City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

February 11, 2014

From: George M. Homewood, AICP, CFM
Acting Planning Director

Subject: Zoning Text Amendment to Chapter 4, "Residential districts," to eliminate alternative spatial standards for Special Exception uses within Residential zoning districts

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: Citywide

Approved: Marcus D. Jones, City Manager

Item Number: **PH-6**

I. **Recommendation:** Approval

II. **Applicant:** City Planning Commission on behalf of the Planning Department

III. **Description**

This agenda item is a Text Amendment to the *Zoning Ordinance* to eliminate minimum lot width and size requirements for Special Exception uses that exceed the otherwise applicable district requirements within Residential zoning districts.

IV. **Analysis**

Plan Analysis

- The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, including zoning requirements, to support business investment.
  - The proposed changes to the *Zoning Ordinance* are consistent with this action.

Zoning Analysis

- Currently in 15 residential zoning districts a minimum lot width and size is established for certain uses that are only allowed by Special Exception.
  - These minimums exceed the standards of the district for by-right uses.
- The Special Exception process allows staff to review the proposed use for its land use impacts on the surrounding area on a case by case basis.
  - Development and operational standards such as parking, landscaping, setbacks, traffic impacts, hours of operations and capacity are all considered during this review.

- Development and operational standards such as parking, landscaping, setbacks, traffic impacts, hours of operations and capacity are all considered during this review.
- The Special Exception review process is an appropriate tool to determine if the proposed use at the specified location can be accommodated and if so, under what conditions.
- Special Exception uses in residential districts include day care facilities, group homes, community recreation and places of worship.
    - Some of these uses have been successfully established elsewhere in the City on properties smaller than the current minimums prescribed.

- The recommendation is to eliminate the minimum lot sizes and widths for the specific Special Exception uses denoted in each residential district.
    - This will not allow these uses to be approved on lots smaller than generally required; it simply removes an arbitrary larger lot requirement.

V. Financial Impact

- Approval of the proposed amendment will allow uses already allowed by Special Exception in residential districts to be reviewed based on the specific characteristics of the use and the subject property.
    - This may allow certain appropriately-scaled residential-supportive uses to be established that otherwise would either be prohibited or would first have to seek a variance.

VI. Environmental

This proposed ordinance revisions should not have any environmental impact, since the projects utilizing its provisions will be reviewed for full compliance with ordinance standards.

VII. Community Outreach/Notification

- Legal notification was placed in *The Virginian-Pilot* on November 5 and 12.
- The Planning Commission Public Hearing was held December 19, 2013.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda

VIII. Board/Commission Action

By a vote of **7 to 0**, the Planning Commission recommended that the request for a Text Amendment be **approved**, subject to the conditions outlined in the attached ordinance.

IX. Coordination/Outreach

This request has been coordinated with the Department of Planning and Community Development, the Department of Development, and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents
None

Opponents
None

12/06/2013 tsv

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: CA

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

PH-6

AN ORDINANCE TO AMEND AND REORDAIN CERTAIN SECTIONS OF CHAPTER 4 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO REMOVE SPECIFIC REQUIREMENTS FOR MINIMUM LOT AREA AND MINIMUM LOT WIDTH FOR SPECIAL EXCEPTION USES IN RESIDENTIAL ZONING DISTRICTS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 4-1.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-1 zoning district. The table found in said section be revised to read as forth in "Exhibit A," attached hereto.

Section 2:- That Section 4-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-2 zoning district. The table found in said section be revised to read as forth in "Exhibit B," attached hereto.

Section 3:- That Section 4-3.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-3 zoning district. The table found in said section be revised to read as forth in "Exhibit C," attached hereto.

Section 4:- That Section 4-4.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-4 zoning district. The table found in said section be revised to read as

forth in "Exhibit D," attached hereto.

Section 5:- That Section 4-5.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-5 zoning district. The table found in said section be revised to read as forth in "Exhibit E," attached hereto.

Section 6:- That Section 4-6.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-6 zoning district. The table found in said section be revised to read as forth in "Exhibit F," attached hereto.

Section 7:- That Section 4-7.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-7 zoning district. The table found in said section be revised to read as forth in "Exhibit G," attached hereto.

Section 8:- That Section 4-8.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-8 zoning district. The table found in said section be revised to read as forth in "Exhibit H," attached hereto.

Section 9:- That Section 4-9.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-9 zoning district. The table found in said section be revised to read as forth in "Exhibit J," attached hereto.

Section 10:- That Section 4-10.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-10 zoning

district. The table found in said section be revised to read as forth in "Exhibit K," attached hereto.

Section 11:- That Section 4-11.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-11 zoning district. The table found in said section be revised to read as forth in "Exhibit L," attached hereto.

Section 12:- That Section 4-12.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-12 zoning district. The table found in said section be revised to read as forth in "Exhibit M," attached hereto.

Section 13:- That Section 4-13.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-13 zoning district. The table found in said section be revised to read as forth in "Exhibit N," attached hereto.

Section 14:- That Section 4-14.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-14 zoning district. The table found in said section be revised to read as forth in "Exhibit O," attached hereto.

Section 15:- That Section 4-15.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Minimum lot area and lot width," is hereby amended and reordained so as to remove the specific requirements for minimum lot area and minimum lot width for special exception uses in the R-15 zoning district. The table found in said section be revised to read as forth in "Exhibit P," attached hereto.

Section 16:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (1 page)
Exhibit B (1 page)
Exhibit C (1 page)
Exhibit D (1 page)
Exhibit E (1 page)
Exhibit F (1 page)
Exhibit G (1 page)
Exhibit H (1 page)
Exhibit J (1 page)
Exhibit K (1 page)
Exhibit L (1 page)
Exhibit M (1 page)
Exhibit N (1 page)
Exhibit O (1 page)
Exhibit P (1 page)

Exhibit A

4-1.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	Minimum Lot Area	Minimum Lot Width
(a) *Principal Permitted Use*		
Residential	25,000 sq. ft.	100 ft.
(b) *Other Permitted Uses*		
Group Homes for the Handicapped	25,000 sq. ft.	100 ft.
Governmental Operations (non-industrial)	None	None
Utility Facility	None	None

Exhibit B

4-2.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	Minimum Lot Area	Minimum Lot Width
(a) *Principal Permitted Use*		
Residential	20,000 sq. ft.	100 ft.
(b) *Other Permitted Uses*		
Group Home for the Handicapped	20,000 sq. ft.	100 ft.
Governmental Operations (non-industrial)	None	None
Utility Facility	None	None

Exhibit C

4-3.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	**Minimum Lot Area**	**Minimum Lot Width**
(a) *Principal Permitted Use* Residential	15,000 sq. ft.	100 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	 15,000 sq. ft. None None	 100 ft. None None

Exhibit D

4-4.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	**Minimum Lot Area**	**Minimum Lot Width**
(a) *Principal Permitted Use* Residential	12,000 sq. ft.	100 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	 12,000 sq. ft. None None	 100 ft. None None

Exhibit E

4-5.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	Minimum Lot Area	Minimum Lot Width
(a) *Principal Permitted Use* Residential	10,000 sq. ft.	100 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	10,000 sq. ft. None None	100 ft. None None

Exhibit F

4-6.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	**Minimum Lot Area**	**Minimum Lot Width**
(a) *Principal Permitted Use* Residential	7,500 sq. ft.	75 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	7,500 sq. ft. None None	75 ft. None None

Exhibit G

4-7.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	Minimum Lot Area	Minimum Lot Width
(a) *Principal Permitted Use* Residential	6,000 sq. ft.	60 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	6,000 sq. ft. None None	60 ft. None None

Exhibit H

4-8.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	**Minimum Lot Area**	**Minimum Lot Width**
(a) *Principal Permitted Use*		
Residential	5,000 sq. ft.	50 ft.
(b) *Other Permitted Uses*		
Group Home for the Handicapped	5,000 sq. ft.	50 ft.
Governmental Operations (non-industrial)	None	None
Utility Facility	None	None

Exhibit J

4-9.3 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	**Minimum Lot Area**	**Minimum Lot Width**
(a) *Principal Permitted Use* Residential	4,000 sq. ft.	40 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	4,000 sq. ft. None None	40 ft. None None

Exhibit K

4-10.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

Permitted Use	Minimum Lot Area	Minimum Lot Width
(a) *Principal Permitted Use* Residential-Townhouse	2,000 sq. ft.	20 ft.
(b) *Other Permitted Uses* Group Home for the Handicapped Governmental Operations (non-industrial) Utility Facility	 2,000 sq. ft. None None	 20 ft. None None

Exhibit L

4-11.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

	Permitted Use	Minimum Lot Area	Minimum Lot Area Per Unit	Minimum Lot Width Per Structure	Minimum Lot Width
(a)	Principal Permitted Use				
	Single-Family[1]	5,000 sq. ft.	5,000 sq. ft.	37.5 ft.	37.5 ft.
	Residential – Semi-Detached Dwelling	2,500 sq. ft.	2,500 sq. ft.	25 ft.	25 ft.
	Two-Family	5,000 sq. ft.	2,500 sq. ft.	25 ft.	50 ft.
	Multi-Family (3—6 units)	10,000 sq. ft.	2,900 sq. ft.	100 ft.	100 ft.
(b)	Other Permitted Uses				
	Congregate Housing	20,000 sq. ft.	600 sq. ft.	100 ft.	100 ft.
	Group Home for the Handicapped	5,000 sq. ft.	—	50 ft.	50 ft.
	Group Home	5,000 sq. ft.	600 sq. ft.	50 ft.	50 ft.
	Governmental Operations (non-industrial)	None	—	None	None
	Utility Facility	None	—	None	None

Notes:

[1] On any lot at least 37.5 feet in width but less than 50 feet in width, the residential dwelling shall be constructed so as to conform in all respects to the massing, scale, appearance, fenestration, roof lines and other exterior elements, including but not limited to porches, decks, pedestrian entrances, and stairways, with any of those designs shown to be prevalent in the surrounding neighborhood according to either "A Pattern Book for Norfolk Neighborhoods" dated 2003, prepared by Urban Design Associates and on file with the Department of Planning or any other pattern book developed for and approved by the city and maintained by the Department of Planning for use in the vicinity of the lot.

Exhibit M

4-12.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

	Permitted Use	Minimum Lot Area	Minimum Lot Area Per Unit	Minimum Lot Width Per Structure	Minimum Lot Width
(a)	Principal Permitted Use				
	Single-Family[1]	5,000 sq. ft.	5,000 sq. ft.	37.5 ft.	37.5 ft.
	Residential – Semi-Detached Dwelling	2,500 sq. ft.	2,500 sq. ft.	25 ft.	25 ft.
	Two-Family	5,000 sq. ft.	2,500 sq. ft.	25 ft.	50 ft.
	Multi-Family (3—6 units)	10,000 sq. ft.	2,200 sq. ft.	100 ft.	100 ft.
(b)	Other Permitted Uses				
	Congregate Housing	20,000 sq. ft.	600 sq. ft.	100 ft.	100 ft.
	Group Home for the Handicapped	5,000 sq. ft.	—	50 ft.	50 ft.
	Group Home	5,000 sq. ft.	600 sq. ft.	50 ft.	50 ft.
	Governmental Operations (non-industrial)	None	—	None	None
	Utility Facility	None	—	None	None

Notes:

[1] On any lot at least 37.5 feet in width but less than 50 feet in width, the residential dwelling shall be constructed so as to conform in all respects to the massing, scale, appearance, fenestration, roof lines and other exterior elements, including but not limited to porches, decks, pedestrian entrances, and stairways, with any of those designs shown to be prevalent in the surrounding neighborhood according to either "A Pattern Book for Norfolk Neighborhoods" dated 2003, prepared by Urban Design Associates and on file with the Department of Planning or any other pattern book developed for and approved by the city and maintained by the Department of Planning for use in the vicinity of the lot.

Exhibit N

4-13.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

	Permitted Use	Minimum Lot Area	Minimum Lot Area Per Unit	Minimum Lot Width Per Structure	Minimum Lot Width
(a)	Principal Permitted Use				
	Single-Family	5,000 sq. ft.	5,000 sq. ft.	50 ft.	50 ft.
	Residential – Semi-Detached Dwelling	2,500 sq. ft.	2,500 sq. ft.	25 ft.	25 ft.
	Two-Family	5,000 sq. ft.	2,500 sq. ft.	25 ft.	50 ft.
	Townhouse (minimum 3 units)	2,000 sq. ft.	2,000 sq. ft.	20 ft.	20 ft.
	Multi-Family	10,000 sq. ft.	1,800 sq. ft.	100 ft.	100 ft.
(b)	Other Permitted Uses				
	Congregate Housing	20,000 sq. ft.	600 sq. ft.	100 ft.	100 ft.
	Group Home for the Handicapped	5,000 sq. ft.	—	50 ft.	50 ft.
	Group Home	5,000 sq. ft.	600 sq. ft.	50 ft.	50 ft.
	Governmental Operations (non-industrial)	None	—	None	None
	Utility Facility	None	—	None	None

Exhibit O

4-14.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

	Permitted Use	Minimum Lot Area	Minimum Lot Area Per Unit	Minimum Lot Width Per Structure	Minimum Lot Width
(a)	Principal Permitted Use				
	Single-Family	5,000 sq. ft.	5,000 sq. ft.	50 ft.	50 ft.
	Residential – Semi-Detached Dwelling	2,500 sq. ft.	2,500 sq. ft.	25 ft.	25 ft.
	Two-Family	5,000 sq. ft.	2,500 sq. ft.	25 ft.	50 ft.
	Townhouse	2,000 sq. ft.	2,000 sq. ft.	20 ft.	20 ft.
	Multi-Family	10,000 sq. ft.	1,333 sq. ft.	100 ft.	100 ft.
(b)	Other Permitted Uses				
	Congregate Housing	20,000 sq. ft.	600 sq. ft.	100 ft.	100 ft.
	Group Home for the Handicapped	5,000 sq. ft.	—	50 ft.	50 ft.
	Group Home	5,000 sq. ft.	600 sq. ft.	50 ft.	50 ft.
	Governmental Operations (non-industrial)	None	—	None	None
	Utility Facility	None	—	None	None

Exhibit P

4-15.4 *Minimum lot area and lot width.* The minimum lot areas and lot widths permitted in this district are as follows:

	Permitted Use	Minimum Lot Area	Minimum Lot Area Per Unit	Minimum Lot Width Per Structure	Minimum Lot Width
(a)	Principal Permitted Use				
	Single-Family	5,000 sq. ft.	5,000 sq. ft.	50 ft.	50 ft.
	Residential – Semi-Detached Dwelling	2,500 sq. ft.	2,500 sq. ft.	25 ft.	25 ft.
	Two-Family	5,000 sq. ft.	2,500 sq. ft.	25 ft.	50 ft.
	Multi-Family	10,000 sq. ft.	1,000 sq. ft.	100 ft.	100 ft.
(b)	Other Permitted Uses				
	Congregate Housing	20,000 sq. ft.	600 sq. ft.	100 ft.	100 ft.
	Group Home for the Handicapped	5,000 sq. ft.	—	50 ft.	50 ft.
	Group Home	5,000 sq. ft.	600 sq. ft.	50 ft.	50 ft.
	Governmental Operations (non-industrial)	None	—	None	None
	Utility Facility	None	—	None	None