

## **Exhibit A**

### **2-3 Definitions.**

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*Architectural review board (ARB).* The Norfolk Architectural Review Board composed of design professionals and others designated by the city council to exercise the powers and duties set forth in Chapter 18 of this ordinance.

*Design review process.* The procedures utilized to review projects involving the exterior design of structures in accordance with criteria established by the applicable regulations of this ordinance and the Norfolk City Code.

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## Exhibit B

### 3-1 Districts.

In order to carry out the purposes of this ordinance, the City of Norfolk is hereby divided into the following Zoning Districts and Overlay Districts:

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(f) *Historic and Cultural Conservation Districts.*

Ghent Historic and Cultural Conservation (HC-G1, HC-G2 and HC-G3)

West Freemason Historic and Cultural Conservation (HC-WF1 and HC-WF2)

East Freemason Historic and Cultural Conservation (HC-EF)

Hodges House Historic and Cultural Conservation (HC-HH)

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## Exhibit C

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### 8-0.8 *Review procedure.*

- (a) *Staff report.* Following the zoning administrator's receipt of the application for a downtown development certificate and his determination that it is complete pursuant to sections 8-0.4, the zoning administrator shall cause to have prepared a thorough review and analysis of the application and a written staff report. The zoning administrator's written report shall be forwarded to the Architectural Review Board.
- (b) *Architectural Review Board action.* Upon receipt of the written report from the zoning administrator, the Architectural Review Board shall evaluate the proposal using the criteria described above, particularly the project's conformity with the *Downtown Norfolk Pattern Book*, architectural integrity, and relationship to nearby buildings, and shall forward its recommendation to the planning commission to approve, deny, or approve subject to modification, along with the written report of the zoning administrator.
- (c) *Planning commission action.* Upon receipt of the written report of the zoning administrator and the recommendation of the Architectural Review Board, the planning commission shall evaluate the proposal using the criteria described above and forward its recommendation to approve, deny, or approve subject to modification, to the city council.
- (d) *City council action.* Upon receipt of the planning commission's recommendation, the city council shall decide to approve, deny, approve subject to modification, or remand the application back to the planning commission for its review of specific changes the applicant may wish to make to the application.

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## Exhibit D

### CHAPTER 9: HISTORIC AND CULTURAL CONSERVATION DISTRICTS (HC) AND HISTORIC LANDMARKS

#### 9-0 General provisions.

9-0.1 *Statement of intent.* The HC Historic and Cultural Conservation Districts, Historic Overlay Districts, and Norfolk Historic Landmark designation are intended to protect and conserve areas of the city and individual structures, premises and sites having special historic or cultural significance; encourage new development and redevelopment that is consistent with the character of existing development in these areas; prevent destruction of historic structures and encroachment by uses, structures and site development features that are incompatible with the unique appearance and historic and cultural significance of these areas; and help implement the historic preservation policies in the adopted comprehensive plan.

9-0.2 *Definitions.* [reserved.]

#### 9-1 Architectural Review Board (ARB).

9-1.1 *Creation.* The architectural review board (ARB) is created to administer the zoning regulations with regard to historic districts, historic overlay districts and historic structures and landmarks, pursuant to section 15.2-2307 of the Code of Virginia.

9-1.2 *Composition.* The ARB shall consist of nine (9) residents of the city with demonstrated interest and knowledge in historic preservation appointed by the city council, and shall include the following:

- (a) At least two (2) members shall be registered architects;
- (b) At least two (2) members shall be archaeologists, historians or architectural historians by profession;
- (c) At least one (1) member shall be a registered landscape architect;
- (d) At least one (1) member shall have experience or training in the field of engineering, real estate or planning;
- (e) At least two (2) members shall be residents or owners of property in one of the city's historic zoning districts or overlay districts; and

(f) At least one member shall be a member of the city planning commission.

9-1.3 *Terms of office.* The initial members shall be appointed for the following terms to commence from the effective date of their appointment:

(a) Two (2) members for a term of one (1) year;

(b) Two (2) members for a term of two (2) years;

(c) Two (2) members for a term of three (3) years; and

(d) Two (2) members for a term of four (4) years.

(e) The member of the city planning commission shall be appointed annually.

Thereafter all members other than the member of the city planning commission shall be appointed for a term of four (4) years from the date of appointment.

9-1.4 *Vacancies.* Any vacancy in the office of any member shall be filled by appointment by the city council for the remainder of the unexpired term.

9-1.5 *Meetings.*

(a) *Chairperson.* At its first meeting of each year, the ARB shall elect from its membership a chairperson and a vice-chairperson, whose terms shall be for one year.

(b) *Frequency.* Meetings shall be held regularly and scheduled not less than one time per month. Special meetings may be called by the chairperson or by motion of any member approved by majority vote. The chairperson may cancel meetings for which no applications are received.

(c) *Voting.* A majority of the members of the commission shall constitute a quorum and no act of the commission shall be valid unless authorized by a majority vote of those present and voting.

(d) *Rules of procedure.* The ARB shall adopt bylaws or rules of procedure governing the transaction of its business and execution of its duties and responsibilities, provided that such rules do not conflict with the provisions of this ordinance.

9-1.6 *Duties and responsibilities.* The ARB has the following powers and duties in connection with the implementation of this ordinance:

(a) To grant or deny certificate of appropriateness (COA) requests in accordance with this chapter.

- (b) To adopt historic or architectural standards and guidelines applicable to properties located in historic districts, historic overlay districts, or properties designated as individual historic structures or landmarks.
- (c) To review applications for the designation and boundaries of historic districts or historic overlay districts and the designation of individual historic structures or landmarks and to make recommendations regarding such to the city planning commission.
- (d) To review all applications for properties nominated for listing on the U.S. Department of the Interior's National Register of Historic Places.
- (e) To advise the city planning commission, the city council, or any other committee or commission established by the city council, with regard to regulations which may be appropriate to promote the preservation of historic areas, structures, properties or landmarks in the city;
- (f) To recommend the adoption of policies, procedures, guidelines, regulations, and amendments to laws or ordinances which promote the preservation of historic areas, structures, properties or landmarks in the city for the purposes of protecting the health, safety, or general welfare of the public;
- (g) To act in accordance with any directions, limitations, or guidance which may be given to it by city council with respect to any provision of this zoning ordinance or other provision of City Code.

## **9-2 Designation of historic districts, structures or landmarks.**

9-2.1 *Effect of designation.* If the city council approves creation of an HC district, historic overlay district, or the designation of an historic structure or landmark, its action shall include a declaration that the district, structure, or landmark is in fact of historic and cultural significance requiring protection against destruction and encroachment and that all recommendations or modifying general regulations set forth herein are adopted by reference and are to be applied thereto.

9-2.2 *Process for designation of HC district or historic overlay district.*

- (a) *Application.* Upon its own motion or upon request from any individual or organization, the ARB may direct staff to prepare an application and report regarding the areas, buildings, premises and sites proposed for designation as an HC zoning district.

- (b) *Report.* The report shall identify the proposed boundaries of the district, identify the period of historical significance, define the historic and cultural character of the district, describe the structures, sites and features of substantial historical significance, present trends and conditions related to preservation of structures in the district, identify public objectives for future conservation, development or redevelopment, and recommend detailed zoning regulations to apply within the district. Such report shall include:
- (1) An inventory of all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed local district indicating period of construction, architectural style, condition, present use, a basic site plan, and a photograph of the primary resource and any secondary resources.
  - (2) An analysis of lands not occupied by structures, including vacant lots and areas in, near, or visually related to the district.
  - (3) Recommendations concerning detailed regulations to be applied within the district, which may include a list of permitted principal and accessory uses and structures, uses and structures permissible only by special exception, minimum lot and yard requirements, maximum lot coverage by all buildings, height of structures, off-street parking and loading requirements, and regulations of signs and exterior illumination.
- (c) *Recommendation by ARB.* Upon review of the application and the report, the ARB shall make a recommendation to the city planning commission regarding the designation of the district. The recommendation shall be based on consideration of all of the following characteristics and approval shall only be recommended if at least one is found to exist:
- (1) The area exemplifies the architectural cultural, economic, social, political, artistic, or religious history of the city.
  - (2) The area exemplifies the architectural character of a particular era in the history of the city.
  - (3) The area is the site of an historic event which had a significant impact on the history of the city.
  - (4) The area contains open space, street configurations, topographical features, bodies of water, or landscaped grounds of significance with regard to urban planning or landscape

architecture.

- (d) *Recommendation by city planning commission.* The city planning commission, upon review of the application, recommendation by the ARB, and in accordance with the public hearing provisions required by applicable state law, may recommend to the city council that the area identified in the application be designated as an historic district. Approval or denial shall be based on the same criteria set forth for consideration by the ARB in subsection (c), above.
- (e) *Approval by city council.* The city council, upon review of the application, recommendation by the city planning commission, and in accordance with the public hearing provisions required by applicable state law, may designate the area identified in the application as an historic district. Approval or denial shall be based on the same criteria set forth for consideration by the ARB in subsection (c), above, provided that only those geographical areas where a majority of the properties meet those criteria shall be included within the boundaries of the district.
- (f) *Placement on zoning map.* Any properties located within the boundaries of the historic district shall be designated as such on the official zoning map.

9-2.3 *Process for designation of structures and landmarks.* Any building, structure, or site which is at least 50 years old may be designated as a Norfolk Historic Landmark if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the City of Norfolk or its surrounds.

- (a) *Application.*
  - (1) Upon a completed application by the property owner or any person with the property owner's written consent, any qualifying property may be considered for designation as a Norfolk Historic Landmark.
  - (2) A completed application shall contain at least the following information, unless deemed unnecessary by the zoning administrator, to permit appropriate evaluation:
    - (i) A legal description and physical survey of the property and any building on the property;
    - (ii) Comprehensive exterior photographs of the property



including any significant historic features and elevations of each face of any building on the property;

- (iii) Historic photographs, drawings, plats, maps or other physical depictions of the property or any building on the property;
- (iv) Photographs of the area surrounding the property sufficient to provide an architectural and physical context around the property;
- (v) Any written or printed history about the property or any building on the property, including bibliographic information identifying the date and author of the writing;
- (vi) Documentation that the property or any building on the property is listed on the U.S. Department of the Interior's National Register of Historic Places or the Virginia Landmarks Register, if applicable; and
- (vii) List of all sources searched and referenced in preparation of the application materials.

(b) *Recommendation by ARB.* Upon review of the application, the ARB shall make a recommendation to the city planning commission. The recommendation shall be based on consideration of all of the following criteria and approval shall only be recommended if at least one is found to exist:

- (1) The historic, architectural, or cultural significance, if any, of the building, structure, or site considered on its own merits and which distinguish it from other similar or common buildings, structures or sites in the same vicinity;
- (2) Whether the building, structure, or site is located in an area that is not appropriate or eligible for designation as a local historic district when considered in its entirety;
- (3) The association of the building, structure or site with an historic person or event of national, state, or regional significance or with a renowned architect or master craftsman;
- (4) The age and condition of the building or structure and whether significant portions are at least 50 years old;

- (5) The degree to which the original or distinguishing character, qualities, or materials of a building or structure on the property have been retained and have not undergone changes such that the historical integrity of the property is no longer significantly evident; and
  - (6) Whether the property has been listed on the U.S. Department of the Interior's National Register of Historic Places or the Virginia Landmarks Register.
- (c) *Recommendation by city planning commission.* The city planning commission, upon review of the application, recommendation by the ARB, and in accordance with the public hearing provisions required by applicable state law, may recommend to the city council that application be granted or denied. Approval or denial shall be based on the same criteria set forth for consideration by the ARB in subsection (b), above.
- (d) *Approval by city council.* The city council, upon recommendation by the city planning commission, and in accordance with the public hearing provisions required by applicable state law, may designate any such structure or landmark to be designated as a Norfolk Historic Landmark. Approval or denial shall be based on the same criteria set forth for consideration by the ARB in subsection (b), above.
- (e) *Placement on zoning map.* Each property designated as a Norfolk Historic Landmark shall be marked as such on the official zoning map.
- (f) *Other regulations.* Any building or structure designated as a Norfolk Historic Landmark may be eligible for certain benefits or permissions that might not otherwise be available, including all of the following:
- (1) Compliance with building code requirements may be achieved through application of the provisions of the International Existing Building Code provisions of the Virginia Rehabilitation Code, part II of the Virginia Uniform Statewide Building Code.
  - (2) A building or structure that is nonconforming or which serves or houses a nonconforming use may use special provisions set forth in Chapter 12 of this ordinance.
  - (3) Required off-street parking requirements may be reduced as set forth in Chapter 15 of this ordinance.

### 9-3 Certificate of appropriateness.

9-3.1 *When certificate of appropriateness required:* On any property located within an historic district or historic overlay district or designated as a Norfolk Historic Landmark, a certificate of appropriateness (COA) shall be required in all of the following circumstances:

- (a) The exterior appearance of any building or structure is altered or a building is constructed, reconstructed, or relocated.
- (b) Any exterior alteration, without regard to whether such alteration requires a building permit, is made that can change the exterior appearance of a building or structure, including but not limited to, replacement of doors, windows, window sashes, porch railings, floors and ceilings, roofs or portions of roofs, installation, removal, or replacement of trim detail, shutters, gutters or down spouts, exterior mechanical and lighting fixtures, and sign face changes.
- (c) Any driveway is installed to access the property.
- (d) Any encroachment into a public right-of-way for an improvement or feature related to the operation or enjoyment of the property is installed.
- (e) Any site feature or appurtenance, including but not limited to, walls, fences, arbors, paved parking areas, patios, decks, garages, tool sheds, other accessory structures, signs, is constructed or installed on the property provided that any part of the feature or appurtenance is visible from a public right-of-way or a public space.
- (f) All or any significant part of a structure is proposed to be demolished, in accordance with the regulations set forth in subsection 9-3.6, below.

9-3.2 *Failure to secure certificate of appropriateness.*

- (a) *Zoning violation.* Any action for which a COA is required but for which no such certificate has been granted shall constitute a zoning violation.
- (b) *After-the-fact review.* Notwithstanding the above, any action for which a COA is required but which was performed before a certificate approving such had been granted shall not constitute a zoning violation if application is made within 30 days of receiving notice that such action requires a certificate of appropriateness and, upon timely consideration by the ARB, the application is approved. All applications for an after-the-fact review shall require the payment of any application fee plus an after-

the-fact filing fee as established by the city manager.

- (c) *Driveway permits.* No driveway permit shall be issued by the department of public works unless and until a COA has first been obtained.
- (d) *Board of Zoning Appeals.* The board of zoning appeals shall take no action on any application for a variance on property where the proposal would require a COA until after the application for the COA has been approved or denied.

9-3.3 *When certificate of appropriateness not required.* Notwithstanding the provisions set forth in section 9-3.1, above, no COA shall be required for the following activities:

- (a) Ordinary maintenance, such as repainting of previously painted surfaces, or repair of any building or any structure using the same materials having the same appearance as those being repaired. Replacement of a building element, feature or appurtenance shall not be interpreted to constitute ordinary maintenance for purposes of this provision unless it is a like-for-like replacement in all respects of material, function and exterior appearance and the material is acceptable based on the adopted historic or architectural standards and guidelines applicable to the building or structure.
- (b) Ordinary yard maintenance and landscaping of premises and sites.
- (c) The emergency demolition of any structure or any portion of any structure which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code official or his authorized designee and the fire marshal or his authorized designee whenever they have determined that such dangerous, hazardous or unsafe condition could reasonably be expected to cause death or serious physical harm. The code official shall notify the director of the department of planning about the demolition of the structure and the director of the department of planning shall notify the chairperson of the ARB and any other interested person identified by the director of the department of planning as soon as practicable after such a determination has been made.
- (d) The alteration or improvement of any portion of the exterior appearance of any building located within the Ghent Historic and Cultural Conservation Districts (HC-G1, HC-G2 and HC-G3) or the West Freemason Historic and Cultural Conservation Districts (HC-WF1 and HC-WF2) or any

portion of the exterior of a Norfolk Historic Landmark that is not visible from any public right-of-way.

- (e) The alteration or improvement of any portion of the exterior appearance of any building located within the Downtown Historic Overlay District (HO-D) or the East Freemason Historic and Cultural Conservation District (HC-EF) that is not visible from any public right-of-way other than an alley, as defined in section 2-3 of this ordinance.

#### 9-3.4 *Application for certificate of appropriateness:*

- (a) *Materials to be submitted for review.* All of the following information shall be submitted in connection with the application unless a waiver is requested from and granted by the planning director as being unnecessary for the review or for other good cause shown:
  - (1) Architectural plans for principal structures and accessory structures at a scale no smaller than 1/8 inch equaling one (1) foot;
  - (2) Site plans at a scale no smaller than one (1) inch equaling 40 feet;
  - (3) Landscaping plans, including fence or wall plans at a scale no smaller than one (1) inch equaling 40 feet;
  - (4) Proposed signs and site appurtenances with appropriate detail as to character;
  - (5) Proposed exterior lighting arrangements;
  - (6) Elevations of all portions of structures with important relationships to public views and identification of construction materials, product specifications, design of doors and windows, ornamentation, colors and other design details;
  - (7) Photographs or perspective drawings indicating visual relationships to adjoining structures and spaces;
  - (8) All application fees, including the after-the-fact filing fee, if applicable; and
  - (9) Such other exhibits and reports as may be deemed necessary by the applicant or the ARB or for a proper consideration of the application.

Paper copies of materials submitted for review shall be a maximum size of 11 inches by 17 inches and shall conform to the scale requirements established above unless a waiver is requested from and granted by the planning director for good cause shown.

- (b) *Electronic documents required.* All materials submitted for review in paper format shall also be submitted in electronic format providing an equivalent degree and extent of detail, color, resolution and aspect.
- (c) *Notice must be posted.* The applicant for any COA shall post a notice on the premises that is the subject of the application. The notice shall be posted in a location visible from the public right-of-way not less than seven (7) days prior to initial consideration of the application by the ARB and shall remain posted until a final decision is made by the ARB, or if appealed, by the city council. Planning department staff shall make available a standard notice placard which an applicant may use to satisfy the requirements of this provision. Failure to post the notice as required shall suspend consideration of the application until such time as this provision has been complied with in its entirety.
- (d) *Staff report.* Upon determining that the application is complete, planning department staff shall make a field visit to the property and photographically document the existing conditions of the structure with particular attention to any feature that is the subject of the application. Thereafter, staff shall prepare a report for the ARB detailing the proposal and supplementing the application with additional information, research, photographs of the property, and historic documents, including photographs, plats or surveys that are available but are not part of the application. For properties located in an historic district or historic overlay district, the staff report shall evaluate how the proposal relates to any design guidelines adopted for the applicable district.

9-3.5 *Review of application for certificate of appropriateness; effect of approval:*

- (a) *Review by architectural review board.* The ARB shall, after reviewing all materials submitted for the application, the staff report, any presentation by the applicant if such is offered, any public comment offered and a field visit if it shall deem such an examination necessary, issue a COA if it finds that:
  - (1) For a property located in any historic district, the proposal is appropriate to the character, appearance and efficient functioning of the district and does not adversely affect the

primary character of the district. For an application involving property located in any HC district or HO district, the ARB must also find that the proposal is generally consistent with any applicable design guidelines adopted by the ARB and in effect for the applicable district or historic overlay district.

- (2) For a property designated as a Norfolk Historic Landmark, that the proposal is architecturally compatible with the historic nature of the building or landmark and preserves its distinguishing characteristics and historic significance.
- (b) *Record of proceedings.* A record of the proceedings before the ARB regarding each action taken on an application for a COA shall be maintained. The ARB shall state on the record the basis for a decision to approve or deny any application.
- (c) *Appeals.*
- (1) Any person owning real property in a historic district or historic overlay district shall have the right to appeal to the city council of the City of Norfolk for review of a decision of the ARB involving property in the same historic district or historic overlay district by setting forth in writing the basis of the appeal, provided such petition is filed within 14 days after the final decision is rendered by the ARB. When considering an appeal, city council shall apply the same considerations and make the same findings required of the ARB for the type of application presented.
  - (2) A further right of appeal shall be available in each of the following circumstances:
    - (i) The applicant seeking a COA, or his authorized agent, may appeal to the circuit court of the City of Norfolk for review of a decision of the city council to deny the application by filing a petition at law, setting forth the alleged illegality of the action of the city council, provided such petition is filed within 14 days after the final decision is rendered by the council.
    - (ii) Any person owning real property in a historic district or historic overlay district may appeal to the circuit court of the City of Norfolk for review of a decision of the city council to issue a COA for demolition or partial demolition

of a building or structure located on property in the same historic district or historic overlay district by setting forth in writing the basis of the appeal, provided such petition is filed within 14 days after the final decision is rendered by the council. The filing of the petition shall stay the decision of the city council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the city council if such decision denies the COA to demolish a building or structure.

- (d) *Effect of approval.* An approved COA shall permit only those alterations shown in the application and shall expire three (3) years after the date of issuance with respect to any portion of the alteration work that has not been completed.

#### **9-4 Demolition.**

9-4.1 *General requirements.* Except where necessary for the protection of public safety as authorized under section 9-3.3(c), above, no permit shall be issued for demolition of all or any significant part of a structure located within an historic district or an historic overlay district or designated as a Norfolk Historic Landmark until the ARB has held public hearing on the application for a certificate of appropriateness and approved such a certificate in accordance with all other procedures set forth in section 9-3.5, above, or, failing such approval, as specified in subsection 9-4.3, below.

9-4.2 *Review by architectural review board.*

- (a) *Review criteria.* In reviewing an application for a certificate of appropriateness to raze or demolish a structure within an HC or HO District, the ARB shall review the circumstances and the condition of the structure or part proposed for demolition and shall report their findings based on consideration of any or all of the following criteria:
  - (1) Whether the structure is a building determined to be contributing to the district. For purposes of this section, a building is contributing to the district if it has not been so altered by later renovations so that the architectural integrity of the original building has been substantially compromised and it is identified in the National Register Nomination or, if not identified in the Register, then a determination is made that the building was constructed during the period of historical significance for the district as identified in the Register;



- (2) For any building that is determined to be not contributing to the district, whether it is of such old, unusual, or uncommon design, texture and material that it could not be reproduced, or be reproduced only with great difficulty;
  - (3) For any building that is determined to be not contributing to the district, whether it is situated in relation to other buildings such that it has significance beyond any individual merit and the demolition would adversely effect the continuity or character of the area; or
  - (4) Whether the demolition would be detrimental to the public interest or would be inconsistent with the adopted general plan.
- (b) *Determination.* The ARB shall review the circumstances and condition of the structure or part proposed for demolition and shall determine feasibility of preservation. If preservation is found to be economically infeasible, the COA for demolition shall be issued by the ARB.
- (c) *Economic infeasibility.* The burden to adequately demonstrate economic infeasibility shall be on the applicant for the COA. In considering economic infeasibility, the ARB shall consider objective information showing whether preservation of the building would generate a reasonable economic return and not the current property owner's particular financial resources or particular preference for use of the structure. No portion of the costs associated with preservation that is related to neglect or lack of maintenance of the property by the current owner shall be considered for purposes of determining economic infeasibility.
- (1) All of the following documents shall be provided by the applicant in order to facilitate a determination of economic infeasibility, unless any of them are deemed unnecessary by the planning director:
    - (i) An appraisal of the property where the demolition is proposed;
    - (ii) A report completed by a person with demonstrated expertise in historic structures detailing the estimated cost to perform an historic rehabilitation of the property; and
    - (iii) A structural report completed by a licensed engineer with demonstrated expertise in historic structures.

- (iv) Any other document or information that might be requested by the ARB during its consideration of the application for a COA.
- (2) If preservation is found to be economically feasible, the ARB shall take or encourage the taking of whatever steps will likely to lead to preservation.

9-4.3 *Alternative; offer for sale.*

- (a) *Requirements.* In the event that the COA for demolition is formally denied by the ARB and, if appealed, the denial is upheld by the city council, the property owner shall offer the property for sale, at a price reasonably related to its fair market value and for a specified period of time, to any party willing to preserve and restore the landmark, building or structure and the land pertaining thereto. The time schedule for offers to sell is as follows: three (3) months when the offering price for the particular property is less than \$25,000.00; four (4) months when the offering price is \$25,000.00 or more but less than \$40,000.00; five (5) months when the offering price is \$40,000.00 or more but less than \$55,000.00; six months when the offering price is \$55,000.00 or more but less than \$75,000.00; seven (7) months when the offering price is \$75,000.00 or more but less than \$90,000.00; and 12 months when the offering price is \$90,000.00 dollars or more. If no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of the property within the above specified period, the demolition permit shall be issued.
- (b) *Notice.* Before listing a property for sale in accordance with subsection (a), above, an owner shall first file a written notice with the planning director. The notice shall identify the property, state the offering price, the date the listing for sale is to begin and the name of the listing real estate agent, if any. The required time periods listed in subsection (a), above, shall not commence to run unless the notice has been provided. Within five (5) days after receipt of the notice, the planning director shall notify the chairperson of the ARB and any other interested person identified by the planning director.

9-4.4 *Conditions.* In the event a COA allowing the demolition of all or part of a structure is approved, the following limitations and conditions shall apply:

- (a) The COA shall expire 12 months from the date of approval if the demolition has not been accomplished;

- (b) If, during the demolition process, archeological discoveries or cultural remains are unearthed, the recipient of the COA shall:
  - (1) Cease all demolition activities and contract with a qualified archaeologist to conduct an archeological survey;
  - (2) Upon the conclusion of the survey, the archaeologist shall forward to the planning director a written plan to protect or preserve the discoveries in a manner consistent with the applicable provisions of the “Guidelines for Conducting Historic Resources Survey in Virginia” published by the Virginia Department of Historic Resources;
  - (3) The planning director shall review the plan and shall, within 21 days, issue a determination regarding its sufficiency and identifying any improvements that might be made to it; and
  - (4) After receipt of the determination of sufficiency, the plan or any amended plan that might result from the review process shall be executed before demolition shall be permitted to resume.
- (c) Any other condition imposed by the ARB or, if appealed, the city council as part of the approval of the COA.

**9-5 Required maintenance.**

All buildings and structures within an historic district or historic overlay district or designated as a Norfolk Historic Landmark shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with the applicable maintenance provisions of the Uniform Statewide Building Code.

**9-6 General development standards applicable in all HC districts.**

9-6.1 *Parking and loading.* Parking and loading shall be provided in the HC Districts in conformance with the parking and loading requirements set forth in Article III, Chapter 15 of this ordinance.

9-6.2 *Signs.* All signs within the HC Districts shall conform to the applicable sign requirements set forth in Article III, Chapter 16 of this ordinance.

9-6.3 *Landscaping and buffering.* Landscaping and buffering shall be provided in the HC Districts in conformance with the landscaping and buffering requirements set forth in Article III, Chapter 17 of this ordinance.

- 9-6.4 *Accessory uses.* Accessory uses and structures are permitted in all HC Districts, subject to the provisions of Article III, Chapter 13 of this ordinance. An accessory structure shall be clearly subordinate to the primary structure in aspects of size and appearance.
- 9-6.5 *Exterior illumination.* Exterior illumination other than from streetlights that are part of the city's streetlight program shall be provided by fixtures that are determined by the ARB to fit the context of the surroundings. Such lighting shall be located and designed to ensure that no greater than 5.0 foot-candles of illumination spills onto any public right-of-way or non-residential property and that no more than 0.5 foot-candles of illumination spills onto any adjacent residential properties when measured at the property line.
- 9-6.6 *Ancillary mechanical equipment and accessory structures.* All ancillary mechanical equipment and ancillary accessory structures, such as garbage can corrals, shall be shielded from public view using structural or landscape means. The ARB shall determine the appropriateness of the method, design and material used for screening.
- 9-6.7 *Fenestration in buildings used commercially.*
- (a) For an existing building with a commercial use, any window facing a public street shall be kept transparent such that no signage, films, fixtures, furnishings or the like shall be installed or positioned so as to block the window's transparency. However, interior or exterior decorative window treatments that do not obscure more than 50% of the required transparency are exempt from this provision.
  - (b) For new buildings with a commercial use, at least 50% of the total area of the ground floor of any façade facing a public street shall be transparent. Signage, films, fixtures, furnishings or the like that are positioned in such a way that they block any portion of the required transparency are prohibited. However, interior or exterior decorative window treatments that do not obscure more than 50% of the required transparency are exempt from this provision.

## **9-7 Ghent Historic and Cultural Conservation Districts (HC-G1, HC-G2 and HC-G3).**

- 9-7.1 *Purpose statement.* The Ghent Historic and Cultural Conservation Districts are of substantial historic and cultural significance because of their compatible and harmonious buildings, reflecting the eclectic architectural styles of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, and because the area was the first planned residential suburb within the City of Norfolk.

It is the intent of the HC-G1, HC-G2 and HC-G3 District regulations to protect the existing concentration of harmonious and noteworthy structures and sites against destruction, to encourage uses and activities which will foster their conservation and improvement, to prevent the creation or encroachment of adverse environmental influences, and to assure that new structures and uses within the districts will be in keeping with the established character of Ghent, which is to be preserved and enhanced. In view of the primary residential character of the HC-G1 and HC-G2 Districts, it is further intended that these be considered residential districts. In the HC-G3 (Ghent Historic and Cultural Conservation District), limited commercial uses would be permitted to retain structures of historical and architectural significance by permitting their adaptive reuse subject to appropriate development standards.

9-7.2 *Principal uses.* The uses permitted by right or by special exception in each of the HC-G1, HC-G2 and HC-G3 zoning districts are set forth in Table 9-A and shall be allowed upon grant of a zoning certificate and compliance with all applicable requirements of this ordinance. Grant of any special exception shall be in accordance with the requirements of Chapter 25 of this ordinance.

9-7.3 *Lot area, lot width, lot coverage and required yards.* Any lot in the HC-G1, HC-G2 and HC-G3 districts shall have the minimum lot area, minimum lot width, maximum lot coverage, and setbacks defined in Table 9-B.

9-7.4 *Building height.* On any lot in the HC-G1, HC-G2 and HC-G3 districts the following regulations shall apply:

- (a) Principal buildings shall be at least 25 feet in height but not more than 35 feet in height.
- (b) Accessory buildings shall be not more than 25 feet in height.
- (c) Deviations from the height requirements, either higher or lower, may be authorized by special exception in accordance with the requirements of Article V, Chapter 25, provided, however, that a COA for the structure has been obtained prior to the granting of the special exception. A special exception for a height deviation shall not be granted unless the city council finds that the resulting structure does not appear to either dominate or be dominated by adjacent and nearby structures.

## **9-8 West Freemason Historic and Cultural Conservation Districts (HC-WF1 and HC-WF2).**

9-8.1 *Purpose statement.* The West Freemason Historic and Cultural Conservation Districts are of substantial historic and cultural significance because they contain a range of harmonious and compatible buildings, including individual structures

of particular architectural importance, from the late 18<sup>th</sup> and early to mid 19<sup>th</sup> centuries. The districts contain the last remaining concentration of such structures within downtown Norfolk. The general area and two individual buildings within it are included both in the Virginia Landmarks Register and in the National Register of Historic Places.

It is the intent of these district regulations to protect the existing concentration of harmonious and noteworthy structures and sites against destruction, to encourage uses and activities which will foster their conservation and improvement, to prevent the creation or encroachment of adverse environmental influences, and to assure that new structures and uses within the district will be in keeping with the established character of the West Freemason area, which is to be preserved and enhanced.

9-8.2 *Principal uses.* The uses permitted by right or by special exception in each of the HC-WF1 and HC-WF2 zoning districts are set forth in Table 9-A and shall be allowed upon grant of a zoning certificate and compliance with all applicable requirements of this ordinance. Grant of any special exception shall be in accordance with the requirements of Chapter 25 of this ordinance.

9-8.3 *Lot area, lot width, lot coverage and required yards.* Any lot in the HC-WF1 and HC-WF2 districts shall have the minimum lot area, minimum lot width, maximum lot coverage, and setbacks defined in Table 9-B.

9-8.4 *Building height.* On any lot in the HC-WF1 and HC-WF2 districts the following regulations shall apply:

- (a) Principal buildings shall be at least 25 feet in height but not more than 45 feet in height.
- (b) Accessory buildings shall be not more than 25 feet in height.
- (c) Deviations from the height requirements, either higher or lower, may be authorized by special exception in accordance with the requirements of Article V, Chapter 25, provided, however, that a COA for the structure has been obtained prior to the granting of the special exception. A special exception for a height deviation shall not be granted unless the city council finds that the resulting structure does not appear to either dominate or be dominated by adjacent and nearby structures.

## **9-9 East Freemason Historic and Cultural Conservation District (HC-EF).**

9-9.1 *Purpose statement.* The East Freemason Historic and Cultural Conservation District is of substantial historic and cultural significance because it contains four

historic buildings individually listed on the Virginia Landmarks Register and the National Register of Historic Places (Freemason Street Baptist Church, Moses Myers House, Norfolk Academy, and Willoughby-Baylor House).

It is the intent of the HC-EF District regulations to protect the existing historic structures against destruction, to encourage uses and activities that will be compatible with the historic structures in terms of nature of activity and scale and character of development, to prevent the creation or encroachment of adverse environmental influences, and to further the objectives for the development of Downtown Norfolk as specified in the Norfolk general plan and in other plans adopted by the city council.

9-9.2 *Principal uses.* The uses permitted by right or by special exception in the HC-EF zoning district are set forth in Table 9-A and shall be allowed upon grant of a zoning certificate and compliance with all applicable requirements of this ordinance. Grant of any special exception shall be in accordance with the requirements of Chapter 25 of this ordinance.

9-9.3 *Building height.* On any lot in the HC-EF district the following regulations shall apply:

- (a) The first floor elevation of any new construction of three stories shall be between four (4) and five (5) feet above grade unless greater elevation is required by applicable flood plain regulations. The first floor elevation of any new construction of four (4) stories or more may be at grade unless a greater elevation is required by applicable flood plain regulations.
- (b) Two-story buildings: 50 feet.
- (c) Three-story buildings: 50 feet.
- (d) Buildings with four or more stories: 60 feet.

9-9.4 *Maximum lot coverage.* The maximum lot coverage by buildings for offices is 25% of lot area. The maximum lot coverage for residential or mixed use is 55% of lot area.

## **9-10 Hodges House Historic and Cultural Conservation District (HC-HH).**

9-10.1 *Purpose statement.* The Hodges House Historic and Cultural Conservation District is of substantial historic and cultural significance because it contains one of the few early plantation houses remaining within the City of Norfolk.

It is the intent of this district to protect this existing significant structure and its premises against destruction; to encourage economically feasible uses which will

lead to its continuance, conservation, and improvement in a manner appropriate to preservation of the cultural and historic heritage of the city; to assure that the site remains generally open in character, consistent with the traditional setting of the historic structure and with the surrounding area; and to protect and promote the general welfare by maintaining and increasing property values and making the district a more attractive and desirable place.

9-10.2 *Principal uses.* The uses permitted in the HC-HH zoning district are set forth in Table 9-A and shall be allowed upon grant of a zoning certificate and compliance with all applicable requirements of this ordinance.

9-10.3 *Building height.* The maximum height in the HC-HH District shall not exceed 30 feet.

9-10.4 *Yard requirements.* Required yards for each lot in the HC-HH district shall be defined as follows:

- (a) Ten (10) feet along the eastern and southern edges of the district.
- (b) 25 feet along the Marsh Street frontage of the district.
- (c) 45 feet along the Indian River Road frontage of the district.
- (d) Accessory uses and structures may be located within the buildable area defined by the yard requirements, subject to a COA.



**TABLE 9-A LAND USES**

Land Use	District							Comments
	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2	HC-EF	HC-HH	
<b>P = Permitted Use</b> <b>S = Special Exception Use</b>								
<b>RESIDENTIAL USES</b>								
Multi-Family (3-6 units)		P		P	P	P		
Multi-Family (7 or more units)		P		P	P	P		
Single-Family	P	P	P	P	P			
Townhouse		P		P	P			
Two-Family		P		P	P			
<b>OFFICE USES</b>								
Office			P	P	P	P	P	Limited to "small scale" determined by the Zoning Administrator to be compatible with the purpose of the District
<b>COMMERCIAL USES</b>								
Antique Store			P	P	P	P		
Art Gallery				P	P	P		
Bed and Breakfast	S	S	S	S	S		P	Special Exception Subject to §25-10.10
Eating and Drinking Establishment					S			Special Exception Subject to §25-10.1
Eating Establishment					P			
Entertainment Establishment					S			Special Exception Subject to §25-10.1
Financial Institution					P	P		
Parking Facility					S			Special Exception Subject to §25-9
Retail Goods Establishment			P	P	P	P		Limited to "small scale" specialty shops determined by the Zoning Administrator to be compatible with the purpose of the District



**TABLE 9-B DEVELOPMENT STANDARDS**

Standard	District				
	HC-G1	HC-G2	HC-G3	HC-WF1	HC-WF2
Minimum Lot Area (sq. ft.)					
• Single-Family Detached	2,500				
• Two-Family	3,750				
• Townhouse	1,800				
• Multi-Family	1,650 per unit and not less than 5,000				
• Other Uses	10,000			2,500	
Minimum Lot Width (feet)					
• Single-Family Detached	25				
• Two-Family	37.5				
• Townhouse	18				
• Multi-Family	50				
• Other Uses	100			35	
Yard Requirements (feet)					
• Front Yard (min-max) <sup>1</sup>	17-20			7-10	
• Rear Yard <sup>2</sup>	3				
• Side Yard Adjacent to Street	5, on lots at least 30 feet in width; 3, on lots less than 30 feet in width			3	
• Side Yard Not Adjacent to Street <sup>2</sup>	3				
• Yards Between Buildings on Same Lot	3				
Maximum Lot Coverage (%)	55			67	
<b>NOTES:</b>					
<sup>1</sup> If 25% of the block face along which the lot fronts has a lesser front yard than required herein, the front yard requirement shall be the average of all front yards on the block plus or minus 1.5 feet					
<sup>2</sup> Except where common or attached walls at lot lines with no space between buildings on adjacent lots					

## Exhibit E

### 10-9 University Village District (UV).

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10-9.10 *Landscaping and buffering.* Landscaping and buffering standards applicable to district uses are set forth in article III, chapter 17. Permanent planters may be used to satisfy building foundation planting requirements. The landscaping plan is subject to the design review process in addition to site plan review.

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## Exhibit F

### 10-10 East Beach Harbor (EBH).

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10-10.5 *Procedure for East Beach Harbor Compliance Certificate.* An application for an East Beach Harbor Compliance Certificate shall be reviewed in accordance with the following procedures:

...

- (c) *Staff report.* For any completed application determined to be permitted only by grant of an East Beach Harbor Compliance Certificate, the zoning administrator shall prepare a written staff report, with the assistance of other city departments as may be necessary, analyzing the extent to which the proposal conforms to the criteria set forth in section 10-10.5 and shall transmit the application and staff report to the Architectural Review Board.
- (d) *Public notice.* For any completed application determined to be permitted only by grant of an East Beach Harbor Compliance Certificate, the zoning administrator shall schedule the application for review in accordance with the process set forth below, and shall cause notice of the application to be mailed to all owners of record of each abutting property and each property immediately across the street from the property that is the subject of the application, including those parcels which lie in other localities. Such notice shall indicate the time and place that the application will be first considered by the Architectural Review Board and shall be mailed not less than ten (10) days before said date. Any inadvertent failure to provide this notice in whole or in part shall not invalidate any subsequent actions by the Architectural Review Board, City Planning Commission or City Council.
- (e) *Architectural Review Board recommendation.* The Architectural Review Board shall review the application based on the criteria set forth in section 10-10.5 with specific attention to the design standards in section 10-10.9 and shall provide a recommendation to the City Planning Commission to either grant or deny the application. The Architectural Review Board may condition any recommendation for approval on the applicant making certain specific modifications to the proposal.

- (f) *City Planning Commission action.* Upon consideration of the application for the East Beach Compliance Certificate, the staff report, and the recommendation of the Architectural Review Board, the City Planning Commission shall either (i) grant the certificate, (ii) deny the certificate, (iii) remand the application to the Architectural Review Board with a request for specific additional review and consideration, or (iv) continue its consideration with the consent of the applicant. The City Planning Commission shall grant the East Beach Harbor Compliance Certificate upon finding that all development standards set forth in section 10-10.8 and design standards set forth in section 10-10.9 are met.

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## Exhibit G

### 11-4 Historic Overlay District HO.

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11-4.4 *Designation of Historic Overlay Districts.* Procedures for designating Historic Overlay Districts shall be the same as those for designating Historic and Cultural Conservation Districts in section 9-0.2 of this ordinance.

11-4.5 *Administration of Historic Overlay District regulations.* Upon creation of an Historic Overlay District, administrative procedures for the enforcement of such regulations shall be the same as those for Historic and Cultural Conservation Districts in sections 9-3 and 9-4. A certificate of appropriateness, as specified in section 9-3 or 9-4, shall be obtained before any construction, demolition, alteration to the exterior of a building or structure, installation or alteration of a sign, or any other event identified in section 9-3 may occur, or before any permits or certificates of occupancy may be issued in an Historic Overlay District.

11-4.6 *Architectural design criteria.* The Architectural Review Board shall adopt design guidelines for the review of proposals in a Historic Overlay District.

11-4.7 *Land use and performance criteria.* Upon recommendation of the architectural review board, the planning commission may adopt specific land use and developer performance criteria for a Historic Overlay District as performance standards if deemed appropriate to achieve the intent of the district.

11-4.8 *Required maintenance.* All buildings and structures within a Historic Overlay District shall be maintained as provided in section 9-5 of this ordinance.

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## Exhibit H

### 11-5 - Downtown Historic Overlay District HO-D.

11-5.1 *Purpose statement.* The Downtown Historic Overlay District is of substantial historic and cultural significance because it encompasses the Downtown National Register Historic District and several structures individually listed on the National Register of Historic Places. In addition the district contains the largest cohesive group of compatible and harmonious buildings reflecting the commercial architectural styles of the late-19th through mid-20th centuries in the downtown area.

It is the intent of these regulations to protect the existing concentration of harmonious and noteworthy structures and sites against destruction, to encourage uses and activities which will foster their conservation and improvement, to prevent the creation or encroachment of adverse environmental influences, and to assure that new structures and uses within the district will be in keeping with the established character of the Downtown Historic District which is to be preserved and enhanced.

11-5.2 *Certificate of appropriateness.* Before any permit or certificate of occupancy may be issued in the Downtown Historic Overlay District, any construction, demolition, alteration to the exterior of a building or structure, installation or alteration of a sign, or other event identified in section 9-3, a certificate of appropriateness shall first be obtained. The process for application, consideration, and all other aspects of the certificate of appropriateness shall follow the provisions set forth in sections 9-3 and 9-4 of this ordinance.

11-5.3 *Criteria for review.* The architectural review board shall adopt design guidelines for the review of proposals within the Downtown Historic Overlay District.

11-5.4 *Required maintenance.* All buildings and structures within the Downtown Historic Overlay District shall be maintained as provided in section 9-5 of this ordinance.



## Exhibit J

### 15-5 Off-street parking.

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#### 15-5.3 Specific requirements in Historic and Cultural Conservation (HC) zoning districts.

- (a) General. In all HC districts, residential uses shall provide one (1) off-street space per dwelling unit and no parking shall be permitted in any required front yard. Where the lot width of a single-family dwelling is insufficient to allow access to a suitable parking space, the Architectural Review Board may waive the off-street parking requirement by granting a certificate of appropriateness.
- (b) Drive aisles. In the HC-EF district, the width of all drive aisles shall be a minimum of 24 feet.

## Exhibit K

### 18-5 Norfolk Architectural Review Board.

- 18-5.1 *Creation.* The Norfolk Architectural Review Board is created pursuant to Chapter 32, Article III of the code of the City of Norfolk.
- 18-5.2 *Jurisdiction and authority.* The Norfolk Architectural Review Board reviews and either approves or denies applications for certificates of appropriateness in Historic and Cultural Conservation Districts as provided in Chapter 9 and in Historic Overlay Districts as provided in Chapter 11. In addition, the ARB has an advisory role with regard to other development projects and approvals in special circumstances, including, but not limited to downtown development certificates as provided in Chapter 8, certain special purpose districts as provided in Chapter 10, Pedestrian Commercial Overlay development certificates as provided in Chapter 11, certain Planned Development districts as provided in Chapter 27, certain City of Norfolk projects, certain private projects on land acquired from the City, and any other design-related issue that may be assigned to it by the Planning Commission or City Council.

## Exhibit L

### 18-6 Department of Planning.

- 18-6.1 *Creation.* The Department of Planning is created pursuant to section 32-1 of the Code of the City of Norfolk.
- 18-6.2 *Jurisdiction and authority.* The department provides technical assistance to the Planning Commission, the board of zoning appeals, and the Architectural Review Board in the pursuit of their duties under the provisions of this ordinance.
- 18-6.2 *Division of land use regulation.* The division land use regulation is responsible for preparing, administering and enforcing the zoning ordinance and providing technical assistance to the Planning Commission in processing amendments and special exceptions.
- 18-6.4 *Zoning administrator.* Primary responsibility for administering and enforcing this ordinance is delegated to the director of the Department of Planning. Except as otherwise specifically provided in this ordinance, the director may designate a staff person in the department to carry out these responsibilities. The staff person to whom such administrative and enforcement functions are assigned is referred to in this ordinance as the "zoning administrator". The zoning administrator shall maintain appropriate records of administrative and enforcement actions.

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## Exhibit M

### 25-10 Special standards and regulations pertaining to certain types of special exception uses.

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25-10.10 *Bed and breakfast.* In districts which permit a bed and breakfast by special exception, the following additional requirements shall apply:

- (a) The bed and breakfast shall be operated in a principal structure and not in any accessory structure. To be eligible, the majority of the principal structure must have been constructed before a certain date as follows:
  - (1) In any HC-G district, prior to June 19, 1990;
  - (2) In any HC-WF district, prior to August 10, 1977; and
  - (3) In any other district, prior to January 1, 1940.
- (b) No exterior additions or alterations shall be made for the express purpose of creating or maintaining lodging for the bed and breakfast, other than those necessary for health, safety, or sanitation requirements. In any HC district, any proposed modification of the exterior may require a certificate of appropriateness prior to construction, according to the applicable requirements of Chapter 9.
- (c) The owner of the bed and breakfast or a full-time manager shall reside on the property. In any HC district, the owner or full-time manager shall reside in the principal building.
- (d) The structure must contain one full bathroom for the exclusive use of the owner or resident manager and other members of the resident household, plus the following:
  - (1) In any HC district, a minimum of one additional full private bathroom for each guest bedroom; and
  - (2) In any other district, a minimum of one additional full bathroom for every two (2) guest bedrooms.

Each full, discrete bathroom must include a toilet, a sink, a bath or shower, and meet current building code requirements.

- (e) The guest rooms shall be offered for rent or lease by the day or week. The maximum length of stay is limited to fourteen (14) days in any 30-day period. The owner or resident manager shall keep a current guest register including names, addresses, and the dates of occupancy of all guests. The records shall be available for inspection on request by the zoning administrator.
- (f) Meals may be offered to the guests.
- (g) The number of guest rooms shall be established by the special exception but shall not exceed the following:
  - (1) In any HC-G district, seven (7) rooms;
  - (2) In any HC-WF district, four (4) rooms; and
  - (3) In any other district, six (6) rooms.
- (h) One (1) off-street parking space for the owner/manager and one (1) parking space per guest room shall be required.
  - (1) A special exception may permit off-lot parking for some or all of the facility's required parking.
  - (2) Any parking, whether it be on-premises or off-lot, shall be appropriately screened from view.
- (i) Signage shall be limited as follows:
  - (1) In any HC-G district, no bed and breakfast may have any signage other than a non-illuminated nameplate no more than one (1) square foot in size. The nameplate may be attached to the structure or a fence or wall on the property. The nameplate shall contain the name of the structure, address, date of original construction, and its designation as a bed and breakfast establishment. In any HC district, any proposed sign may require a certificate of appropriateness prior to installation, according to the applicable requirements of Chapter 9.
  - (2) In any HC-WF district, only one (1) sign shall be permitted. The sign may be either freestanding or building-mounted.

- (3) In any other district, no more than two (2) signs for the facility are permitted. One may be mounted on the building and one may be freestanding, subject to the size requirements for the district in which it is located.