

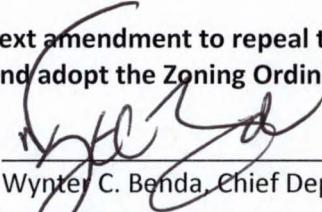
THE CITY OF
NORFOLK

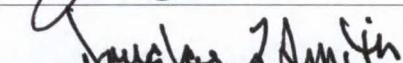


To the Honorable Council
City of Norfolk, Virginia

January 23, 2018

From: George M. Homewood, FAICP, CFM, Planning Director
Subject: **Text amendment to repeal the Zoning Ordinance of the City of Norfolk, 1992, as amended, and adopt the Zoning Ordinance of the City of Norfolk, 2018**

Reviewed: 
Wynter C. Benda, Chief Deputy City Manager

Approved: 
Douglas J. Smith, City Manager

Ward/Superward: Citywide

Item Number: **PH-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Text amendment to repeal the existing *Zoning Ordinance of the City of Norfolk, 1992*, as amended, and replaces it with the new *Zoning Ordinance of the City of Norfolk, 2018*.
- IV. **Applicant:** City Planning Commission
- V. **Description:**
 - This request will replace the existing Zoning Ordinance with a new one that the City has been drafting since mid-2014. Among the many changes the proposed ordinance makes to the City's zoning regulations, three stand out:
 - The resilience quotient, which requires all new development to address its stormwater management, its risk from flooding, and its energy resilience.
 - The performance standards, which establish a baseline set of operational and site development standards for all uses.
 - The form standards, which require all new development to meet certain minimum requirements such as building orientation, garage location, and façade treatment.
 - The existing Ordinance dates to 1992 and does not adequately reflect today's needs.
 - The proposed Ordinance is consistent with *plaNorfolk2030*, which proposed the preparation of a new zoning ordinance in support of many of its outcomes and actions.
 - The Planning Department began work on a new Zoning Ordinance in mid-2014, and has engaged numerous stakeholder groups, conducted several public meetings and information sessions, and reached approximately 2,000 residents about the impact of the new zoning ordinance on their property.

Staff contact: Jeremy E. Sharp (757) 823-1087, jeremy.sharp@norfolk.gov

Attachments:

810 UNION STREET, SUITE 1101 • NORFOLK, VIRGINIA 23510 • 757-664-4242



Planning Commission Public Hearing: November 9, 2017

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Jeremy E. Sharp, AICP

| | | |
|--------------|---------------------------------|--|
| Staff Report | Continued Item No. 1 | |
| Applicant | City Planning Commission | |
| Request | Zoning Ordinance Text Amendment | Repeal the <i>Zoning Ordinance of the City of Norfolk, 1992</i> , as amended, and adopt the <i>Zoning Ordinance of the City of Norfolk, 2018</i> . |

A. Summary of Request

- This request repeals the existing *Zoning Ordinance of the City of Norfolk, 1992*, as amended, and replaces it with the new *Zoning Ordinance of the City of Norfolk, 2018*, which the City has been drafting since mid-2014. Among the many changes the proposed Ordinance makes to the City's zoning regulations, three stand out:
 - The resilience quotient, which requires all new development to address its stormwater management, its risk from flooding, and its energy resilience.
 - The performance standards, which establish a baseline set of operational and site development standards for all uses.
 - The form standards, which require all new development to meet certain minimum requirements ranging from building orientation, to garage location, to façade treatment.

B. Plan Consistency

- The proposed Ordinance is consistent with *plaNorfolk2030*, which proposed the preparation of a new zoning ordinance in support of many of its outcomes and actions, including:
 - Outcome LU1.2, which calls for development regulations and practices that support a quality built and natural environment.
 - Additional goals, outcomes, and actions that call for revisions to the Zoning Ordinance as the main tool for implementation.
- Many of the processes and requirements included in the new zoning ordinance are required in order for the City's zoning regulations to be consistent with *plaNorfolk2030*.

C. Analysis

- The existing Ordinance dates to 1992 and does not adequately reflect today's needs.
- The Planning Department began work on a new Zoning Ordinance in mid-2014, and has engaged numerous stakeholder groups, conducted several public meetings and information sessions, and has spent many hours drafting new ordinance language.

- Planning staff has hosted or spoken at more than 100 separate public or stakeholder group meetings.
- Approximately 25 meetings have occurred with key stakeholders such as the Tidewater Builders Association, the Hampton Roads Realtors Association, and the Hampton Roads Chamber of Commerce.
- Nearly 400 people have participated in at least one city-sponsored meeting and more than 1,000 have been informed of the new Ordinance's impact on their properties or businesses via telephone, email, or in-person.
- The proposed Ordinance was developed to meet the following eight project goals/themes:
 - Protecting neighborhood character with tailored standards for different areas of the City and form standards to provide a baseline for new development.
 - Increasing diversity of uses and housing by making mixed-use development easier and by permitting new types of dwellings – like accessory dwelling units – in more areas of the City.
 - Setting clear expectations through more definitions, tables, and graphics, and outlining all required steps for all processes in the Ordinance.
 - Streamlining processes by requiring special reviews for fewer items.
 - Expanding flood resilience by requiring more stormwater to be captured on-site, establishing minimum first-floor elevations, and by encouraging better construction techniques.
 - Enhancing environmental sustainability with more-broadly applied landscaping and open space standards.
 - Permitting greater flexibility by letting the prevailing pattern determine many setbacks and lot widths.
 - Expanding economic opportunity by making it easier to operate many types of businesses, including home-based businesses.
- As the public input and drafting process has unfolded over the past three years, a basic theme and four key concepts have emerged:
 - Overarching theme: Norfolk will survive and thrive in the face of change.
 - Key concepts:
 - Resilience
 - Neighborhood self-determination
 - Urban scale, form, and uses
 - Shared responsibility

D. Transportation Impacts

- The proposed Zoning Ordinance will revise many of the minimum parking requirements for both automobiles and bicycles to better match them with industry standards.
- The proposed Zoning Ordinance will also formalize the traffic impact analysis and transportation compatibility review processes.

E. Historic Resources Impacts

The proposed Zoning Ordinance will largely leave the historic districts, the historic landmark designation, and the processes for designating them unchanged.

F. Public Schools Impacts

N/A

G. Environmental Impact

The proposed Zoning Ordinance will result in more environmentally sustainable and resilient development through its revised landscaping and open space standards, form standards, and resilience quotient.

H. AICUZ Impacts

The proposed Zoning Ordinance includes a substantially-revised Airport Safety Overlay district that strongly discourages inappropriate development in the AICUZ clear and accident potential zones and will require noise attenuation for new development in the noise zones.

I. Surrounding Area/Site Impacts

N/A

J. Payment of Taxes

N/A

K. Coordination

This text amendment is the result of numerous public and stakeholder group outreach efforts that have been coordinated with the City Manager's Office of Resilience, Neighborhood Development, Recreation, Parks, and Open Space, Public Works, Development, and the City Attorney's Office.

L. Communication Outreach/Notification

- Postcards were mailed to all property owners in the City between September 12 and September 15.
- Additional letters were mailed to seven properties to be zoned MF-HR and to several hundred properties to be zoned SF-6, for which additional notification was necessary.
- Notices were mailed to the adjacent cities, military installations, and Norfolk International Airport on September 15.
- Legal notification was placed in *The Virginian-Pilot* on October 4 and October 11.

M. Recommendation

Staff recommends that the text amendment request be **approved**.

Attachments:

Proponents and Opponents – October 17, 2017 Public Hearing
Public Hearing Draft Zoning Ordinance – September 2017
Comments on Public Hearing Draft Ordinance – September 28, 2017
Comments on Public Hearing Draft Ordinance – October 12, 2017
Comments on Public Hearing Draft Ordinance – October 26, 2017
Comments on Public Hearing Draft Ordinance – November 9, 2017
Letters Received on Draft Zoning Ordinance

Proponents and Opponents

Proponents

Ross Weaver
1006 Manteo Street
Norfolk, VA 23507

Thomas E. Harris
1231 W. 27th Street
Norfolk, VA 23508

Annette Williams
1812 South Lakeland Drive
Norfolk, VA 23518

William Stiles
1121 Graydon Avenue
Norfolk, VA 23507

Steve Jones
Naval Station Norfolk
1530 Gilbert Street
Norfolk, VA 23511

Hannah Teicher

Greg Spratt Sr.
2936 Wolferton Street
Norfolk, VA 23504

Cuthrell Brockington
2717 Colchester Crescent
Norfolk, VA 23504

Lillian K. Pierce
2913 Corpew Avenue
Norfolk, VA 23504

Willie L. Pierce
2913 Corpew Avenue
Norfolk, VA 23504

Lorraine K. Flood
2900 Gate House Road
Norfolk, VA 23504

Wanda Drees
400 E. Indian River Road
Norfolk, VA 23523

Linda Holloway
601 Roland Drive
Norfolk, VA 23509

Kathleen Burr
601 Roland Drive
Norfolk, VA 23509

Rev. Dr. James Edwards, Ed.
2224 Dunbarton Drive
Chesapeake, VA 23325

Leticia Alonso
633 New York Avenue
Norfolk, VA 23508

Frank Root
28 Imperial Street
Staunton, VA 24401

Patrick B. Miskill
601 Pembroke Avenue #207
Norfolk, VA 23507

Opponents

Ryan Chapman
1004 Woronoca Avenue
Norfolk, VA 23503

Nick Jacovides
4640 Shore Drive
Virginia Beach, VA 23455

Mona Smith
408 Dundaff Street
Norfolk, VA 23507

Jerry Miller
1507 E. Bayview Boulevard Suite B
Norfolk, VA 23503

Jack Blake
9317 Grove Avenue
Norfolk, VA 23503

Geoffrey Wallace
2525 Oconee Avenue #101
Virginia Beach, VA 23454

Seth Johnson
4640 Shore Drive
Virginia Beach, VA 23455

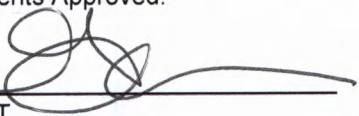
Scott T. Voliva
4640 Shore Drive Suite 113
Virginia Beach, VA 23455

Juanita McIntyre
1424 W. 40th Street
Norfolk, VA 23508

By


John D. Reed

Office of the City Attorney

By
DEPT. 

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO ADOPT A NEW ZONING ORDINANCE AND TO REPEAL THE EXISTING ZONING ORDINANCE FOR THE CITY OF NORFOLK.

- - -

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

Section 1:- That a new Zoning Ordinance, to be known as the Zoning Ordinance of the City of Norfolk, 2018 and, alternatively, as Zoning Ordinance: Building a Better Norfolk, having been recommended by the City Planning Commission, discussed at a public hearing before the City Planning Commission, and discussed at a public hearing before the City Council, is hereby approved and adopted. The content, text, tables, and illustrative figures shall read as set forth in "Exhibit A," attached hereto, and shall be designated as an appendix to the City Code.

Section 2:- That the Zoning Ordinance of the City of Norfolk, 1992 (as amended) is hereby repealed, provided however that those regulations in said existing Ordinance that pertain to existing zoning applications, determinations, violations, and enforcement actions by operation of the transition provisions of the new Zoning Ordinance shall apply as set forth in said transition provisions.

Section 3:- That the Council hereby finds that both the adoption of the new Ordinance and the repeal of the existing Ordinance are required by public necessity, convenience, general welfare, or good zoning practice.

Section 4:- That the appropriate City officers shall have and exercise sufficient authority to renumber and reorganize sections, articles, or other elements of the new Zoning Ordinance, as necessary and appropriate, in order to make the document more useable or understandable; to create a procedures manual and other user manuals that may assist the public or City staff with understanding and using the new Zoning Ordinance; and to publish the new Zoning Ordinance in any format.

Section 5:- That the adoption and repeal set forth in this

ordinance shall be in effect on and after March 1, 2018.

ATTACHMENT:

Exhibit A

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – September 28, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|---|---|---|---|-------------------|
| 1 | Religious institutions must be permitted in the same districts (and using the same approval process) as other assembly uses | Add religious institution as a permitted use in the use tables for I-W, HC-G3, and HC-EF | Table 3.5.7 Table 3.6.11 | Staff |
| 2 | Multi-family residential densities cannot be reduced | Remove minimum lot areas per unit from MF-NS, MF-AC, and MF-HR (except where the property is in the AICUZ) | Section 3.2.9.B Section 3.2.10.B Section 3.2.11.B | Staff |
| 3 | Single-family residential densities cannot be reduced | Change minimum lot area for SF-2 to 20,000-25,000 sq. ft. and change minimum lot area for SF-4 to 10,000-15,000 sq. ft. | Section 3.2.3.B Section 3.2.4.B | Staff |
| 4 | Maximum front yard setback in C-C doesn't make sense, and is inconsistent with other district layouts | Combine min. and max. front yard setback rows into single "front yard setback" row and change front yard setbacks to 0-10 for Downtown and Traditional Character Districts and 10 (min.) for Suburban and Coastal Character Districts | Section 3.3.4.B | Staff |
| 5 | Front yard setbacks in SF-2 and SF-4 don't allow averaging based on the block pattern | Add footnote "front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft." | Section 3.2.3.B Section 3.2.4.B | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|-----------------------------------|-------------------|
| 6 | Need to reference legacy overlays (as well as PDs) | Add “and overlay” to header and first and third sentences after “planned development districts” | Section 1.7.5 | Staff |
| 7 | ARB does not conduct public hearings, they are all public meetings | Remove public hearing references in table | (New) Table 2.1.1 | Staff |
| 8 | Historic Landmark utilizes the Planning Commission Public Hearing procedure | Add subsection (5) “Historic landmark designations (See Section 2.4.6, Historic Landmark Designation, for application-specific standards).” | Section 2.3.2.A | Staff |
| 9 | Historic Landmark requires additional submittal information | Add subsection (iv) “Historic Landmark Designations” and subsections (A) through (G) outlining the application requirements | Section 2.3.2.B(3)(b) | Staff |
| 10 | Clarify applicability for development certificates | Replace “development proposals” with “principal structures and substantial improvements to existing structures” | Section 2.3.3.A(1)(a) | Staff |
| 11 | ARB does not conduct public hearings, they are all public meetings | Replace “public hearing” with “public meeting” | Section 2.3.4.B(3)(c) | |
| | | Replace “public hearing” with “public meeting” | Section 2.3.4.B(3)(d) | |
| | | Replace “public hearing” with “public meeting” | Section 2.3.4.B(4)(b)(ii) and (A) | Staff |
| | | Replace “public hearing” with “public meeting” (twice) | Section 2.3.4.B(6) | |
| | | Replace “public hearing” with “public meeting” | Section 2.3.4.B(7) | |
| 12 | Historic Landmark language is missing – how to designate, permitted uses, etc. | Replace “public hearing” with “public meeting” in both heading and text | Section 2.3.4.B(11)(b) | |
| | | Create new Section 2.4.6 “Historic Landmark Designation” and Sections 2.4.6.A through 2.4.6.E outlining the purpose, procedure for designation, and review standards for historic landmark designations | (New) Section 2.4.6 | Staff |
| | | Change SF-2 lot area to “20,000-25,000, based on the predominant pattern [1]” and footnote [1] to “Where | Section 3.2.3.B | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|---|--|---|-----------------|-------------------|
| | a footnote in cases where there is no pattern (50, 75, or 100) | there is no predominant pattern, lot area shall not be less than 25,000 sf.” Change SF-4 lot area to “10,000-15,000, based on the predominant pattern [1]” and footnote [1] to “Where there is no predominant pattern, lot area shall not be less than 15,000 sf.” | | |
| | | Change SF-6 lot area to “6,000-7,500, based on the predominant pattern [1]” and footnote [1] to “Where there is no predominant pattern, lot area shall not be less than 7,500 sf.” Change SF-6 lot width to “60-75, based on the predominant pattern [2]” and footnote [2] to “Where there is no predominant pattern, lot width shall not be less than 75 ft.” | Section 3.2.4.B | |
| | | Change SF-10 lot area to “4,000-5,000, based on the predominant pattern [1]” and footnote [1] to “Where there is no predominant pattern, lot area shall not be less than 5,000 sf.” Change SF-10 lot width to “40-50, based on the predominant pattern [2]” and footnote [2] to “Where there is no predominant pattern, lot width shall not be less than 50 ft.” | Section 3.2.5.B | |
| | | Change SF-T lot area to “4,000-5,000, based on the predominant pattern [1]” and footnote [1] to “Where there is no predominant pattern, lot area shall not be less than 5,000 sf.” Change SF-T lot width to “40-50, based on the predominant pattern [2]” and footnote [2] to “Where there is no predominant pattern, lot width shall not be less than 50 ft.” | Section 3.2.6.B | |
| | | | Section 3.2.7.B | |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|---|-------------------|
| 14 | Need to reference Section 6.4.2.D in a footnote in appropriate districts | <p>Add footnote [4] "Existing lots within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D." to first two rows of table for all uses.</p> <p>Add footnote [4] "Existing lots within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D." to first two rows of table for all uses.</p> <p>Add footnote [5] "Existing lots within 10% of the minimum lot area or width are deemed conforming per Section 6.4.2.D." to first two rows of table for all uses.</p> <p>Add footnote [4] "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." to first two rows of table for all uses.</p> <p>Add footnote [4] "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." to first two rows of table for all uses.</p> | Section 3.2.3.B Section 3.2.4.B Section 3.2.5.B Section 3.2.6.B Section 3.2.7.B | Staff |
| 15 | Need to reference Section 6.4.2.D in a footnote in appropriate districts | <p>Add footnote [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." to first and third rows of table for all uses.</p> <p>Add footnote [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." to first and third rows of table for all uses.</p> <p>Add footnote [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." to first and third rows of table for all uses.</p> | Section 3.2.8.B Section 3.2.9.B Section 3.2.11.B | Staff |
| 16 | Fix townhouse lot width in R-C district | Change "lot width, min (ft.)" to "lot width, min (ft. per unit)" | Table 3.2.8(E) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|--------------------------------------|-------------------|
| 17 | Unclear how multi-family dwellings with detached individual units will be treated by the resilience quotient | <p>Add subsection (K) "Each unit shall be required to meet the single-family detached resilient quotient standards as per Section 5.12.5, Resilience Quotient Compliance for Single Family Development."</p> <p>Add footnote [7] "75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified." to fifth row of the table for all uses.</p> | Section 3.2.8.D(8)(a)(ii) | Staff |
| 18 | Need to be clear on what portion of the building needs to be within a front setback range for certain MF and C districts | <p>Add footnote [4] "75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified." to (new) fifth row of the table for all uses.</p> <p>Add footnote [6] "75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified." to fourth row of the table for all uses.</p> <p>Add footnote [4] "75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified." to third row of the table for all uses in the Traditional and Coastal Character Districts.</p> <p>Add footnote [2] "75% of the front façade shall be within the setback range; the remaining 25% may exceed the maximum specified." to third row of the table for all uses in the Downtown and Traditional Character Districts.</p> | Section 3.2.10.B Section 3.2.11.B | Staff |
| 19 | MF-NS setbacks don't make sense | Change front setback in Suburban and Coastal to 15-25; in Traditional and Downtown to 9-16 (applies to all uses) | Section 3.2.9.B | Staff |
| 20 | MF-NS needs to include minimum lot width per building for multifamily | Add new row "lot width, min. (ft. per building)" with "N/A" for all columns except multifamily, where it should be "100" | Section 3.2.9.B | Staff |
| 21 | Country club should be a CUP use in R-C | Add "C" for country club under R-C | Table 3.2.12 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|--|------------------|-------------------|
| 22 | Country club should be a permitted use in C-C | Add "P" for country club under C-C | Table 3.3.9 | Staff |
| 23 | D-FN – add back the waterfront walkway requirement | Add (new) subsection (1) "Pedestrian Walkways" and subsections (a) and (b) discussing the required location and dimensions of pedestrian walkways | Section 3.4.9.C | Staff |
| 24 | Correct HC parking regulations for residential dwellings | Add Section 3.6.4.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." | Section 3.6.4 | Staff |
| 25 | UV district should not have a build-to line, it should be a maximum setback; footnote in table wrong | Change "Build-to Line (ft.)" to "Setback, max. (ft.)" Change min. setback row to include "Killam Avenue" and delete footnote | Section 3.7.9.B | Staff |
| 26 | Sign regulations for UV are missing | Add new Section 3.7.9.C(3) "Signs" and subsections (a) through (d) describing the signs permitted in UV | Section 3.7.9.C | Staff |
| 27 | EBH - footnote 2 limits to four feet not stories | Change "feet" to "stories" | Section 3.7.10.B | Staff |
| 28 | EBH regulations on projections into yards are missing | Add new Section 3.7.10.D(3) "Projections into Yards" and subsections (a) through (d) discussing the permitted projections | Section 3.7.10.D | Staff |
| 29 | Sign regulations for EBH are missing | Add new Section 3.7.10.D(4) "Signs" and subsections (a) through (c) describing the signs permitted in EBH | Section 3.7.10.D | Staff |
| 30 | Anywhere auto repair (major) is allowed, auto repair (minor) needs to be allowed | Add "C" for minor auto repair under G-1 | Table 3.7.13 | Staff |
| 31 | Make sure it is clear that Historic Landmark is a designation, not an overlay | Change name of "Overlay Districts" to "Overlay Districts and Designations" | Section 3.9 | |
| | | Add "and designations" to the header and within the text | Section 3.9.1 | |
| | | Add "and designations" to the table sub-header | Section 3.9.2 | Staff |
| | | Add "and designations" to the table header | Table 3.1.2 | |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|--|-------------------|
| | | Change "Historic Landmark" to "Historic Landmark Designation" | Table 3.1.2 Table 3.9.2 Section 3.9.20 | |
| 32 | Overlays TOC says "5 Points" | Delete "PCO-Five Points: Pedestrian Commercial Overlay - Five Points" row | Table 3.9.2 | Staff |
| 33 | Fix noise zone as being conditionally compatible with noise attenuation and no increase in allowed density | Move subsection (e) before Table 3.9.5(B) and add "...and within such structures where sound attenuation measures are installed, the uses in Table 3.9.5(B) are conditionally compatible." | Section 3.9.5.E(2) | Staff |
| 34 | Change ground floor height Huntersville to match form standards (1.5' to 2') | Change "shall be elevated not less than 1.5 feet above" to "shall be elevated not less than 2 feet, or 1.5 feet if built in compliance with the Huntersville Plan Book, above" | Section 3.9.16.E(3)(c)(ii)(D) | Staff |
| 35 | Change ground floor height in Park Place to match form standards (1.5' to 2') | Delete subsection (C) | Section 3.9.16.E(5)(b)(i) | Staff |
| 36 | Language on adaptive re-use is missing in Norfolk Historic Landmark section | Add Section 3.9.20.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." | Section 3.9.20 | Staff |
| 37 | Clarify the non-residential uses that would be permitted in live-work dwellings | Add a new (iii): "In the C, D, HC, UV, EBH, TOD, or G-1 districts, non-residential uses shall be limited to those permitted in the district." Change (ii) from "Non-residential uses shall be limited to...." to "In the residential districts, non-residential uses shall be limited to..." | Section 4.2.3.D(2)(a) | Staff |
| 38 | Clarify townhouse driveway rules | In subsection (i) add subsection (C): "In the Suburban and Coastal Character districts, where a driveway or parking is provided anywhere in the front yard."; In subsection (iii) delete "in the Traditional or Downtown Character Districts"; Delete subsection (iv) | Section 4.2.3.D(2)(f) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|--|-----------------------------|-------------------|
| 39 | Add assisted housing to list of facilities required to have on-site backup power generation | Add subsection (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." | Section 4.2.3.D(4)(a) | Staff |
| 40 | Add nursing home to list of facilities required to have on-site backup power generation | Add subsection (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." | Section 4.2.3.D(4)(e) | Staff |
| 41 | Why have a 1,000-foot minimum distance between child day care centers? | Delete subsection (ii) | Section 4.3.2.E(2)(h) | Staff |
| 42 | Clarify the ancillary activities available to a religious institution to distinguish from accessory uses | Change "Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, other accessory uses customary to the operation of a religious institution, a dwelling for persons who regularly participate in the operation of the institution, whenever such services occur." to "May include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, and 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." | Section 4.2.3.E(2)(p) | Staff |
| 43 | Parking facilities should not be allowed as principal uses in any SF district | Add "SF-T" and "R-C" | Section 4.3.2.E(4)(d)(i)(A) | Staff |
| 44 | Clarify definition of nightclub | Add "disc jockey and a" before "dance floor" in the first sentence | Section 4.2.3.F(2)(d) | Staff |
| 45 | Restaurant definition needs to clarify that alcohol may be sold | Add "and beverages, including alcoholic beverages," to definition after "...selling of unpackaged food..." and "and beverages" after "...consumes these foods..." | Section 4.2.3.F(2)(f) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|---|-------------------|
| 46 | Why require CUP for eating establishments without alcohol operating after midnight Downtown? | Add “serving alcohol and” after “...establishments...” Add “serving alcohol and” after “...establishments...” | Section 4.2.3.F(2)(f)(i)(A) Section 4.2.3.F(2)(f)(i)(B) | Staff |
| 47 | Add art gallery to art studio or school | Change “Artist studio/school” to “Artist studio/school/gallery”; change “...for the production of – or instruction in – the visual arts” to “...for the production of, instruction in, or display of the visual arts” | Section 4.2.3.F(6)(b) (and use tables) | Staff |
| 48 | Clarify the distinction between antiques and used merchandise | Add new subsection (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.” Delete “...having 50 percent or more of the total square footage of the display area dedicated to the display of antiques for sale to the public...” | Section 4.2.3.F(6)(w) | Staff |
| | | Add new subsection (cc) “Vendor park” and subsections (i) through (viii) listing the required performance standards | Section 4.2.3.F(6) (update section ref. in use tables) | |
| | | Delete Section 4.4.3.B(2)(l)(xi) | Section 4.4.3.B(2)(l) | |
| 49 | Add vendor park as a use | Add “Vendor park” as a use to the commercial use table, as a “P” use in all districts Add “Vendor park” as a use to the Downtown use table, as a “P” use in all districts Add “Vendor park” as a use to the special purpose use table, as a “P” use in TOD and G-1 Add “Vendor park” as a use to the overlay use table | Table 3.3.9 Table 3.4.10 Table 3.7.13 Table 3.9.21 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|--|---|-------------------|
| 50 | Add autonomous vehicle storage and charging facility as a use | <p>Add new subsection (h) "Autonomous vehicle storage and charging facility: A facility for the storage and charging of autonomous vehicles."</p> <p>Add "Autonomous vehicle storage and charging facility" as a use to the commercial use table, as a "C" use in C-N, C-C, and C-R and a "P" use in O, BC-O, and BC-I</p> <p>Add "Autonomous vehicle storage and charging facility" as a use to the industrial use table, as a "P" use in I-L and I-G</p> | Section 4.2.3.F(8) (update section ref. in use tables) | |
| 51 | Adjust regulations for after-hours membership organizations | Change "on the same site" to "in the same space" in subsection (ii) | Section 4.2.3.F(2)(a) | Staff |
| 52 | Modify vacation rental regulations to match updated city policy | Change definition to "A residential dwelling unit offered for lease or rent by the property owner for less than 30 days."; Delete "conforming" from subsection (i); Add "located within the principal structure" to end of subsection (i) | Section 4.2.3.F(10)(d) | Staff |
| 53 | The 15% maximum display and sales area limitation for wholesale should apply to all zoning districts | Delete "In the BC-I district," from subsection (i) | Section 4.2.3.G(2)(dd) | Staff |
| 54 | Accessory dwelling units - property owners should have to reside on-site | Add new subsection (iv) "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." | Section 4.3.3.E(1)(a) | Staff |
| 55 | Add cross reference between ADU performance standards and accessory structure standards | Add "See also Section 5.11.4, Accessory Dwelling Unit, for additional standards applicable to accessory dwelling units." to the end of the first paragraph | Section 4.3.3.E(1)(a) | Staff |
| 56 | Day care home regulations need to match recent changes | Change subsection (i)(A) to "Day care homes on lots of 5,000-6,000 square feet with 5-9 children."; Change subsection (i)(B) to "Day care homes on lots of at least 10,000 square feet with 9-12 children."; In subsection (ii) change "5,000 square feet" to "6,000 square feet". | Section 4.3.3.E(1)(e) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|---|---|-----------------------------|-------------------|
| 57 | For drive-through facilities, we didn't mean to require ourselves to give driveways on every ROW frontage | Add "upon approval from the Department of Public Works" after "shall be provided" | Section 4.3.3.E(1)(f)(v) | Staff |
| 58 | Clarify screening requirements for drive-through windows | Change "...and a masonry wall" to "...or a masonry wall" in (viii); Change "...adjacent to an order box or..." to "...adjacent to and between an order box and a..." | Section 4.3.3.E(1)(f)(viii) | Staff |
| 59 | Clarify the requirements for DJ | Add new subsection (i) "If a disc jockey is included in the list of entertainment uses on the site, a dancefloor must be provided." | Section 4.3.3.E(1)(j) | Staff |
| 60 | Modify homestay regulations to match updated city policy | Change definition to "A maximum of two bedrooms offered for rent by the property owner for less than 30 days."; Delete "conforming" from subsection (i); Add "located within the principal structure, and cannot be used in conjunction with an ADU or boarders, as referenced in Section 4.2.3.D(2)(d)." to the end of subsection (i); add new subsection (iii) "(iii) The property owner shall reside on-site during all times that the rental unit is occupied." | Section 4.3.3.E(1)(q) | Staff |
| 61 | Eliminate parking requirements in D-W, D-BC, D-MU, and D-AD | Add new subsection (6) under parking exemptions: "Downtown Districts: The following Downtown districts are not required to provide motor vehicle parking: D-W, D-BC, D-MU, and D-AD." | Section 5.1.2.B | Staff |
| 62 | Need to be clear that driveways may be prohibited on nonconforming zoning lots | Add subsection (c) "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." | Section 5.1.7.B(1) | Staff |
| 63 | Adjust drive-through stacking spaces for restaurants/fast food | In the fifth row, change "...and 4 between the order box/speaker..." to "...and 3 between the order box/speaker..." | Table 5.1.7(C) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|---------------------|-------------------|
| 64 | Adjust equivalent planting unit values for trees – giving too much credit for preserving trees | In Table 5.2.5(A) change “64” to “32” for large trees and “24” to “12” for medium trees | Section 5.2.5 | Staff |
| 65 | Very large, suburban lots should be exempt from most form standards | Add 5.9.2.B(4) “Single-family detached dwellings located in the Suburban Character District, 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.” | Section 5.9.2.B | Staff |
| 66 | For multi-family form standards, fix blank façade row (A for all CDs) | Add “A” for all character districts | Table 5.9.4 | Staff |
| 67 | For multi-family form standards, add minimum porch requirement for duplex and townhouse | Add new row under Component 2: “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.” And add “A” for all character districts | Table 5.9.4 | Staff |
| 68 | Add cross reference between ADU performance standards and accessory structure standards | Add “...and the performance standards in Section 4.3.3.E(1)(a), “ before “an ADU shall” | Section 5.11.4 | Staff |
| 69 | Section 5.12.5.N(2) should require 200 gallons of storage and should not refer to 100% of roof drainage | Change “400 gallons” to “200 gallons”; delete “100% of the” from first sentence | Section 5.12.5.N(2) | Staff |
| 70 | For resilient quotient for non-residential, clarify minimum elevation option | In the Component 1, in the fourth row, add “...or to an elevation of 11 (NAVD ‘88)” | Table 5.12.7 | Staff |
| 71 | In the “form-plus” standards, subsections need to be labeled as “components” | Label each subsection as “Component X” | Table 6.4.3 | Staff |
| 72 | Adjust “form-plus” standards for the Coastal Character District to more closely match the Traditional Character District standards | In Component 1, change “NA” under Coastal to “A”; In Component 5, in the first row, change “NA” under Coastal to “A, vinyl siding may also be used with a minimum gauge of 0.044” and in the other rows change “NA” under Coastal to “A” | Table 6.4.3 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 12, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|---|--|----------------|-------------------|
| 73 | Require railings on porches in the “form-plus” standards | In Component 2, add “enclosed by railings” after “covered entryway” | Table 6.4.3 | Staff |
| 74 | “Form-plus standards need to address access and driveway location | Change Component 4 from “Garage Location” to “Garage and Driveway Location”; add row “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” and add “A” for all Character Districts | Table 6.4.3 | Staff |
| 75 | List “uncodified” PDs in Article 9 | Add Section 9.1.21 “Other Approved Planned Developments” and Sections 9.1.21.A through 9.1.21.J listing the specific PD districts | Section 9.1 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|---|--|--|-------------------|
| 76 | Pre-application neighborhood meeting requirement should not force civic leagues to host an applicant they support | Add to end of subsection (a) "In lieu of a meeting, notification from a neighborhood organization indicating support or no opposition may be considered to meet this requirement." | Section 2.3.2.B(2) | Staff |
| 77 | It appears that applicant-hosted meetings will likely be discouraged because of the additional notice requirements – not necessarily a bad thing! | NO CHANGE – Some notice is required to ensure attendance at meeting(s) | Section 2.3.2.B(2)(b) | Public |
| 78 | A transportation study should be required for CPC public hearing items, zoning certificates, and site plan reviews | <p>Add new subsection (iii) "Transportation Impact Study" and subsections (A) through (C) outlining the circumstances in which such study will be required</p> <p>Add new subsection (iii) "Transportation Impact Study" and subsections (A) through (C) outlining the circumstances in which such study will be required</p> <p>Add "or transportation study" after "traffic impact analysis"</p> | <p>Section 2.3.2.B(3)(b)</p> <p>Section 2.3.6.B(1)(a)</p> <p>Section 2.3.9.C(1)(y)</p> | Staff |
| 79 | Mailing requirement in EBH (for ARB)? | Add new subsection (2) "Pre-Application Neighborhood Meeting" and subsections (a) and (b) outlining the process | Section 2.3.3.B | Staff |
| 80 | New historic districts require additional staff report information | Add new subsection (A) "Additional Staff Report Requirements for the Creation of New Historic Districts" and subsections (01) through (03) outlining the report requirements | Section 2.3.4.B(4)(b)(i) | Staff |
| 81 | Requiring site plan for re-painting or re-striping of parking lots will add unnecessary costs and delays | Replace "Resurfacing or restriping" with "Reconfiguration" | Section 2.3.9.A(1)(b)(vi) | Hearing |
| 82 | Historic district language is missing – how to designate, etc. | Create new Section 2.4.6 "Historic and Historic Overlay District" and Sections 2.4.6.A through 2.4.6.D outlining | (New) Section 2.4.6 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|--|--------------------|
| | | the purpose, procedure for designation, and review standards for new historic districts | | |
| 83 | Add “creation of lots” section | Add new Section 3.1.1.A “Creation of Lots” | Section 3.1.1 | Staff |
| 84 | Add flag lot rules to lot creation rules | Add new subsection (1) “Flag Lots in Residential Districts”; move second paragraph of flag lot definition in Section 8.3.1 under subsection (1) | (New) Section 3.1.1.A Section 8.3.1 | Staff |
| 85 | Keep 5-foot setbacks with no range | NO CHANGE – Goal of the new rules is to provide flexibility for new development and reflect pattern of existing development | Section 3.2.6.B Section 3.2.7.B | Public/ Hearing |
| 86 | Re-locate SF semi-detached lot width-per unit standard to R-C (already in MF-NS) | Add row for “Lot Width, min. (ft. per unit)” and “25” for Single-Family Semi-Detached Delete subsection (ii) | Section 3.2.8.B Section 4.2.3.D(2)(e) | Staff |
| 87 | In R-C, adjust alternative development and form standards for two-family dwellings | In subsection (ii) change minimum building height from “2.5 stories” to “1.5 stories” In subsection (iv) add “per frontage” to end of sentence Add new subsection (viii) “Parking shall be provided at 2 spaces per dwelling unit.” | Section 3.2.8.D(6)(b) | Staff |
| 88 | Re-locate two-family lot width alternative to MF-NS | Add footnote [8] “If dwelling units are to be located in separate structures, the minimum lot width shall be 75 feet.” and apply to min. lot width per unit row. Delete subsection (ii) | Section 3.2.9.B Section 4.2.3.D(2)(g) | Staff |
| 89 | In MF-HR, 15 ft. max. front setback in Traditional does not provide enough protection from flooding | NO CHANGE – Flood zone requirements will require increased first floor height to protect from flooding, wider setbacks will not impact these requirements | Section 3.2.11.B | Public/ Hearing |
| 90 | Adjust community recreation center permissions | Make a “P” use under SF-2, SF-4, SF-6, SF-10, SF-10, R-C, MF-NS, MF-AC, and MF-HR | Table 3.2.12 | Staff |
| 91 | Multi-family dwelling needs to be a P/C use in MF-HR because of the performance standards for that use | Change “P” to “P/C” for dwelling, multi-family under MF-HR | Table 3.2.12 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|----|--|---|---------------------------------------|-------------------|
| 92 | Home occupations should be permitted in residential uses found in C districts and G-1 | Add "P/C" for home occupation under C-N, C-C, and C-R Add "P/C" for home occupation under G-1 | Table 3.3.9 Table 3.7.13 | Staff |
| 93 | Why are we no longer allowing seafood processing in I-L but adding septic tank and portajohn cleaning? | Add "P" for seafood processing under I-L | Table 3.5.7 | Public |
| 94 | Home occupations need to be permitted in HC districts | Add "P" for home occupation under HC-G1, HC-G2, HC-G3, HC-WF1, HC-WF2, HC-EF Change subsection (i) to "Except in the HC districts, a Conditional Use Permit may allow a use that does not conform with subsections (vi)-(vii), below." | Table 3.6.11 Section 4.3.3.E(1)(i) | Staff |
| 95 | Reduce density in EBH | NO CHANGE – Requires public outreach process | Section 3.7.10.B | Public |
| 96 | Adjust permitted uses in G-1 | Add "P" for catering establishment, "C" for production of craft beverages, and "C" for grocery store | Table 3.7.13 | Staff |
| 97 | CBPA overlay needs several edits to improve clarity | Approximately 70 minor edits | Section 3.9.3 | Staff |
| 98 | Clarify purpose of ASO/AICUZ overlay | Re-word to read: "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 which can interfere with aircraft maneuverability." | Section 3.9.5.A | NS Norfolk |
| 99 | Clarify applicability of AICUZ overlay | Re-word to read: "The AICUZ Overlay applies to certain lands within the Hampton Roads Joint Land Use Study (JLUS) Air Installations Compatible Use Zones (AICUZ) | Section 3.9.5.B(2) | NS Norfolk |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|---------------------|-------------------|
| 100 | Clarify the definitions of the clear zone and accident potential zones | <p>Planning Map, first adopted in 2005, surrounding Chambers Field at Naval Station Norfolk.”</p> <p>Re-word to read: “(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:</p> <ul style="list-style-type: none"> (1) Clear Zone (CZ): An area extending 3,000 feet beyond the runway ends with the greatest potential for aircraft accidents that should remain undeveloped. (2) 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. (3) 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. | Section 3.9.5.D(2) | NS Norfolk |
| 101 | IRIO requirements need to permit larger homes, within limits | <p>Re-word to read: “(a) New Single-Family Homes:</p> <ul style="list-style-type: none"> (1) Except as permitted in subsection (2) below, newly-constructed single-family dwellings shall not have more than four bedrooms. (2) Single-family dwellings on lots larger than 10,000 square feet may have one additional bedroom for each 10,000 square feet.” | Section 3.9.17.D(1) | Staff |
| 102 | Coastal resilience overlay requirements won't be that difficult to implement on a property | NO CHANGE | Section 3.9.18 | Hearing |

Norfolk Zoning Ordinance Rewrite

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| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|---|---|-----------------------------|-------------------|
| 103 | Requiring 100% of parking areas to be previous is excessive | Re-word to “The surface area of new parking spaces...” | Section 3.9.18.C(4)(c) | Staff |
| 104 | In MF-AC, CUP for restaurant if existing use is nonconforming | NO CHANGE – Already requires a CUP | Section 4.2.3.F(2)(f) | Public |
| 105 | Large retail developments, regardless of number of tenants, should require additional scrutiny | Change subsection (B) to read [a Conditional Use Permit is required] “For any development that has a gross floor area of 50,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities.” | Section 4.2.3.F(6)(w)(i) | Staff |
| 106 | Consider allowing ADUs to go larger than 500 sq. ft. – up to 25% of larger homes, maybe “50% or 500 sq. ft., whichever is less”? | NO CHANGE – Staff feels current draft language is a good starting point | Section 4.3.3.E(1)(a)(v) | Public |
| 107 | Clarify that growlers may be sold for off-premises consumption | Delete subsection (i) and change subsection (iii) to “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.” | Section 4.3.3.E(1)(o) | Staff |
| 108 | Revise required length of off-lot parking agreement | Change “...at least 15 years...” to “...5 years or the term of the lease, whichever is greater...” | Section 5.1.7.C(1)(a)(v)(A) | Staff |
| 109 | Parking requirements for condos and large residential and commercial uses that meet their needs – they are currently spilling over onto streets/affecting property values when waived (East Ocean View) | NO CHANGE – Parking requirements align with national standards for these uses | Table 5.1.7(D) | Public |
| 110 | Narrow the list of uses exempt from bicycle parking requirements | Re-word to read “A use in the Group Living Use Category (except fraternity or sorority house, rooming house, assisted housing, or dormitory).” | Section 5.1.9.B(3)(c) | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|---|---------------------------|-------------------|
| 111 | Is there any encouragement for native plant materials? Natural infrastructure is based on native use. Norfolk is way behind. | NO CHANGE – Generally addressed at site plan stage, landscape materials are already reviewed for compatibility and natives are encouraged; User's Manual will include tree lists to help support staff at site plan review; Resilience quotient further encourages use of natives | Section 5.2 | Public |
| 112 | Small trees at planting may not be 2.5 in. in caliper often, would also suggest 6 or 7 ft. in height | Change minimum height at time of planting for small trees from "8 ft." to "6 ft." | Table 5.2.5(B) | Public |
| 113 | Good to encourage aesthetics as well as screening – make sure we are not overly encouraging old conventional hedging | NO CHANGE | Section 5.2.6.B(2)(b)(iv) | Public |
| 114 | Good to encourage irregular pattern of plantings | NO CHANGE | Section 5.2.6.D(1)(a) | Public |
| 115 | Alternative landscaping plan provisions are great | NO CHANGE | Section 5.2.8 | Public |
| 116 | Form standards, specifically requiring elevation and porches and limiting garage locations, are a good addition | NO CHANGE | Section 5.9 | Hearing |
| 117 | Require front porches in traditional – not always appropriate | NO CHANGE – Current draft provides an option to have ARB review proposals that don't meet form standards | Table 5.9.3 | Public |
| 118 | Most above ground pools are 48-54" high – may want to increase allowed height of pool fence to 4.5 feet | Delete 5.11.11.B and replace with new 5.11.11.B "The swimming pool, spa, or hot tub shall be set back at least six feet from side and rear property lines." | Section 5.11.11.B | Public |
| 119 | Resilience quotient is a good addition, innovative, provides flexibility while establishing baseline standards | NO CHANGE | Section 5.12 | Hearing |
| 120 | Innovative approach – lays foundation for next 25 years re: SLR | NO CHANGE | Section 5.12 | Hearing |

Norfolk Zoning Ordinance Rewrite

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| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|---|-------------------|
| 121 | Resilience quotient will add thousands of dollars in cost to every new home | NO CHANGE – Based on an analysis of the requirements, they should add \$500-\$2,500 to the cost of a new single-family home but should reduce overall cost of ownership by reducing flooding risk and increasing energy resilience; staff expects to modify as the full impacts – particularly on multi-family and non-residential – are better understood | Section 5.12 | Hearing |
| 122 | For multiple single-family homes – many of the requirements would be impossible to implement and others would be difficult and expensive | <p>Re-word to read: "Any proposed development that includes only single family detached dwellings may elect to comply..."</p> <p>Re-word to read: "Any proposed multi-family residential development..."</p> <p>Re-word to read: "Any multi-family residential development shall fully address..."</p> | <p>Section 5.12.5.A</p> <p>Section 5.12.6.A</p> <p>Section 5.12.6.B</p> | Hearing |
| 123 | Cool roof – shouldn't this be limited to a roof over conditioned space? | <p>NO CHANGE – Cool roof will have a positive impact regardless of where it is located on the building</p> <p>Add new row under Component 2: "Install a 'green roof' on at least 25 percent of the total roof area and only plant materials permitted in Section 5.2, <u>Landscaping Standards</u>" and allot 1.00 points</p> | <p>Table 5.12.6</p> <p>Table 5.12.7</p> | Public |
| 124 | Cool roof/green roof – why shouldn't something get credit for a cool/green roof that is less than 50% of the total roof area? | <p>Add new row under Component 3: "Install a 'cool roof' on at least 25% of the total roof area of the development" and allot 0.75 points</p> <p>Add new row under Component 2: "Install a 'green roof' on at least 25 percent of the total roof area and only plant materials permitted in Section 5.2, <u>Landscaping Standards</u>" and allot 1.00 points</p> <p>Add new row under Component 3: "Install a 'cool roof' on at least 25% of the total roof area of the development" and allot 0.75 points</p> | Table 5.12.6 | Public |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|---|-------------------|
| 125 | Don't limit how much nonconforming uses can be enlarged through CUP | Change "...by up to ten percent..." to "...by up to 50%..." | Section 6.2.3.A(1) | Staff |
| 126 | Nonconformity provision re: expansions is too onerous, will discourage investment | <p>Add new subsection (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."</p> <p>Add new subsection (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)."</p> | <p>Section 6.3.1.A(1)(a)</p> <p>Section 5.9.2.B</p> | Hearing |
| 127 | Add provision to give ZA authority to seek search warrants for zoning violations | <p>Add header (1) "Site Inspections" for existing paragraph and a new subsection (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."</p> | Section 7.5.2.B | Staff |
| 128 | Titustown has small lots – need to look at lot size requirements | NO CHANGE – Put on list for zoning study/NRO after adoption | Zoning Map/Section 3.9.16 | Public |
| 129 | Maycox – existing Cape Cods are being overwhelmed with new 2-story (large) homes – completely out of place, need to preserve character | NO CHANGE – Put on list for zoning study/NRO after adoption | Zoning Map/Section 3.9.16 | Public |
| 130 | RCO and R-11 in Central Brambleton – concerned about multi-family zoning | NO CHANGE – Put on list for zoning study/NRO after adoption | Zoning Map/Section 3.9.16 | Public |
| 131 | Need to customize zoning for several traditional neighborhoods – including Colonial Place/Riverview, Lamberts | NO CHANGE – Put on list for zoning study/NRO after adoption | Zoning Map/Section 3.9.16 | Public |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – October 26, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|----------------|-------------------|
| | Point, Larchmont, West Ghent, Lafayette-Winona, and Highland Park | | | |
| 132 | Virginia Beach Boulevard between Monticello and Tidewater should be zoned commercial for redevelopment of public housing | NO CHANGE – Requires public outreach process | Zoning Map | Public |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – November 9, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|---|-------------------|
| 133 | Need to clearly address the process for ARB review for deviating from form and neighborhood protection standards | <p>In the Zoning Certificate row, add new footnote [4] and a “D [4]” under ARB and apply footnote [4] under Zoning Administrator</p> | Table 2.1.1 | |
| | | <p>Add new subsection (d) clarifying that this process is a duty of ARB</p> | Section 2.2.4.A(3) | Staff |
| | | <p>Add new subsection (2) “Architectural Review Board Review” clarifying where in the administrative review process ARB review and decision is appropriate</p> | Section 2.3.6.B | |
| 134 | Clarify the ARB role in nonconforming lot development using CUP | <p>Add “or a nonstandard lot review per Section 6.4.3.A(3)(b)” to the end of footnote [1]</p> <p>Add a new heading on current text creating subsection (a) “Historic Properties”</p> | Table 2.1.1 | |
| | | <p>Add subsection (b) “Nonconforming Zoning Lots” and “Development of a nonconforming zoning lot in accordance with Section 6.4.3.A(3)(b).”</p> | Section 2.3.2.B(5) | Staff |
| 135 | Strengthen requirement for paying delinquent taxes prior to completing an application | <p>Change to read: “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.”</p> | <p>Section 2.3.2.B(3)(b)(i)</p> <p>Section 2.3.3.B(3)(b)(i)</p> <p>Section 2.3.5.B(1)(b)(i)</p> | Staff |
| 136 | Re-work transportation impact study concept | <p>Change heading to “Transportation Compatibility Review”; change “A Transportation Impact Study shall be required in the following circumstances:” to “A transportation compatibility review shall be required.”; delete subsections (A) through (C).</p> <p>Change heading to “Transportation Compatibility Review”; change “...a Transportation Impact Study shall be required in the following circumstances:” to “...a</p> | <p>Section 2.3.2.B(3)(b)(iii)</p> <p>Section 2.3.6.B(1)(a)(ii)</p> | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – November 9, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|---|---|--|-------------------|
| | | transportation compatibility review shall be required in the following circumstances: Add definition for "Transportation Compatibility Review" reading: "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." | | |
| 137 | Clarify applicability of APZ and noise zone standards | Change "shall" to "should" and "may" in several locations to recognize the potential for site adjustments or noise attenuation that might make a proposed use compatible where it otherwise would not be | Section 3.9.5.E | Staff |
| 138 | Vacation rentals and homestays: add rules to limit use for parties, etc. and consider permitting vacation rentals in waterfront properties with riparian rights | NO CHANGE: Comments forwarded to staff drafting new vacation rental/homestay regulations | Section 4.2.3.F(10)(d) Various Use Tables | Public |
| 139 | The use of accessory structures as a dwelling unit should be allowed after a "disaster", not a "catastrophe" | Change name of use to "Temporary use of an accessory structure as a principal dwelling after a disaster"; clarify that use applies during and after a declared disaster | Section 4.4.3.B(2)(j) Various Use Tables | Staff |
| 140 | Unclear what is being accomplished by exempting pre-existing buildings with lawful uses established before adoption of current Ordinance | Delete subsection (i) | Section 5.1.2.B(1)(a)(i) | Staff |
| 141 | | Re-word title to read "Use-Specific Planting Requirements" and text to read: "Additional planting | Section 5.2.6.C | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – November 9, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|---|------------------------|-------------------|
| | Specific planting requirements for vehicle sales and service uses should be located in performance standards | requirements may apply to specific uses, as found in Article 4, Performance Standards, as referenced below;" add new subsections (1) and (2) referencing auto sales and service use requirements and drive-through facility requirements. Add new subsections (k) and (l) with re-located requirements from Section 5.2.6.C(1) and (2) | Section 4.2.3.F(7) | |
| 142 | Diagram for garage frontage as percentage of front façade does not reflect the regulations in text | Delete Figure 5.9.3(D) | Table 5.9.3 | Public |
| 143 | Footnote [1] on attached garage projections is unclear | Change "An attached garage may project..." to "An attached garage, with a door no more than 8 feet wide, may project..." | Table 5.9.3 | Staff |
| 144 | Unclear what the minimum size of a covered entryway is in Suburban | Change to "At least 16 sq. ft. with 4 ft. minimum dimension" | Table 5.9.3 | Staff |
| 145 | Unclear what limitations are placed on expansions or alterations of nonconforming structures | Add "In addition to subsection (a) above," to the beginning of and delete the word "also" from the text of subsections (b) and (c) Add new subsection (b)(i) "The enlargement or expansion complies with all provisions of the FPCH-O: Flood Plain / Coastal Hazard Overlay district." | Section 6.3.1.A(1) | Staff |
| 146 | Clarify the role the alternative standards in R-C play for 37.5-foot-wide nonconforming lots | Add "...or the Alternative Dimensional and Design Standards of the Residential-Coastal district" to the end of the first sentence Add "(outside the R-C district)" to the "Coastal" header | Section 6.4.3.A(3)(ii) | Staff |
| 147 | Match garage location in Coastal to Coastal Pattern Book | Change the first row under Component 4 to read garages must be set back from front facades "No less than 10 ft." | Table 6.4.3 | Staff |
| 148 | Definition of façade and front façade are duplicative and unclear | Change definition of façade to: "The face of a building. Typically refers to the face that fronts the street, but may also refer other building faces." | (New) Section 8.3.2 | Staff |

Norfolk Zoning Ordinance Rewrite

Comments on Public Hearing Draft Ordinance – November 9, 2017

| # | Comment | Proposed Modification | Code Reference | Source of Comment |
|-----|--|--|---------------------|-------------------|
| | | Change definition of front (or primary) façade to: "The face of a building that fronts the street or other public space. Typically houses the principal building entrance." | | |
| 149 | Clarify relationship between build-to line, build-to zone, and setbacks | <p>Change definition of build-to line to read: "The line at which construction of a building 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."</p> <p>Change definition of build-to zone to read "The area between the minimum and maximum build-to lines or setback lines, that extends the entire width of the lot."</p> | (New) Section 8.3.2 | Staff |
| 150 | Definition of lot width includes a graphic showing the wrong method for measuring lot width on cul-de-sac lots | Delete figure and reference | (New) Section 8.3.2 | Staff |
| 151 | Rules for where front facades are measured are absent | Create (New) Section 8.3.1: "Rules of Measurement" | Section 8.3 | Public |



DEPARTMENT OF THE NAVY
NAVAL STATION NORFOLK
1530 GILBERT STREET SUITE 2000
NORFOLK, VA 23511-2722

11000
Ser N00/0489
October 16, 2017

Mr. George Homewood
Director of City Planning
City of Norfolk
810 Union Street, Suite 508
Norfolk, Virginia 23510

Dear Mr. Homewood,

SUBJECT: NORFOLK VA ZONING ORDINANCE - PUBLIC HEARING

Thank you for the opportunity to participate as a member of the Norfolk Zoning Ordinance Rewrite Advisory Committee over the past two years. Throughout the process, Navy staff provided input on incorporating the Navy's Air Installations Compatible Use Zones (AICUZ), and related Noise Zones and Accident Potential Zones (APZs) guidance into this Ordinance update. Input by Navy staff was consistent with the recommendations for the City of Norfolk contained within the 2005 Hampton Roads Joint Land Use Study (JLUS). The JLUS recommendations were incorporated into plaNorfolk2030 which identified compatible land use strategies to support the continued operations at Chambers Field.

The current public hearing draft document reflects the input received during this process and will be very beneficial in adding transparency and predictability into the issue of compatible land uses in proximity to Chambers Field. There are additional benefits that could be derived from this update such as implementing real estate disclosures consistent with existing State Code. As this process moves forward, we would request to stay engaged with the City on the implementation of these proposed updates. We want to ensure that we continue the coordination with the City by providing us with early reviews and notifications as future land uses are proposed within the Noise Zones and APZs. Establishing some type of joint review process such as those in place in neighboring communities is a best practice that we should consider for our coordination efforts.

Again thank you for the opportunity to continue our long standing partnership and working relationship with the City of Norfolk. My point of contact for this issue is Steve G. Jones, Community Plans Liaison Officer, 757-322-2333.

Sincerely,

R. C. McDaniels

R. C. McDANIEL
Captain, U.S. Navy
Commanding Officer

Copy to:

COMNAVREG MIDLANT (00/N02B)

Regional Engineer

Mayor Kenneth Alexander

Interim City Manager Doug Smith

Planning Commission Chairperson Earl P. Fraley, Jr.

Norfolk City Council

Norfolk Planning Commission

PIONEERED BY THE
ROCKEFELLER FOUNDATION

100 RESILIENT CITIES

October 13th, 2017

The Honorable Kenneth Cooper Alexander
Mayor, City of Norfolk
810 Union Street, Suite 1000
Norfolk, VA 23510

Dear Mayor Alexander,

100 Resilient Cities, pioneered by the Rockefeller Foundation, has been pleased to work with the City of Norfolk as one of our first cohort of Resilient Cities and has appreciated the enthusiasm and zeal that elected and appointed leaders together with city staff and citizens have brought to the fore. Norfolk has been a leader in this global effort in so many ways from hosting Dutch Dialogues Virginia to being the third city in the USA to unveil a Resilience Strategy. Norfolk has shown a commitment to resilience that many other communities across the world want to emulate.

In early 2015, when Norfolk requested our assistance in convening a panel of peers to discuss how best to incorporate resilience into a zoning ordinance, we were very happy to do so. Those two days of discussions and idea sharing produced a number of revelatory moments and concepts among all of the participants. These ideas very clearly found their way first into *Vision 2100*, Norfolk's groundbreaking public conversation on managing sea level rise, and now into the draft zoning ordinance, *Building a Better Norfolk*.

As groundbreaking as *Vision 2100* is, *Building a Better Norfolk* may be even more so. The concepts of a Resilience Quotient and Resilience Overlays are unique and exceedingly innovative; however, I do not anticipate that they will be unique for long as they represent a pragmatic approach to physical, neighborhood and economic resilience that can apply well beyond Norfolk. Obviously, resilience as a construct underpins much of the draft zoning ordinance.

100 Resilient Cities is thrilled to have played a part in the development of the draft zoning ordinance, but we are even more thrilled with the outcome that is the draft *Building a Better Norfolk*. It clearly represents a continuation of Norfolk's role as a thought leader in planning for a resilient future.

Sincerely,



Michael Berkowitz
President
100 Resilient Cities
Pioneered by The Rockefeller Foundation
MB/ds

cc: Christine Morris, Chief Resilience Officer

Shea, Paula

From: Shea, Paula
Sent: Tuesday, October 17, 2017 10:27 AM
To: Shea, Paula
Subject: Comments on Norfolk's Proposed Zoning Ordinance
Attachments: Berke.2017.doc

I Just carefully read the Resilience Quotient that Norfolk is considering to adopt as part of the city's zoning ordinance. Wow!

"The Resilience Quotient reflects Norfolk's pioneering role in advancing urban resilience. The RQ includes a Resilient Point System that offers an innovative and flexible approach to integration of resilience into development practices across the entire city. The range of options under three broad classes of resilience — risk reduction, stormwater management and energy resilience — offers one of the most, if not the most, advanced thinking in ordinance design in supporting a holistic approach to urban resilience. Other cities throughout the US can learn from Norfolk. Congratulations to Norfolk planners and the city leadership for leading the way!"

Attached is my bio in case you think it would be helpful.

Phil

Philip R. Berke, Professor
Department of Landscape Architecture & Urban Planning
Texas A&M University
College Station, TX 77843-3137

Director, Institute for Sustainable Communities
ifsc.tamu.edu

919 357 0239
pberke@tamu.edu

Philip R. Berke

Philip R. Berke is a Professor of land use and environmental planning in the Department of Landscape Architecture and Urban Planning at Texas A&M University, and Director of the Institute for Sustainable Communities. His research focuses on the relationship between community resilience and land use planning with specific focus on methods, theory and metrics of plans and implementation. He is the lead co-author of an internationally recognized book, *Urban Land Use Planning* (University of Illinois Press, fifth edition, 2006), which focuses on integrating principles of sustainable communities into urban form, and co-author of a book, *Natural Hazard Mitigation: Recasting Disaster Policy and Planning*, which was selected as one of the “100 Essential Books in Planning” of the 20th century by the American Planning Association Centennial Great Books. His 2015 publication on networks of plans and community resilience to hazards and climate change received the best Article Award, which is the highest award for scholarly research given by the American Planning Association. Dr. Berke serves on multiple national advisory boards and committees including the Urban Institute, the Rockefeller Global 100 Resilient Cities Program, Louisiana's Master Plan for Coastal Protection and Restoration, and the American Planning Association, and recently the National Research Council and The Water Institute of the Gulf. In 2013, he received the Award for Excellence in Doctoral Student Mentoring by the University of North Carolina Graduate School.

Sharp, Jeremy

From: Jones, Steve G CIV NAVFAC MIDLANT, PWD Norfolk <steve.g.jones@navy.mil>
Sent: Tuesday, October 17, 2017 1:20 PM
To: Sharp, Jeremy; Homewood, George
Cc: Beaver, Douglas J; Ballard, Brian P CIV CNI, ARE
Subject: Norfolk ASO-AICUZ.docx
Attachments: Norfolk ASO-AICUZ.docx

Jeremy,

As discussed I've highlighted each of the suggested changes in the Draft AICUS Ordinance document, which was shared with you a few weeks ago. In the earlier version changes were made in a WORD document without any tracking of changes. Earlier today I completed the side by side comparison of the original draft and revised draft from navy, the attached has strikethrough markings for deleted text and red text for new or replacement text.

V/r,

Steve

ZONING DISTRICTS

3.9 OVERLAY DISTRICTS

3.9.5. Airport Safety (ASO)/AIR INSTALLATIONS COMPATIBILITY USE ZONES (AICUZ) OVERLAY DISTRICTS

A. PURPOSE

The purpose of the Airport Safety Overlay (ASO) and air Installation compatibility Use Zone (AICUZ) districts is to establish standards of safety for lands in the immediate vicinity of airports. The purpose of the Noise Zones is to protect areas affected by aircraft noise associated with flight operations from the adverse impacts of those high noise levels, 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, and property and airport operations, and to limit physical obstructions which can interfere with aircraft maneuverability. By limiting physical obstructions which can interfere with aircraft maneuverability and normal operations at Norfolk International Airport and Naval Station Norfolk, and encourage compatible land uses in the affected areas.

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 applies to certain lands surrounding Norfolk International Airport.
- (2) The AICUZ Overlay applies to certain lands immediately surrounding Chambers Field and other air installations at Naval Station Norfolk, within the Hampton Roads Joint Land Use Study (JLUS) Air Installations Compatible Use Zones (AICUZ) Planning Map, first adopted in 2005 and revised in 2010, surrounding Chambers Field at Naval Station Norfolk.
- (3) If a portion of a parcel lies within one of the ASO or AICUZ sub-districts, the restrictions upon uses and structures apply only to that portion of the parcel located within the ASO or AICUZ sub-district(s).

C. DEFINITIONS

As used in this chapter, 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 twenty 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 Airport Safety Overlay District, (ASO/AICUZ Overlay), the datum shall be mean sea level elevation unless otherwise specified.

(6) Horizontal Surface

A horizontal plane one hundred fifty (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 as provided in Section 3.9.5.D(1), longitudinally centered on a runway. When the runway has specifically prepared hard surface, the primary surface extends two hundred (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 seven (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 Section 3.9.5.D(1), generally described in three (3) 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 .

~~power settings on takeoff and represents the least potential for aircraft accidents and risks within the AICUZ.~~

(a) Clear Zones (CZ) and Accident Potential Zones (APZ). In general, 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:

- (1) Clear Zone.** An area extending 3,000 feet beyond the runway ends with the greatest potential for aircraft accidents that should remain undeveloped.
- (2) 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.
- (3) 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 Air Installation Compatibility Use zone Overlay Within AICUZ 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:

- (1) Noise Zone 65 to 70 DNL.**
- (2) Noise Zone 70 to 75 DNL.**
- (3) Noise Zone Greater Than 75 DNL.**

E. SPECIFIC DISTRICT REGULATIONS WITHIN THE ASO/AICUZ OVERLAY

(1) Within the Airport Safety Overlay ASO/AICUZ

(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 (14 CFR 77.17, Obstruction Standards).

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:

- (1) Electrical interference with navigational signals or radio communication between the airport and aircraft.**

D. SUBDISTRICTS AND PURPOSE

(1) **Within the Airport Safety Overlay (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 Air Installation Compatibility Use Zone (AICUZ) Overlay, the following sub-districts are designated on the Official Zoning Map:

- (a) Clear Zone**
~~Within the clear zone, aircraft can be expected to operate at an altitude close to ground level, and therefore this area is the area of greatest aircraft accident potential and threat to human life and real property improvements.~~
- (b) Accident Potential Zone 1**
~~Accident Potential Zone 1 (APZ 1) is the glide zone, and area in which aircraft are transitioning to commit to touchdown or takeoff with high power settings in a descending or climbing attitude. It is an area of high concentration of air traffic and noise and represents the second greatest accident and risk potential.~~
- (c) Accident Potential Zone 2**
~~Accident Potential Zone 2 (APZ 2) is the rendezvous dispersion zone, the area over which aircraft are normally in a vulnerable flight attitude with variable power settings on landing and high~~

- (2) Reduced ability for pilots to distinguish between airport lights and other lights.
- (3) Glare in the eyes of pilots using the airport.
- (4) Diminished visibility in the vicinity of the airport.
- (5) Increased potential for bird strike hazards.
- (6) Any other interference or endangerment with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Within the Air Installation Compatibility Use Zone (AICUZ) 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 chapter shall be approved unless the uses and structures it contemplates are designated as compatible uses under either Table 3.9.5.E(2)(a) or 3.9.5.E(2)(b) below.

(a) Applicability

The provisions of this section shall 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 shall include applications for:

- (1) Rezonings, including conditional rezonings.
- (2) Conditional use permits for new uses or structures, or for alterations or enlargements of existing conditional uses where the occupant load would increase.
- (3) 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.
- (4) 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.

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 Section 3.9.5.E(2) shall be approved unless the uses and structures it contemplates are designated as compatible under Table 3.9.5.E(2)(c) and, if applicable, Table 3.9.5.E(2)(d) 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 shall approve the proposed use of property at the lowest density or intensity of development that is reasonable.

Compatible Uses in Accident Potential Zones

Table 3.9.5.E(2)(c) 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.

Compatible Uses in Noise Zones

Table 3.9.5.E(2)(d) 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.

Sound Attenuation

Sound attenuation measures shall 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.

Reservation of Powers; Severability

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 is entitled to exercise its authority in such applications to the fullest extent allowed by law.

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.

*****Tables*****

Sharp, Jeremy

From: john prince <johnhprince1@gmail.com>
Sent: Saturday, September 23, 2017 10:31 AM
To: Sharp, Jeremy
Subject: Re: Natural infrastructure

Jeremy, Small trees as listed may not be 2.5 inches in caliper often. That would be a difficult hurdle. I'd suggest Small trees be list at 7', really 6 also. I know there are concerns with this. But good shrub planting may be an alternative for this not wishing to gamble with trees.

This is good:

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

Remember that some grasses or lower shrubs will screen lightly, not super densely -which is often a good goal - so we want to make sure we are not overly encouraging old conventional and unattractive hedging.

Great!

Good: 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.

Ok, problem here. Landscaping generally speaking (not always) should really be executed between the dates of Sept 15 through May 15, not the other way around. If this were a private property owner then I'd say it is fine to install in summer times, but if commercial a fall/winter approach is best. But the approach suggested to wait until appropriate time frame to plant is very good.: 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.

8.

Great!:

LANDSCAPING PLAN 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:



The site involves space limitations or is an unusually shaped lot; Existing buildings are maintained;

Topography, soil, vegetation, or other physical conditions of the lot are such that full compliance is impossible or impractical;

Compliance with landscaping standards would endanger public safety;

Impact on the environmental quality of the lot and surrounding area will be improved with the proposed alternative landscaping plan; or

Strict compliance with landscaping standards is not practical.

IS there any encouragment for Native? I see nothing, but if there is point me in the right direction. Natural infrastructure is based on native use. I understand sometimes the word Native or Natural Heritage evokes unsure thoughts in today's popular and peculiar culture about our Southern natural heritage, but we need to keep in mind that this is an inclusive idea, and a structural/sustainable one.

I may have more thoughts, Jeremy.

Thanks!

John Prince

757-332-1562

www.facebook.com/PrinceLandscapes/

Instagram as princelandscapes

On Sep 18, 2017, at 8:19 AM, Sharp, Jeremy <jeremy.sharp@norfolk.gov> wrote:

John,

Thanks for the note. You're right, the hurricanes of late definitely remind us of our duties to get it right with this new zoning code. If you haven't seen it yet, we've got the public hearing draft ordinance (and map) posted now on our project website at zonenorfolk.com (or <https://www.norfolk.gov/index.aspx?NID=3910>). Please take a look and let me know if you have any suggestions – I'm guessing you will!

Thanks,
Jeremy

From: john prince [<mailto:johnhprince1@gmail.com>]
Sent: Monday, September 18, 2017 7:30 AM
To: Sharp, Jeremy <Jeremy.Sharp@norfolk.gov>
Subject: Natural infrastructure

Hey Jeremy, hope you are well. I trust your project is going well. I want to just remind that in all of this hurricane business of late it is imperative the city's codes reflect far updated natural infrastructure. I see many articles and other bits of info from areas in the Southeast recently who have experienced hurricanes, like Florida, who have glowingly reminded the public that their higher storm standards and storm-tolerant species - as well as updated building codes- have

allowed them to withstand the hurricanes much better than in the past. I would not be honest if I let this opportunity pass.

John Prince

757-332-1562

www.facebook.com/PrinceLandscapes/

Instagram as princelandscapes

Sharp, Jeremy

From: John Prince <johnhprince1@gmail.com>
Sent: Wednesday, October 11, 2017 4:37 PM
To: Sharp, Jeremy
Subject: Re: Natural infrastructure

Jeremy, hi. I was talking with Justin Shafer and it's possible that there really is a need to urge those approving the new codes (council, leaders) to include proper use of proper native trees in new development etc. I truly believe that city leadership does not understand the merit of this, given that they are grappling with resilience and sustainability issues. This should be part of the fore of their new approach with these updated codes. Again, many other Southeast coastal cities from here to East Texas have long since employed up to date native species in their municipal plantings and only allow them as such. Norfolk is way way behind. If we are marketing ourselves as hey city dealing with environmental issues, then we need to put our money where our mouth is.

Thanks. I hope you got my last email. I am sure you've been busy

John

On Sep 18, 2017, at 8:19 AM, Sharp, Jeremy <Jeremy.Sharp@norfolk.gov> wrote:

John,

Thanks for the note. You're right, the hurricanes of late definitely remind us of our duties to get it right with this new zoning code. If you haven't seen it yet, we've got the public hearing draft ordinance (and map) posted now on our project website at zonenorfolk.com (or <https://www.norfolk.gov/index.aspx?NID=3910>). Please take a look and let me know if you have any suggestions – I'm guessing you will!

Thanks,
Jeremy

From: john prince [mailto:johnhprince1@gmail.com]
Sent: Monday, September 18, 2017 7:30 AM
To: Sharp, Jeremy <Jeremy.Sharp@norfolk.gov>
Subject: Natural infrastructure

Hey Jeremy, hope you are well. I trust your project is going well. I want to just remind that in all of this hurricane business of late it is imperative the city's codes reflect far updated natural infrastructure. I see many articles and other bits of info from areas in the Southeast recently who have experienced hurricanes, like Florida, who have glowingly reminded the public that their higher storm standards and storm-tolerant species - as well as updated building codes- have allowed them to withstand the hurricanes much better than in the past. I would not be honest if I let this opportunity pass.

John Prince

757-332-1562

www.facebook.com/PrinceLandscapes/

Instagram as princelandscapes

Sharp, Jeremy

From: Joe Tromburg <joetromburg@gmail.com>
Sent: Monday, October 30, 2017 7:54 AM
To: Sharp, Jeremy
Subject: Re:

Jeremy,

Thank You so much for returning my call and filling me in on where Norfolk is at on short term rentals!

I have a few comments for you to consider and pass on. First might be for the legal team that you mentioned are working on things.

Here's what I recommend:

1. Require that short term renters sign a written contract with the owner/manager and that the city's rules be listed on the contract.
2. Add to the rules - no events of any kind allowed (parties, weddings, open houses, sales displays, etc.)
3. Charge for the registration. This needs to pay for the cost of maintaining and regulating. It is good that there is an initial investment made to be allowed to rent. It may discourage the unorganized less serious owners from renting.

Next I have a few comments and a recommendation for the vacation home rentals:

As I mentioned, I'm a MN licenced real estate agent now owning/residing in Norfolk, I've been involved with vacation homes since I bought one in 2001. I've studied the industry and have assisted others in setting up successful vacation homes. I also spent three years on a planning commision for a small city so I know how thankless your job can often be, so again - thank you for your work and taking the time to consider these things!

Vacation homes:

These really differ from homestay rentals. Homestay renters primarily are travelers, business persons, and vacationing couples.

Overall, vacation home renters are primarily vacationing families. This often includes infants, children, and the family pet. Families have special needs. They chose a vacation home for reasons like having a quiet bedroom for the baby/children to nap in, a safe private yard for the kids to play in, a kitchen for preparing a special diet, or just making healthy food for the family while they're on vacation. Homestays and hotels can't reasonably offer these things. By allowing vacation homes, Norfolk will attract vacationing families and be more family friendly. We have a lot to offer families. Our location is ideal for visiting all the greater Hampton Roads attractions. Visiting loved ones in our armed services is another attraction for families who choose our area.

Vacationers looking for a vacation home primarily want a home upscale from theirs with unique character that reflects the area they're vacationing in. Our character is a Hampton Roads Coastal Community. This includes the inlets, navigable creaks and riverfront.

Here's my recommendation:

In addition to allowing vacation homes in just the new zone, (which I feel is too limited and beach specialized) allow vacation home rentals for any **waterfront property with riparian rights**. I can assure you that you will have very few problems with these rentals. They are primarily upscale properties and the owners are more discreet. It's the non-unique properties that have less demand which causes owners to lower standards that result in problem rentals. By allowing waterfront homes in areas other than the R-C district, we will be providing many family vacationers with what they are looking for who aren't just all about the beach. This is a small amount of expansion over what your planning now, and will be an answer to those who say you are not allowing enough.

I sincerely hope you see this point of view and add waterfront property with riparian rights as allowed use in your proposed vacation home ordinance. Please feel free to forward this letter to others involved or to call me to discuss/clarify any of my comments. I will attend the Nov 9th planning commision meeting.

Thank you for your consideration!

Joe Tromburg
651-492-0102

On Mon, Oct 23, 2017 at 1:08 PM, Sharp, Jeremy <Jeremy.Sharp@norfolk.gov> wrote:

Good afternoon,

With our proposed zoning ordinance, we are looking to stick our toes in on legal vacation rentals. It would just allow them in Ocean View (in the new R-C) district and would put some limitations on them. We are also setting up a registration program that would be a requirement to operate. You can see the new zoning regulations in our draft ordinance (most recent draft linked [here](#)) on page 4-45.

If you have any thoughts and would like to comment, please shoot them my way prior to City Council's meeting on January 23rd.

Jeremy

Jeremy E. Sharp, AICP

Principal Planner



Planning Department

810 Union Street/Room 500

Norfolk, VA 23510

757-823-1087

Connect with us:



From: Joe Tromburg [mailto:joetromburg@gmail.com]
Sent: Monday, October 23, 2017 12:45 PM
To: Sharp, Jeremy <Jeremy.Sharp@norfolk.gov>
Subject:

Hello,

My name is Joe Tromburg and I recently moved to Norfolk from MN (I love Norfolk!). I'm a MN licensed real estate agent and have owned and operated vacation homes. I understand that Norfolk is considering allowing and licensing them and that a new ordinance is being written for the council to consider.

Do you have any involvement in this and if not could you refer me to whom I may contact? I would like to helpfully comment and see the ordinance before it goes to council.

Thank You!

Joe Tromburg
651-492-0102