2008,

and as shown on the rendering entitled "Harris Teeter wall at Colonial Ave." prepared by Bondurant Associates, dated October 9, 2008, both of which are on file with the Department of Planning. Development within the overlay district is not required to meet the standards set forth in Sections 6-0.3(f), 15-5(c), or 17-5 of the Zoning Ordinance of the City of Norfolk, 1992.

9.3 OTHER APPROVED ZONING DISTRICTS

Zoning districts identified in this section were approved under the previous zoning ordinance, and are carried forward to this Ordinance and identified on the Official Zoning Map. Lands subject to these districts shall comply with the standards and requirements of the district in which they are located.

9.3.1. REPEALED