

# PROCEDURES MANUAL

## CITY OF NORFOLK ZONING ORDINANCE

**ZC**

**CUP**

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**COA**

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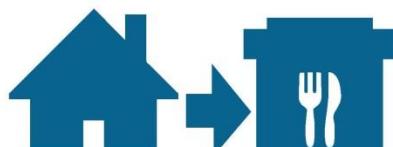
**ZAM**

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User's Guide for the types of applications and  
review processes in the City of Norfolk Zoning  
Ordinance



Updated: December 6, 2023



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# Part 1: About This Manual

## 1.1 How to Use This Manual

This Procedures Manual (also called “the Manual”) is intended to complement the City of Norfolk’s Zoning Ordinance (also called “the Zoning Ordinance”) by summarizing and cross referencing the requirements and procedures for development applications regulated by the Zoning Ordinance. Citizens, development applicants, city officials, staff, and other interested persons can use it to better understand when various parts of the development review process are required and how they are related. It is designed to provide quick orientation and support information on each type of application, as well as information on the boards and other bodies and persons that review and make decisions on applications under the Zoning Ordinance. To this end, it uses a common set of graphics throughout and includes many hyperlinks (in the electronic version) to help the user quickly find relevant information.

While the Manual supplements the Zoning Ordinance, it is not a substitute for the Zoning Ordinance or any of the City of Norfolk’s adopted ordinances. It is intended only as a guide for the users of the Zoning Ordinance; if there is a conflict between the Manual and city ordinances, the adopted city ordinances control. References in the Manual to the rules and regulations of other governmental agencies or special districts are for reference and coordination of review procedures only, and are not intended as an interpretation of those rules and regulations. Applicants should consult the Zoning Ordinance and other relevant requirements in the city’s Code of Ordinances, and any outside agency with an interest in the property, as appropriate.

Any development approval or permit issued under the Zoning Ordinance does not relieve the applicant or property owner from the responsibility to obtain any other development approval or permit required by the Zoning Ordinance, or get development approvals or permits required by any other ordinance or regulation of the city or any other regulatory agency, before altering any structure or site feature or before commencing any new or changed use or occupancy of the property. For example, structures and site features may generally only be constructed, demolished, or altered after issuance of a building permit for that action.

## 1.2 Manual Organization

The Manual is organized into five parts, discussed below.

### (A) Part 1: About This Manual

Part 1 (this introduction) is intended to provide initial orientation to the reader.

### (B) Part 2: Activities that Require Zoning Approval

Part 2 presents a series of queries in tabular format for four general types of activities. References are provided for relevant application types (summarized in Part 3) for each query.

### **(C) Part 3: Types of Applications under the Zoning Ordinance**

Part 3 provides a summary of each type of application in the Zoning Ordinance, including its purpose, procedure for review and approval, and additional information pertaining to application submittal and review (including references to the relevant appendices in this Manual).

### **(D) Part 4: Bodies and Persons that Review and Decide Applications**

Part 4 includes a summary table of the responsibilities of each body and person that reviews or makes decisions on applications under the Zoning Ordinance. It also references contact information and information on regular meetings of the review and decision-making bodies contained in the appendices of this Manual, as well as the rules of procedure for the bodies.

### **(E) Part 5: Appendices**

The appendices in Part 5 include a list of staff office locations and contact information (Appendix A); a list of dates, times, and locations of regular meetings of, and points of contact for, review and decision-making bodies (Appendix B); application submittal and review schedules (Appendix C); application submittal requirements and forms for each development application (Appendix D); a list of required fees for each type of application (Appendix E); and a table of resources and guidance for the application of standards in the Zoning Ordinance (Appendix F).

## **1.3 Updates to the Manual**

The Manual will be periodically updated based on changes in administrative procedures and amendments to the Zoning Ordinance that relate to material covered in the Manual. The date the Manual was last updated is shown in the footer at the bottom of each page. Prior to beginning any application process, users should check with the Department of City Planning for the most recent versions of the Manual and the Zoning Ordinance, as well as any other relevant ordinances.

## Part 2: Activities that Require Zoning Approval

This part provides four summary graphics that depict what types of approval are required under the Zoning Ordinance for four types of activities: 1) structure modifications, 2) site modifications, 3) changes of use, and 4) changes of occupancy.

### 2.1 Types of Activities that Require Zoning Approval

In general, activities that require some sort of zoning review and approval process can be divided into these four categories:



**Modification of a Structure** – when a building or other structure on a site is being enlarged, modified or demolished, or when a new structure is being built on a site.



**Modification of a Site** – when a piece of land is being modified through subdivision of property, through disturbance of the land such as grading or paving when structures are being built on a site.



**Modification of a Use** – when the use of a site or building changes, whether major changes such as a change from residential to commercial use or smaller changes such as a change from lower intensity to higher intensity industrial or commercial use.



**Modification of an Occupancy** – when the scale or nature of occupancy of a site or building changes, such as a restaurant that expands its seating capacity or operating hours or when a residential use has additional occupants.

## 2.2 Types of Review Processes

There are 17 basic types of application processes addressed by this User's Guide. These are described more fully in Part 3. The following table lists the 17 processes and the corresponding icons that are used to identify each process throughout this Manual:

**TABLE 2.1: TYPES OF APPLICATION PROCESSES ADDRESSED IN THIS GUIDE**

<b>TYPES OF APPLICATIONS</b>	<b>ICON</b>
1. Zoning Certificate	
2. Site Plan (Major & Minor)	
3. Floodplain/Coastal Hazard Overlay Permit	
4. Certificate of Appropriateness	
5. Conditional Use Permit	
6. Non-Zoning Approval	
7. Modification	
8. Development Certificate	
9. Variance (Zoning)	
10. Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District)	
11. Appeal to the Board of Zoning Appeals	
12. Interpretations of the Zoning Ordinance	
13. Zoning Map/Text Amendment	
14. Conditional Rezoning	
15. Planned Development	
16. Historic & Historic Overlay Districts	
17. Historic Landmark Designation	

## 2.3 Structure Modification

Use this section if there is any modification to a STRUCTURE. The following series of queries in the table will point you to various sections of the Ordinance and to various application processes.

 <b>TABLE 2.2: MODIFICATION OF A STRUCTURE</b>	
QUERY	DIRECTION
<b>I. Do the structure, use, occupancy, and site comply with the zoning ordinance?</b>	
<ul style="list-style-type: none"> <li>Are the use, structure, occupancy, zoning lot, or other site features nonconforming (i.e. complied with the ordinance at the time erected or established but do not comply with the current ordinance)?</li> </ul>	<p>The modification could be subject to special rules that apply to nonconforming uses, structure, zoning lots, and site features (see Article 6: Nonconformities, in the Zoning Ordinance)</p>
<b>2. Where is the structure located?</b>	
<ul style="list-style-type: none"> <li>What zoning district is the site or structure located in?</li> </ul>	<p>See the specific zoning district standards, found in Article 3. Individual application processes for special districts are listed below.</p>
<ul style="list-style-type: none"> <li>Do the structure and site comply with a Resilience Quotient requirement?</li> </ul>	<p> </p> <p>See Section 5.12.2 for categories of structures and development that are exempt from the Resilience Quotient standards. All other development will require a Zoning Certificate through Site Plan review (unless an alternative option is chosen) to ensure that it is compliant with Resilience Quotient requirements.</p>
<ul style="list-style-type: none"> <li>Is the structure located in any of the following zoning districts? <ul style="list-style-type: none"> <li>Downtown Zoning Districts (D-W, D-BC, D-MU, D-AD, D-FN)</li> <li>Pedestrian Corridor Overlay Districts</li> <li>The IN-C Institutional Campus, EB-H East Beach Harbor, or G-I Granby/Monticello Corridor Mixed-Use district</li> </ul> </li> </ul>	<p></p> <p>Specific development standards within the referenced districts may be modified with a Development Certificate approved by City Council. See Section 2.3.3.</p>
<ul style="list-style-type: none"> <li>Is the structure located in the FPCH-O Overlay District?</li> </ul>	<p> </p> <p>A Floodplain Permit is required in addition to a Zoning Certificate. See Section 3.9.7.</p>
<ul style="list-style-type: none"> <li>Is the structure located in the CRO Coastal Resilience Overlay District?</li> </ul>	<p>Specific development standards apply to development within the CRO, including ground floor height, landscaping, open space, parking, and Resilience Quotient. See Section 3.9.18.</p>

<sup>1</sup> With the exception of a few exempted categories of development, all new development must meet the Resilience Quotient standards in Section 5.12. Standards vary by use and alternative approaches to meet the standards are listed in the tables contained in Section 5.12.

**TABLE 2.2: MODIFICATION OF A STRUCTURE**

QUERY	DIRECTION
<ul style="list-style-type: none"><li>Is the structure located in a Historic and Cultural Conservation Base Zoning District or Historic Overlay (HO), or in a Historic Overlay Downtown (HO Downtown) District or on the site of a designated Historic Landmark?</li></ul>	 A Certificate of Appropriateness is required in addition to a Zoning Certificate. See Sections 2.3.4, 3.9.8, and 3.9.9
<ul style="list-style-type: none"><li>Is the structure located in a CBPA-O Chesapeake Bay Preservation Area Overlay District?</li></ul>	 A Non-Zoning process is highlighted since structure modifications that increase the building footprint typically require a VSMP permit See Section 3.9.6.

**3. What is the nature of the proposed modification?**

<ul style="list-style-type: none"><li>Does the modification involve an EXPANSION or ADDITION<sup>2</sup>?</li></ul>	 A Non-Zoning process is highlighted since structure modifications or additions typically require a Building Permit.
<ul style="list-style-type: none"><li>Does the modification involve a CHANGE of the BUILDING FAÇADE?</li></ul>	 A Zoning Certificate is required See Section 5.9, Form Standards, and Section 5.10, Neighborhood Protection, for additional standards on building facades
<ul style="list-style-type: none"><li>Does the modification involve CHANGING SIGNAGE?</li></ul>	 A Zoning Certificate is required See Article 5.7 Signs for additional signage standards

<sup>2</sup> A Non-Zoning process is highlighted since structure modifications or additions typically require a Building Permit. However, other review processes may be required depending on the zoning district, use, site and other considerations.

## 2.4 Site Modification

Use this section if there is any modification to a SITE. The following series of queries in the table will point you to various sections of the Ordinance and to various application processes.

 <b>TABLE 2.3: MODIFICATION OF A SITE</b>	
QUERY	DIRECTION
<b>I. Do the structure, use, occupancy and site comply with the zoning ordinance?</b>	
<ul style="list-style-type: none"> <li>Are the use, structure, occupancy, zoning lot, or other site features nonconforming (i.e. complied with the ordinance at the time erected or established but do not comply with the current ordinance)?</li> </ul>	<p>The modification could be subject to special rules that apply to nonconforming uses, structure, zoning lots, and site features (see Article 6: Nonconformities, in the Zoning Ordinance)</p>
<b>2. Where is the site located?</b>	
<ul style="list-style-type: none"> <li>What zoning district is the site or structure located in?</li> </ul>	<p>See the specific zoning district standards, found in Article 3. Individual application processes for special districts are listed below.</p>
<ul style="list-style-type: none"> <li>Do the structure and site comply with a Resilience Quotient requirement?<sup>3</sup></li> </ul>	<p> </p> <p>See Section 5.12.2 for categories of structures and development that are exempt from the Resilience Quotient standards. All other development will require a Zoning Certificate through Site Plan review (unless an alternative option is chosen) to ensure that it is compliant with Resilience Quotient requirements.</p>
<ul style="list-style-type: none"> <li>Is the site located in any of the following zoning districts? <ul style="list-style-type: none"> <li>Downtown Zoning Districts (D-W, D-BC, D-MU, D-AD, D-FN)</li> <li>Pedestrian Corridor Overlay Districts</li> <li>The IN-C Institutional Campus, EB-H East Beach Harbor, or G-I Granby/Monticello Corridor Mixed-Use district</li> </ul> </li> </ul>	<p></p> <p>Specific development standards within the referenced districts may be modified with a Development Certificate approved by City Council. See Section 2.3.3</p>
<ul style="list-style-type: none"> <li>Is the site located in the FPCH-O Overlay District?</li> </ul>	<p> </p> <p>A Floodplain Permit is required in addition to a Zoning Certificate. See Section 3.9.7.</p>
<ul style="list-style-type: none"> <li>Is the structure located in the CRO Coastal Resilience Overlay District?</li> </ul>	<p>Specific development standards apply to development within the CRO, including ground floor height, landscaping, open space, parking and Resilience Quotient. See Section 3.9.18.</p>

<sup>3</sup> With the exception of a few exempted categories of development, all new development must meet the Resilience Quotient standards in Section 5.12. Standards vary by use and alternative approaches to meet the standards are listed in the tables contained in Section 5.12.

**TABLE 2.3: MODIFICATION OF A SITE**

QUERY	DIRECTION
<ul style="list-style-type: none"><li>Is the structure located in a Historic and Cultural Conservation Base Zoning District or Historic Overlay (HO), or in a Historic Overlay Downtown (HO Downtown) District or on the site of a designated Historic Landmark?</li></ul>	<b>COA</b> <b>ZC</b>  For any modification to a structure, a Certificate of Appropriateness is required in addition to a Zoning Certificate. See Sections 2.3.4, 3.9.8, and 3.9.9.
<ul style="list-style-type: none"><li>Is the site located in a CBPA-O Chesapeake Bay Preservation Area Overlay District?</li></ul>	<b>ZC</b> <b>NZ</b>  A Non-Zoning process is highlighted since structure modifications that increase the building footprint typically require a VSMP permit. See Section 3.9.6.

**3. What is the nature of the proposed modification?**

<ul style="list-style-type: none"><li>Does the modification involve SITE GRADING or an INCREASE IN IMPERVIOUS AREA?</li></ul>	<b>ZC</b> <b>NZ</b>  A Non-Zoning process is highlighted since site modifications may require a variety of permits such as a Construction General Permit, Tree Removal Permit, etc.
<ul style="list-style-type: none"><li>Does the modification involve <u>LESS OR MORE THAN 2,500 S.F. OF SITE AREA</u> or <u>MORE THAN 4 PARKING SPACES</u> or <u>COMMON PLANS OF DEVELOPMENT</u>?</li></ul>	<b>SP</b>  <b>Major Site Plan</b> approvals are generally required for certain categories of modifications that involve more substantial development, while <b>Minor Site Plan</b> approvals are required for almost all other types of development. See Section 2.3.9 for more information.

## 2.5 Use Modification

Use this section if there is any modification to a USE. The following series of queries in the table will point you to various sections of the Ordinance and to various application processes.

 <b>TABLE 2.4: MODIFICATION OF USE</b>	
QUERY	DIRECTION
<b>I. Do the structure, use, occupancy and site comply with the zoning ordinance?</b>	
<ul style="list-style-type: none"> <li>Are the use, structure, occupancy, zoning lot, or other site features nonconforming (i.e. complied with the ordinance at the time erected or established but do not comply with the current ordinance)?</li> </ul>	<p>The modification could be subject to special rules that apply to nonconforming uses, structure, zoning lots, and site features (see Article 6: Nonconformities, in the Zoning Ordinance)</p> <p></p> <p>A change from one nonconforming use to another nonconforming use requires a Conditional Use permit – See Section 6.2.5</p>
<b>2. Where is the site located?</b>	
<ul style="list-style-type: none"> <li>What zoning district is the site or structure located in?</li> </ul>	<p>See the specific zoning district standards, found in Article 3. Individual application processes for special districts are listed below.</p>
<ul style="list-style-type: none"> <li>Do the structure and site comply with a Resilience Quotient requirement?<sup>4</sup></li> </ul>	<p> </p> <p>See Section 5.12.2 for categories of structures and development that are exempt from the Resilience Quotient standards. All other development will require a Zoning Certificate through Site Plan review (unless an alternative option is chosen) to ensure that it is compliant with Resilience Quotient requirements.</p>
<ul style="list-style-type: none"> <li>Is the site or structure located in any of the following zoning districts? <ul style="list-style-type: none"> <li>Downtown Zoning Districts (D-W, D-BC, D-MU, D-AD, D-FN)</li> <li>Pedestrian Corridor Overlay Districts</li> <li>The IN-C Institutional Campus, EB-H East Beach Harbor, or G-I Granby/Monticello Corridor Mixed-Use district</li> </ul> </li> </ul>	<p></p> <p>Specific development standards within the referenced districts may be modified with a Development Certificate approved by City Council. See Section 2.3.3</p>
<ul style="list-style-type: none"> <li>Is the site or structure located in the FPCH-O Overlay District?</li> </ul>	<p> </p> <p>Depending on the nature of the use, a Floodplain Permit may be required in addition to a Zoning Certificate. See Section 3.9.7.</p>

<sup>4</sup> With the exception of a few exempted categories of development, all new development must meet the Resilience Quotient standards in Section 5.12. Standards vary by use and alternative approaches to meet the standards are listed in the tables contained in Section 5.12.



**TABLE 2.4: MODIFICATION OF USE**

QUERY	DIRECTION
<b>3. What is the nature of the proposed modification?</b>	
<ul style="list-style-type: none"><li>• Is the new use a <b>PERMITTED USE</b> in the zoning district?</li></ul>	<p><b>ZC</b> A Zoning Certificate is required</p> <p><b>ZAM</b> For uses that are not permitted, a variety of modifications may be applied for, including a Zoning Map Amendment or Zoning Text Amendment. See Section 2.4.2 and 2.4.3 for general modification procedures.</p>
<ul style="list-style-type: none"><li>• Is the new use a <b>CONDITIONAL USE</b> in the zoning district?</li></ul>	<p><b>CUP</b> For uses that are permitted as Conditional Uses, a Conditional Use permit will be required. See Section 2.4.8 for general requirements.</p>

## 2.6 Occupancy Modification

Use this section if there is any modification to an OCCUPANCY. The following series of queries in the table will point you to various sections of the Ordinance and to various application processes.

<b>TABLE 2.5: MODIFICATION OF OCCUPANCY</b>	
QUERY	DIRECTION
<b>I. Do the structure, use, occupancy and site comply with the zoning ordinance?</b>	
<ul style="list-style-type: none"><li>Are the use, structure, occupancy, zoning lot, or other site features nonconforming (i.e. complied with the ordinance at the time erected or established but do not comply with the current ordinance)?</li></ul>	<p>The modification could be subject to special rules that apply to nonconforming uses, structure, zoning lots, and site features (see Article 6: Nonconformities, in the Zoning Ordinance)</p> <p><b>CUP</b></p> <p>A change from one nonconforming use to another nonconforming use requires a Conditional Use permit – See Section 6.2.5</p>
<ul style="list-style-type: none"><li>Do the structure and site comply with a Resilience Quotient requirement?<sup>5</sup></li></ul>	<p><b>ZC SP</b></p> <p>See Section 5.12.2 for categories of structures and development that are exempt from the Resilience Quotient standards. All other development will require a Zoning Certificate through Site Plan review (unless an alternative option is chosen) to ensure that it is compliant with Resilience Quotient requirements.</p>
<b>3. What is the nature of the proposed modification?</b>	
<ul style="list-style-type: none"><li>Does the modification involve a CHANGE OF OPERATING HOURS, ENTERTAINMENT OR ALCOHOL SERVING?</li></ul>	<p><b>ZC</b></p> <p>A Zoning Certificate is required.</p> <p><b>CUP</b></p> <p>For certain types of entertainment and alcohol-serving uses, changes of occupancy need City Council approval through a Conditional Use Process. See Section 2-83 for general information.</p>

<sup>5</sup> With the exception of a few exempted categories of development, all new development must meet the Resilience Quotient standards in Section 5.12. Standards vary by use and alternative approaches to meet the standards are listed in the tables contained in Section 5.12.

**TABLE 2.5: MODIFICATION OF OCCUPANCY**

QUERY	DIRECTION
<ul style="list-style-type: none"><li>• Does the modification involve a CHANGE IN THE NUMBER OF DWELLING UNITS IN A STRUCTURE?</li></ul>	<p><b>zc</b> A Zoning Certificate is required.</p> <p><b>ZAM</b> If the number of dwelling units is not permitted under the base zoning district standards, an amendment of the Zoning Ordinance may be applied for, either a Zoning Map Amendment or Zoning Text Amendment. See Sections 2.4.2 and 2.4.3.</p>

# Part 3: Types of Applications under the Zoning Ordinance

The previous part (Part 2) identifies which situations require approval of an application under the Zoning Ordinance. This part (Part 3) provides a summary of each type of application in the Zoning Ordinance, including its purpose and procedure for review and approval, and additional information, including references to submittal requirements and schedules and required fees.

## 3.1 Development Review

The Zoning Ordinance requires that the necessary approval be obtained before a landowner or developer may proceed with certain activities. The approval required depends on the zoning regulations that are in place on the parcel of land and the activity proposed (see Part 2 above). If the current zoning regulations do not allow the proposed activity, the developer or landowner may request a modification or variance (or appeal the decision), as described in Section 3.2 below, or seek to have the Zoning Ordinance amended, as described in Sec. 3.3(B) below.

The following applications are summarized in this section (3.1):

**zc**

Zoning Certificate

**SP**

Site Plan (Major or Minor)

**FP**

Floodplain/Coastal Hazard Overlay District Permit

**COA**

Certificate of Appropriateness

**CUP**

Conditional Use Permit

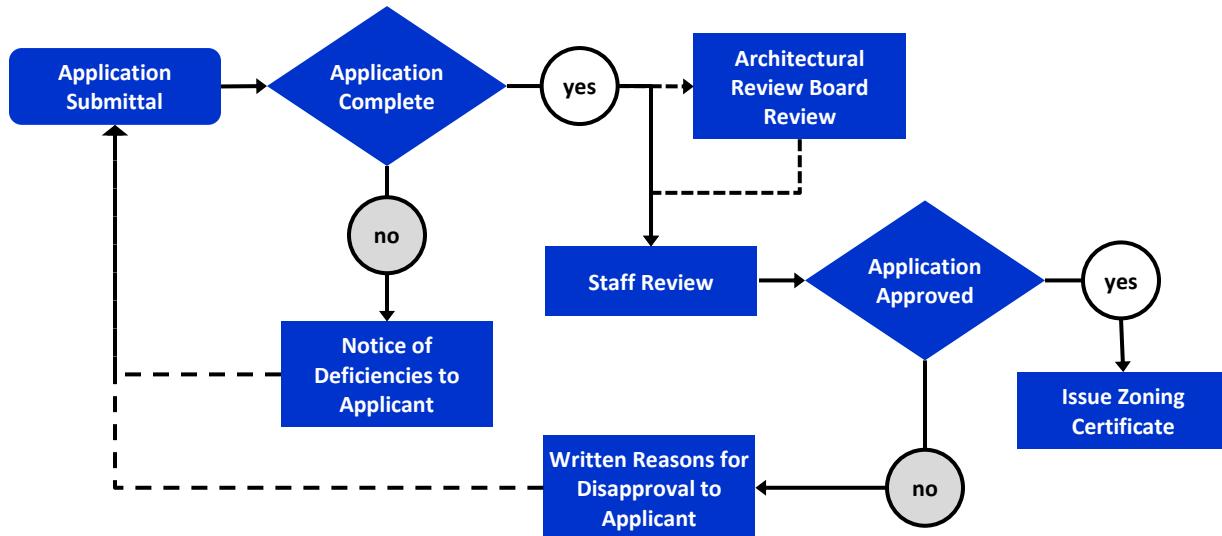
## (A) Zoning Certificate

### 1. Purpose

The Zoning Ordinance requires approval of a Zoning Certificate for all development (including change of use) and other specified activities to ensure all development and uses comply with the requirements of the Zoning Ordinance (see Section 2.4.14.B (Applicability) and Section 8.3.2 (definition of “development”).

### 2. Process

The procedure for review of Zoning Certificate applications is established in Section 2.3.6 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Zoning Certificate for a new or expanded structure or use must be accompanied by a plat and plan, drawn to scale, showing:

- The dimensions and locations of the lots to be built upon, existing structures, and proposed structures or alterations to existing structures;
- The existing and intended use of each building or part of a building; and
- Any other information with regard to the lot and neighboring lots necessary for the enforcement of the Zoning Ordinance.

An application for a zoning certificate for a change in use within an existing structure, where no exterior alteration of the structure is required, or upon a zoning lot not involving a structure, must be accompanied by:

- A statement describing the type of structure containing the use and the exact nature of the most recent use of the structure; and

- A minor site plan (see Section 2.4.19 of the Zoning Ordinance), drawn to scale and fully dimensioned, showing required off-street parking and loading facilities to be provided in compliance with the provisions of Section 5.1 of the Zoning Ordinance.

The complete checklist of required information that an applicant must submit in a Zoning Certificate application is located in the Zoning Certificate application package in Appendix D: Application Forms.

#### **4. Additional Information**

Contact information for city staff involved in the review of Zoning Certificate applications is in Appendix A: Staff Contact Information. The schedule for submission and review of Zoning Certificate applications is in Appendix C: Submission and Review Schedules. Required fees for Zoning Certificate review are in Appendix E: Fee Schedule.

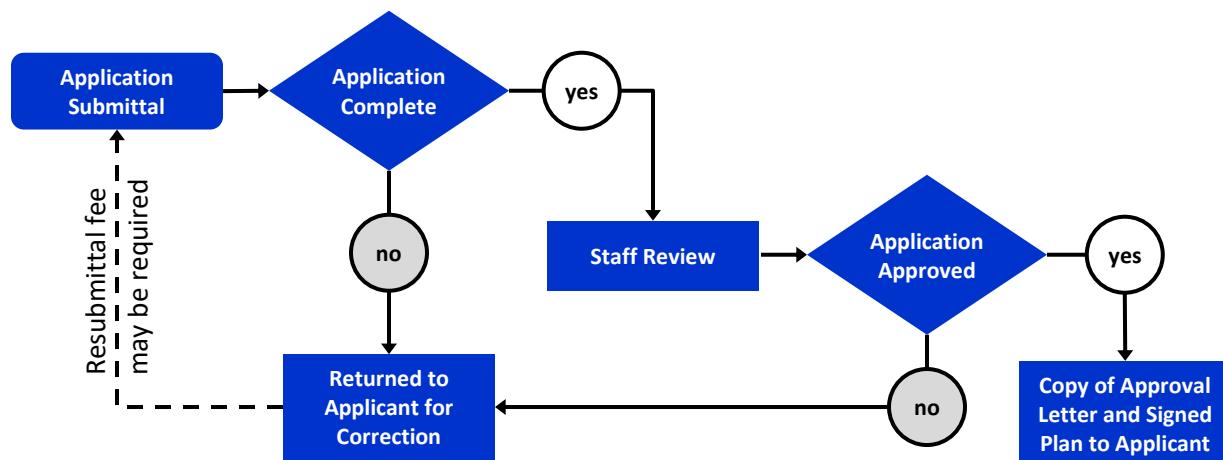
## **(B) Site Plan (Major or Minor)**

## 1. Purpose

The purpose of Site Plan review is to ensure the orderly growth and development in the City of Norfolk and ensure that property is used and developed in a manner that protects the general public welfare, implements the policies of the Comprehensive Plan and complies with all aspects of City Code, including the standards in the Zoning Ordinance. There are two types of Site Plans in the Zoning Ordinance: major Site Plans and minor Site Plans. The type of Site Plan required depends on the type of development proposed (see Section 2.3.9.A(1) (Applicability) in the Zoning Ordinance). Both types of Site Plan follow the same procedure, but require different submittal content (see Section 2.3.9.B(1)(b) and Section 2.3.9.C (major Site Plans) and Section 2.3.9.D (minor Site Plans) in the Zoning ordinance). They also have different review standards (see Section 2.4.18.D (major Site Plans) and Section 2.4.19.D (minor Site Plans) in the Zoning Ordinance).

## 2. Process

The procedure for Site Plan review is established in Section 2.3.9 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Site Plan must be accompanied by a site plan (two (2) printed, folded copies, and, for major site plans, one (1) digital copy), that includes all content required by the Zoning Ordinance.

The complete checklist of required information that an applicant must submit in a Site Plan application is located in the Site Plan application package in Appendix D: Application Forms.

#### 4. Conditional Approval

The Zoning Administrator may grant conditional approval of a Site Plan application if:

- The Site Plan involves only land disturbance and site preparation permits and stormwater and E&S approval has been obtained; or
- Design approvals have been obtained from all departments but the process of recording required documentation for final approval has not been completed.

The Zoning Administrator may place additional conditions on approval of a Site Plan application to ensure that all work is completed in accordance to the Zoning Ordinance and City Codes.

## **5. Additional Information**

It generally takes two to three days for staff to make a determination of completeness on the application. If the application is determined complete, staff review typically lasts 20 to 25 business days.

Contact information for city staff involved in Site Plan review is in Appendix A: Staff Contact Information. The schedule for submission and review of Site Plan applications is in Appendix C: Submission and Review Schedules. Site Plan application forms are in Appendix D: Application Forms. Required fees for Site Plan application review are in Appendix E: Fee Schedule.

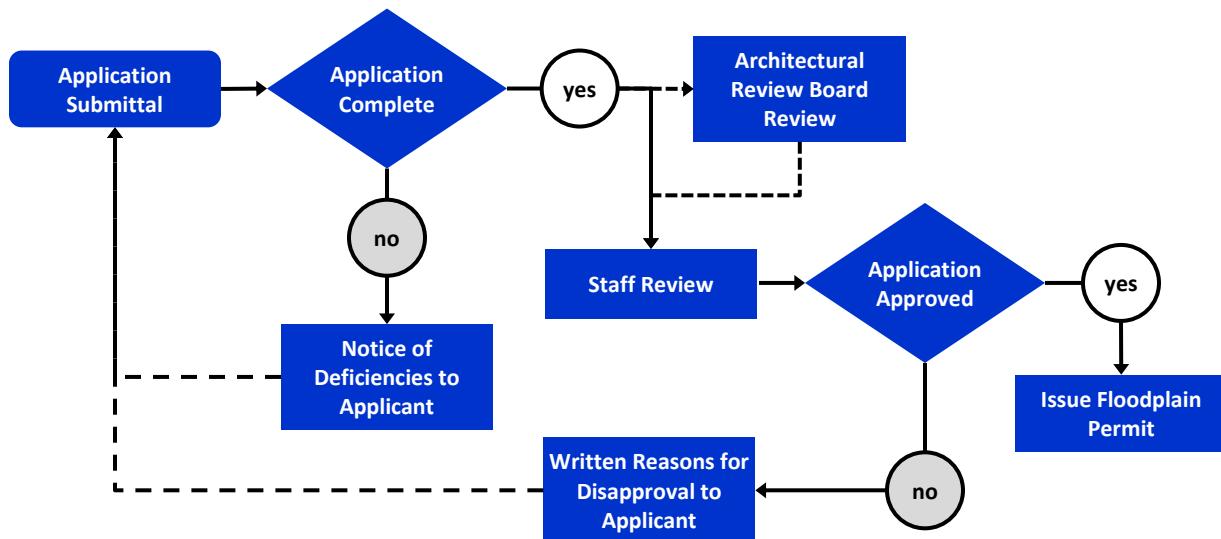
## (C) Floodplain/Coastal Hazard Overlay District Permit

### 1. Purpose

The Zoning Ordinance requires that all development in the Floodplain/Coastal Overlay District receive approval of a floodplain/coastal overlay district permit (“Floodplain Permit”) prior to issuance of a Zoning Certificate to ensure the development complies with the standards of the Floodplain/Coastal Overlay District.

### 2. Process

The procedure for review of Floodplain Permit applications is established in Section 2.3.6 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Floodplain Permit for rehabilitation, installation of new electrical or mechanical systems, or any structural repair with an estimated cost that is less than fifty percent (50%) of the market value of the structure must be accompanied by a current elevation certificate.

An application for Floodplain Permit for addition, conversion of any non-habitable space to habitable space, or construction or installation of a new accessory structure that requires a building permit must be accompanied by:

- A current elevation certificate; and
- A physical survey, performed after the effective date of the FIRM that shows current improvements on the property, provides a flood zone determination and the BFE or flood depth, and delineates the location of the flood zones on the property.

An application for new construction or substantial improvement of a principal structure must be accompanied by:

- A proposed site plan sealed by a design professional that includes topographic data, grading, proposed improvements, finished floor elevations, flood zone determinations, and all other information as required by any applicable provision of Section 2.4.18 or Section 3.9.6 of the Zoning Ordinance;
- An elevation certificate based on the proposed development showing compliance with City of Norfolk's floodplain regulations; and
- For non-residential structures proposed to be flood-proofed, a flood-proofing certificate based on the proposed development showing compliance with the City of Norfolk's floodplain regulations.

The complete checklist of required information that an applicant must submit in a Floodplain Permit application is located in the Floodplain Permit application package in Appendix D: Application Forms.

#### **4. Additional Information**

Contact information for city staff involved in the review of Floodplain Permit applications is in Appendix A: Staff Contact Information. The schedule for submission and review of Floodplain Permit applications is in Appendix C: Submission and Review Schedules. Floodplain Permit application forms are in Appendix D: Application Forms. Required fees for Floodplain Permit application review are in Appendix E: Fee Schedule.

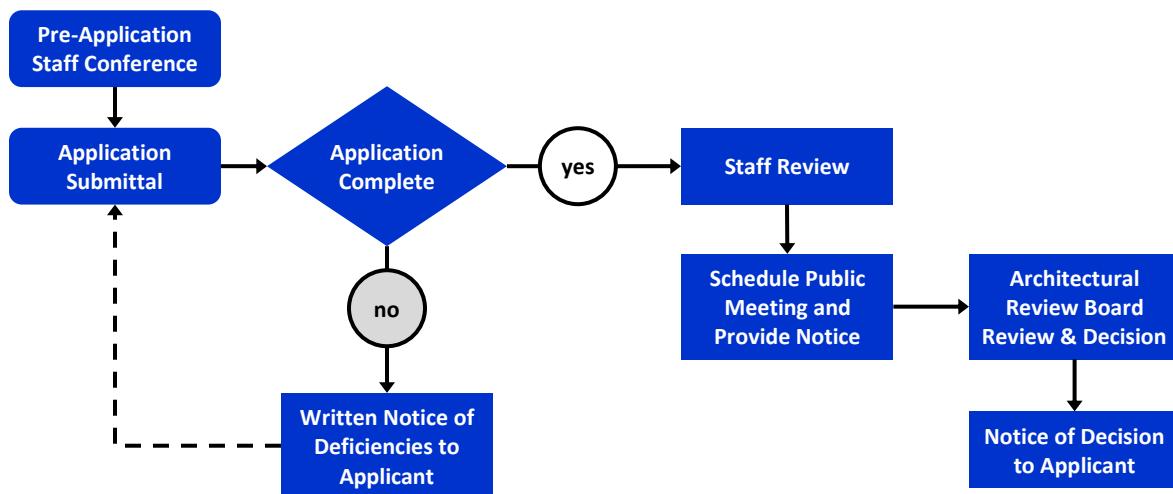
## (D) Certificate of Appropriateness

### 1. Purpose

The Zoning Ordinance requires approval of a Certificate of Appropriateness prior to certain types of development (see Section 2.4.10 (Applicability) in the Zoning Ordinance) within a Historic and Cultural Conservation Base Zoning District, Historic Overlay (HO) District, or on the site of a designated Norfolk Historic Landmark, to ensure architectural compatibility with the historic character of the district or landmark.

### 2. Process

The procedure for review of Certificate of Appropriateness applications is established in Section 2.3.4 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

The Certificate of Appropriateness application package in Appendix D: Application Forms identifies all materials required to be submitted in advance of the pre-application staff conference and includes the complete checklist of all items that must be included in a Certificate of Appropriateness application.

### 4. Additional Information

Contact information for city staff involved in the review of Certificate of Appropriateness applications is in Appendix A: Staff Contact Information. The schedule for submission and review of Certificate of Appropriateness applications is in Appendix C: Submission and Review Schedules. Certificate of Appropriate application forms are in Appendix D: Application Forms. Required fees for Certificate of Appropriateness application review are in Appendix E: Fee Schedule.

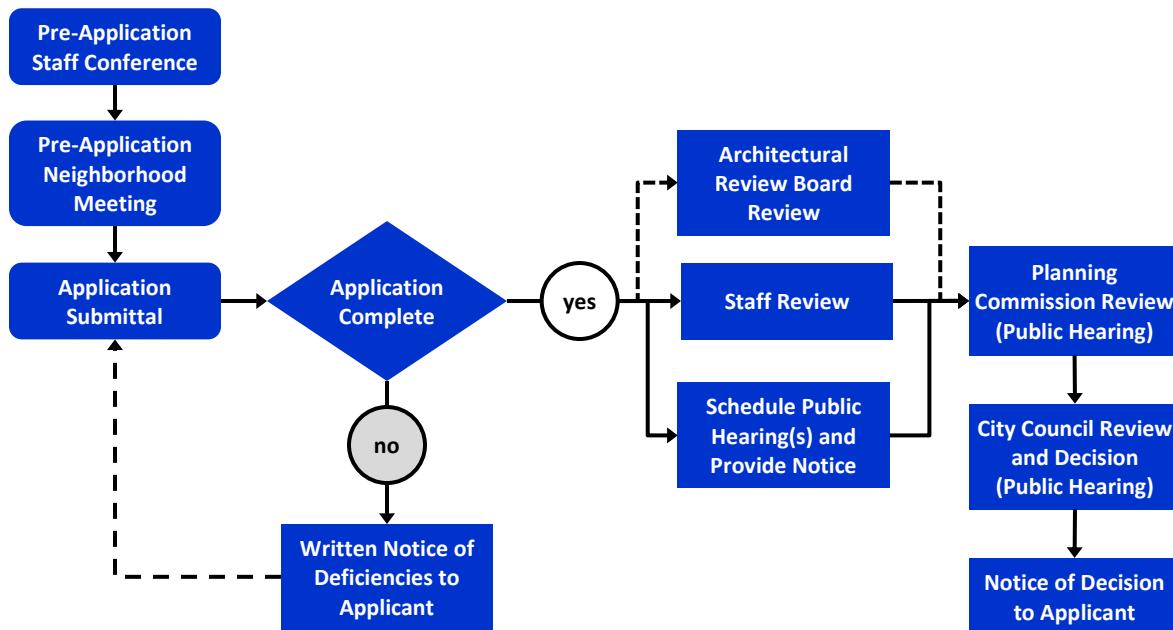
## (E) Conditional Use Permit

### 1. Purpose

The Zoning Ordinance requires approval of a Conditional Use Permit for some uses in some zoning districts prior to the use being established to ensure the proposed use is appropriate in the district and compatible with its surroundings (see Section 2.4.8 generally and Section 6.2.5 regarding nonconforming uses in the Zoning Ordinance).

### 2. Process

The procedure for review of a Conditional Use Permit application is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

Each Conditional Use Permit requires its own specific set of application materials to varied to list here. However, the submittal requirements generally include:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- For new construction or site improvements, a copy of a conceptual site plan measuring 8 ½ x 11 inches or 11 x 17 inches, drawn to scale;
- For uses and activities involving alcohol sales or entertainment, a copy of a floor plan;

- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Conditional Use Permit application packages in Appendix D: Application Forms identify all materials required to be submitted in advance of the pre-application staff conference and include complete checklists of all items that must be included in a Conditional Use Permit application.

#### **4. Additional Information**

It typically takes 2 to 3 months to complete the review process for Conditional Use Permit applications. This may vary, however, as some items may require additional time to process or review prior to review by the Planning Commission.

Contact information for city staff involved in Conditional Use Permit application review is in Appendix A: Staff Contact Information. The schedule for submission and review of Conditional Use Permit applications is in Appendix C: Submission and Review Schedules. Conditional use permit application forms are in Appendix D: Application Forms. Required fees for Conditional Use Permit application review are in Appendix E: Fee Schedule.

## (F) Related Non-Zoning Approvals and Permits

There are many other approvals and permits that may be required in addition to those required under the Zoning Ordinance, before development can occur, including, not limited to, building permits, wetlands permits, and erosion and sediment control permits. Part 2 highlights some common situations in which non-zoning approvals and permits are required using this icon:

It should be noted that the absence of this icon does not mean that non-zoning approvals and permits are not required.

## 3.2 Modifications, Variances, and Appeals

There are situations where a proposed new development cannot meet the standards established in the Zoning Ordinance or conditions put in place as part of an earlier development approval. The Zoning Ordinance provides a number of mechanisms to modify standards or conditions, if specific criteria are met. The sections below describe each type of application involved in modifying or varying the standards of the Zoning Ordinance, and the procedure for appealing an administrative decision.

The following applications are summarized in this section (3.2):

 **MOD** Modification

 **DC** Development Certificate

 **VAR**  
Variance (Zoning)

 **VCB** Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District)

 **APP** Appeal to the Board of Zoning Appeals

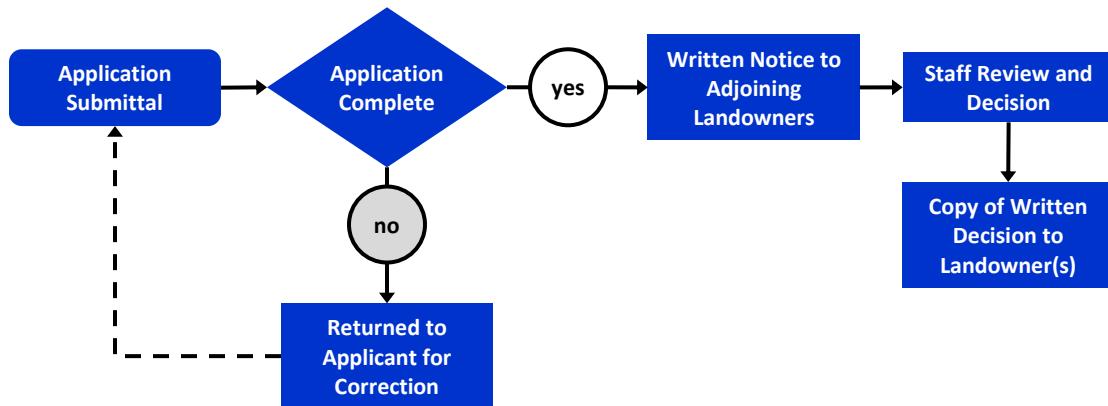
## (A) Modification

### 1. Purpose

The Zoning Ordinance includes a Modification procedure that allows an applicant to request and the Zoning Administrator to approve reductions in a building setback by up to 15 percent, subject to specific findings (see Section 2.4.16.C in the Zoning Ordinance), in accordance with the Code of Virginia.

### 2. Process

The procedure for review of Modification applications is established in Section 2.3.7 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Modification must be accompanied by information supporting each of the following findings:

- The strict application of the Zoning Ordinance would produce undue hardship;
- Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
- The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification;
- The modification does not exceed 15 percent of a building setback standard; and
- The modification will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

The complete checklist of required information that an applicant must submit in a Modification application is located in the Modification application package in Appendix D: Application Forms.

#### **4. Additional Information**

Contact information for city staff involved in the review of Modification applications is in Appendix A: Staff Contact Information. The schedule for submission and review of Modification applications is in Appendix C: Submission and Review Schedules.

Modification application forms are in Appendix D: Application Forms. Required fees for Modification applications are in Appendix E: Fee Schedule.

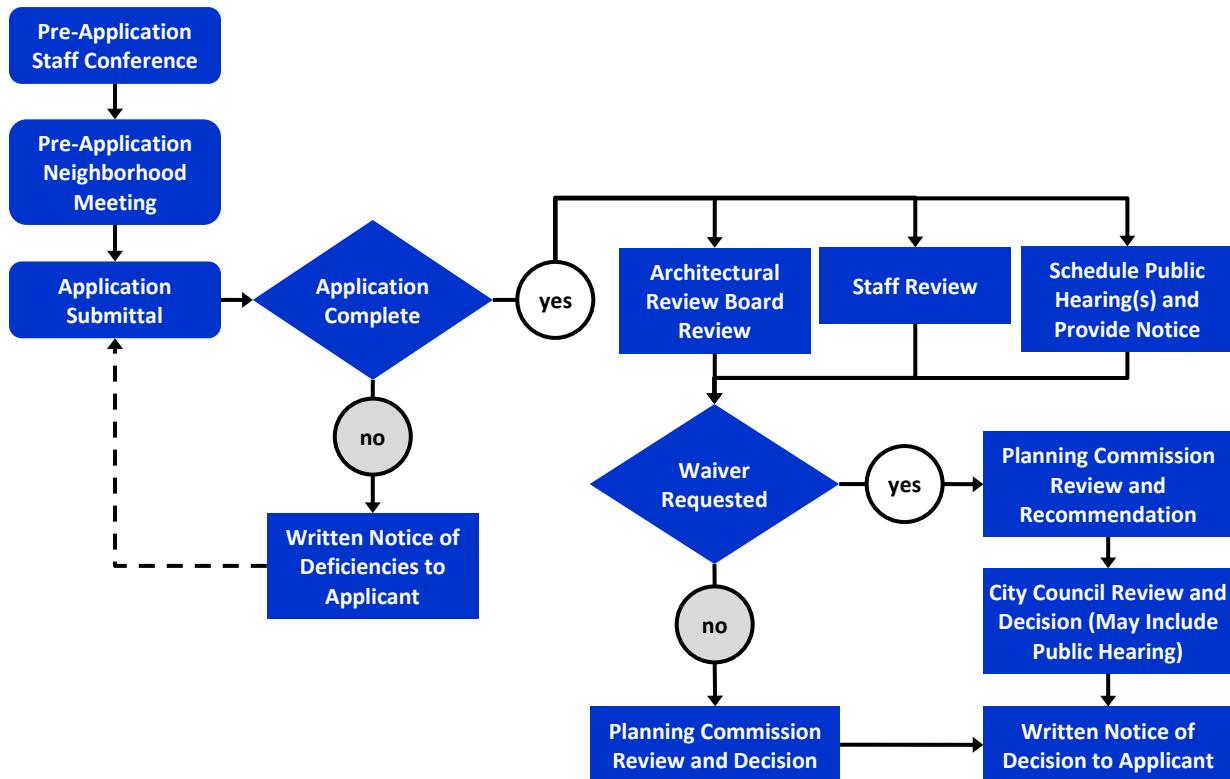
## (B) Development Certificate

### 1. Purpose

A Development Certificate provides an opportunity for approval of minor modifications of specific development standards in specific zoning districts, as long as the minor modifications further and are consistent with the purposes of the zoning district in which they are located, are consistent with the character of surrounding development, and provide compensating public benefits as part of the development for which the minor modifications are granted.

### 2. Process

The procedure for review of Development Certificate applications is established in Section 2.3.3 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

An application for Development Certificate must be accompanied by:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;

- A copy of a conceptual site plan measuring 8 ½ x 11 inches or 11 x 17 inches, drawn to scale, showing proposed site improvements, structures, parking, circulation, and other improvements;
- Building elevations prepared by a design professional including a list of materials;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Development Certificate application package in Appendix D: Application Forms identifies the materials required to be submitted in advance of the pre-application staff conference and includes a complete checklist of all items that must be included in a Development Certificate application.

#### **4. Additional Information**

Contact information for city staff involved in the review of Development Certificate applications is in Appendix A: Staff Contact Information. The schedule for submission and review of Development Certificate applications is in Appendix C: Submission and Review Schedules. Development certificate application forms are in Appendix D: Application Forms. Required fees for Development Certificate applications are in Appendix E: Fee Schedule.

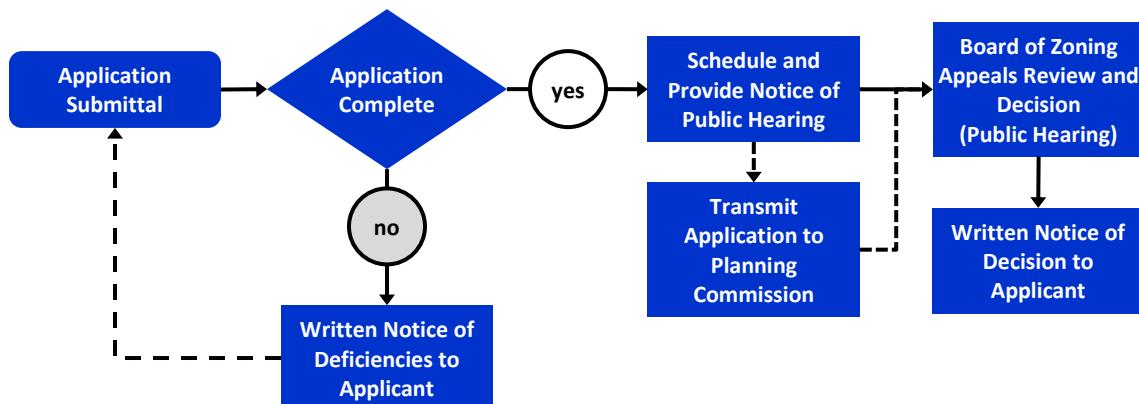
## (C) Variance (Zoning)

### 1. Purpose

The purpose of a zoning variance is to allow, in accordance with the Code of Virginia, reasonable deviations from provisions of the Zoning Ordinance that regulate the shape, size, or area of a parcel of land, or the size, area, bulk, or location of a building, or that restrict the use of the property, if certain standards are met (see Section 2.4.11.D (Variance Review Standards) of the Zoning Ordinance). The zoning variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the Zoning Ordinance that create unreasonable restrictions on the use of property. In cases where such an unreasonable restriction may be more appropriately remedied pursuant to other provisions of the Zoning Ordinance, the variance procedure is inappropriate (see Section 2.4.11.A(2)).

### 2. Process

The procedure for review of zoning variance applications is established in Section 2.3.5 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Variance (Zoning) must be accompanied by:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping; and
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges.

The complete checklist of required information that an applicant must submit in a Variance (Zoning) application is located in the Variance (Zoning) application package in Appendix D: Application Forms.

#### **4. Additional Information**

The schedule for submission and review of Variance (Zoning) applications is in Appendix C: Submission and Review Schedules. Variance (Zoning) application forms are in Appendix D: Application Forms. Required fees for Variance (Zoning) applications are in Appendix E: Fee Schedule.

The applicant for a zoning variance has the burden of proof to prove by a preponderance of the evidence that the application meets the standard for a variance set forth in Code of Virginia §§ 15.2-2201 and 15.2-2309.2. A zoning variance shall not include a change in use.

Within 30 days of the date of the final decision of the Board of Zoning Appeals, any person jointly or severally aggrieved by the decision, or any aggrieved taxpayer or any officer, department, board, or commission of the city, may appeal the decision to the Circuit Court in accordance with the Code of Virginia.

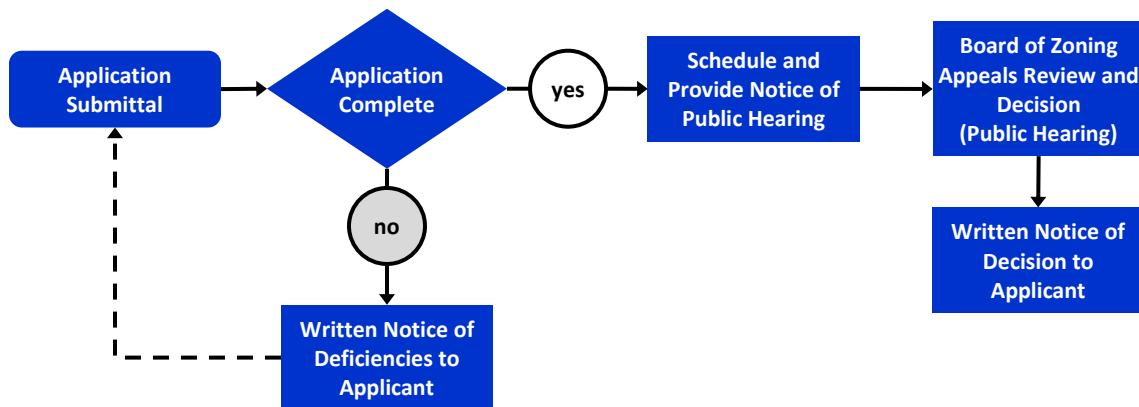
## (D) Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District)

### 1. Purpose

The purpose of a Variance (CBPA-O District and Floodplain/Coastal Hazard Overlay District) is to allow certain deviations from the CBPA-O District standards (see Section 3.9.6 in the Zoning Ordinance) or the Floodplain/Coastal Hazard Overlay District standards (see Section 3.9.7 in the Zoning Ordinance), if certain standards are met (see Section 3.9.6.M (CBPA-O variance standards) and Section 3.9.7.P (FPCH-O variance standards) in the Zoning Ordinance).

### 2. Process

The procedure for review of an application for a variance from the CBPA-O or FPCH-O district standards is established in Section 2.3.5 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for Variance (CBPA-O or FPCH-O) must be accompanied by:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- For a variance from the CBPA-O District standards, a site survey showing the location of the components of the CBPA buffer, the location and nature of the proposed encroachment into the buffer area, and the type and location of proposed best management practices to mitigate the proposed encroachment.

The complete checklist of required information that an applicant must submit in an application for a variance from the CBPA-O or FPCH-O district standards is located in the Variance (CBPA-O or FPCH-O) application package in Appendix D: Application Forms.

#### **4. Additional Information**

A Floodplain/Coastal Hazard Variance may be used to request hardship relief from the standards of the CBPA-O District or the FPCH-O District. A variance that would increase development density (e.g., units per acre) beyond that allowed in a base zoning district is not allowed.

The schedule for submission and review of Variance (CBPA-O or FPCH-O) applications is in Appendix C: Submission and Review Schedules. Variance (CBPA-O or FPCH-O) application forms are in Appendix D: Application Forms. Required fees for Variance (CBPA-O or FPCH-O) applications are in Appendix E: Fee Schedule.

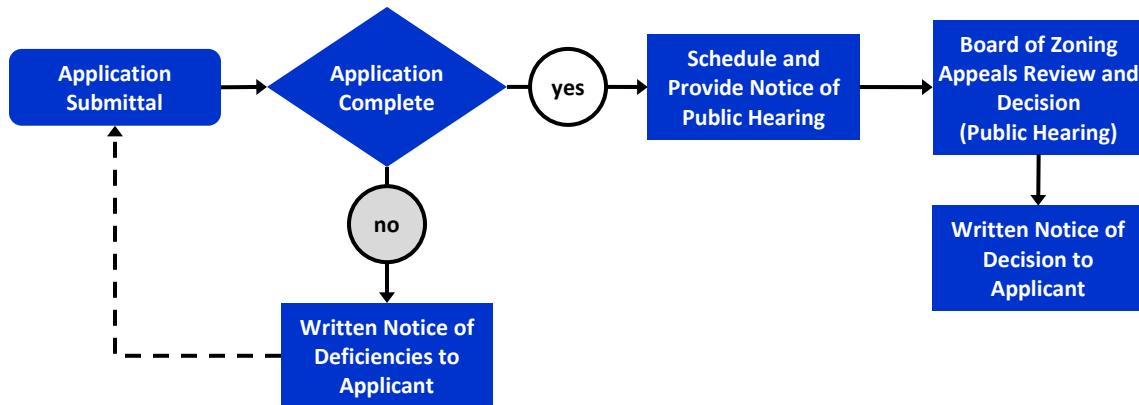
## (E) Appeal to the Board of Zoning Appeals

### 1. Purpose

The Zoning Ordinance lays out an appeal process whereby any person aggrieved by an interpretation or decision by the Zoning Administrator or a decision by any other administrative officer in the city related to any part of the Zoning Ordinance may appeal the decision or interpretation to the Board of Zoning Appeals, in accordance with the Code of Virginia.

### 2. Process

The procedure for review of an appeal to the Board of Zoning Appeals is established in Section 2.3.5 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements

An application for an Appeal to the Board of Zoning Appeals must be accompanied by evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges.

The complete checklist of required information that must be submitted in an Appeal to the Board of Zoning Appeals is located in the Appeal to Board of Zoning Appeals application package in Appendix D: Application Forms.

### 4. Additional Information

An appeal must be initiated by filing an application with the Zoning Administrator within 30 days of the date of the decision or interpretation being appealed. The determination of the administrative officer will be presumed correct. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.

The schedule for submission and review of an appeal to the Board of Zoning Appeals is in Appendix C: Submission and Review Schedules. Application forms for an Appeal to the Board of Zoning Appeals are in Appendix D: Application Forms, and required fees are in Appendix E: Fee Schedule.



### 3.3 Interpreting and Amending the Zoning Ordinance

The Zoning Ordinance includes procedures for interpreting and amending the Zoning Ordinance, including the Zoning Map. It also includes provisions for enforcement of the Zoning Ordinance. These procedures and provisions are summarized in this section.

The following types of application are addressed in this section (3.3):

**INT**

Interpreting the Zoning Ordinance

**ZAM**

Zoning Ordinance Text Amendment Process and Zoning Map Amendment Process

**CRZ**

Conditional Rezoning

**PD**

Planned Development

**HD**

Designation of New Historic Districts, Overlay Districts, and Landmarks

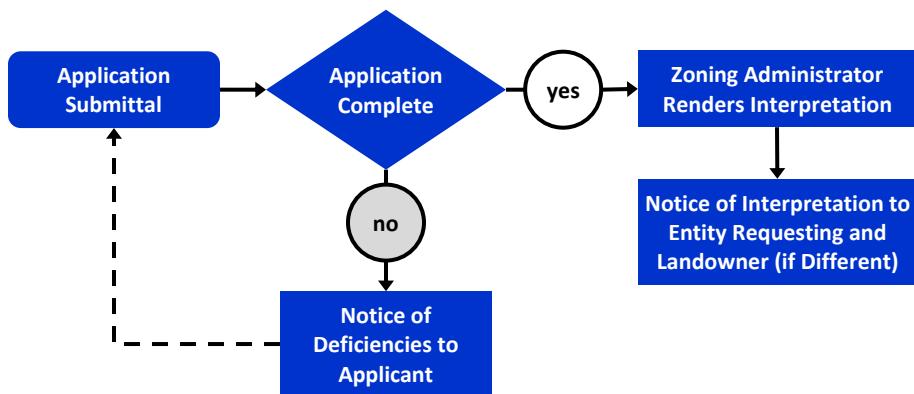
**HL**

## (A) Interpreting the Zoning Ordinance

The Zoning Administrator makes interpretations that establish the meaning of the text of the Zoning Ordinance or the specific location of boundaries of the zoning districts on the Zoning Map, as needed (see Sec. 2.4.14 of the Zoning Ordinance). The Zoning Administrator's interpretation can be appealed to the Board of Zoning Appeals (see Sec. 2.4.13 of the Zoning Ordinance).

### 1. Process

The procedure for interpretations of Zoning Ordinance is established in Section 2.3.8 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 2. Submittal Requirements

An application for Interpretation must be accompanied by information detailing each of the following:

- The specific provision or provisions of the Zoning Ordinance for which an interpretation is sought;
- The facts of the specific situation giving rise to the request for an interpretation;
- The precise interpretation claimed by the application to be correct;
- When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use; and
- When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

The complete checklist of required information that must be submitted in a request for an Interpretation of the Zoning Ordinance is located in the Interpretation application package in Appendix D: Application Forms.

### **3. Additional Information**

Contact information for city staff involved in requests for interpretations is in Appendix A: Staff Contact Information. Interpretation application forms are in Appendix D: Application Forms. Required fees for interpretation requests are in Appendix E: Fee Schedule.

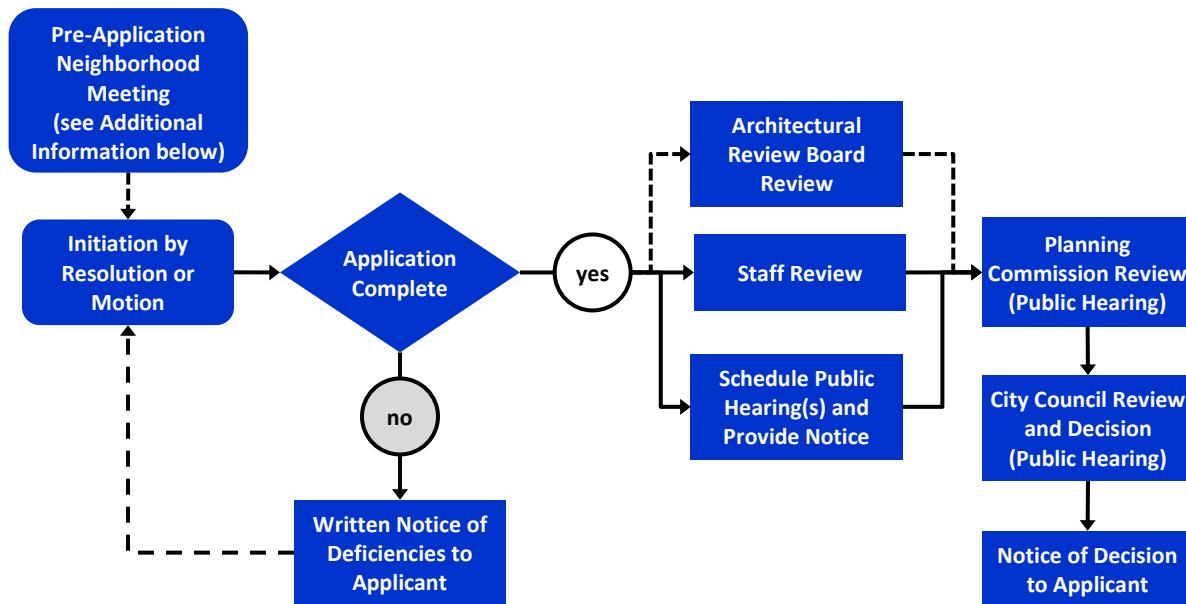
The Zoning Administrator maintains a record of written interpretations at the Department of City Planning office in Suite 508 of City Hall Building, located at 810 Union Street. It is available for public inspection upon reasonable request weekdays between the hours of 8:30 am and 5:00 pm. In addition, Appendix F: Resources and Guidance for Application of Zoning Ordinance Standards, of this manual includes excerpts and/or summaries of many of the written interpretations.

## (B) Amending the Zoning Ordinance Generally

The Zoning Ordinance establishes procedures for amending the text of the Zoning Ordinance (see Sec. 2.4.2 of the Zoning Ordinance) and for amending the Zoning Map, also called rezoning (see Sec. 2.4.3 of the Zoning Ordinance). The processes for each of these types of amendments are summarized below.

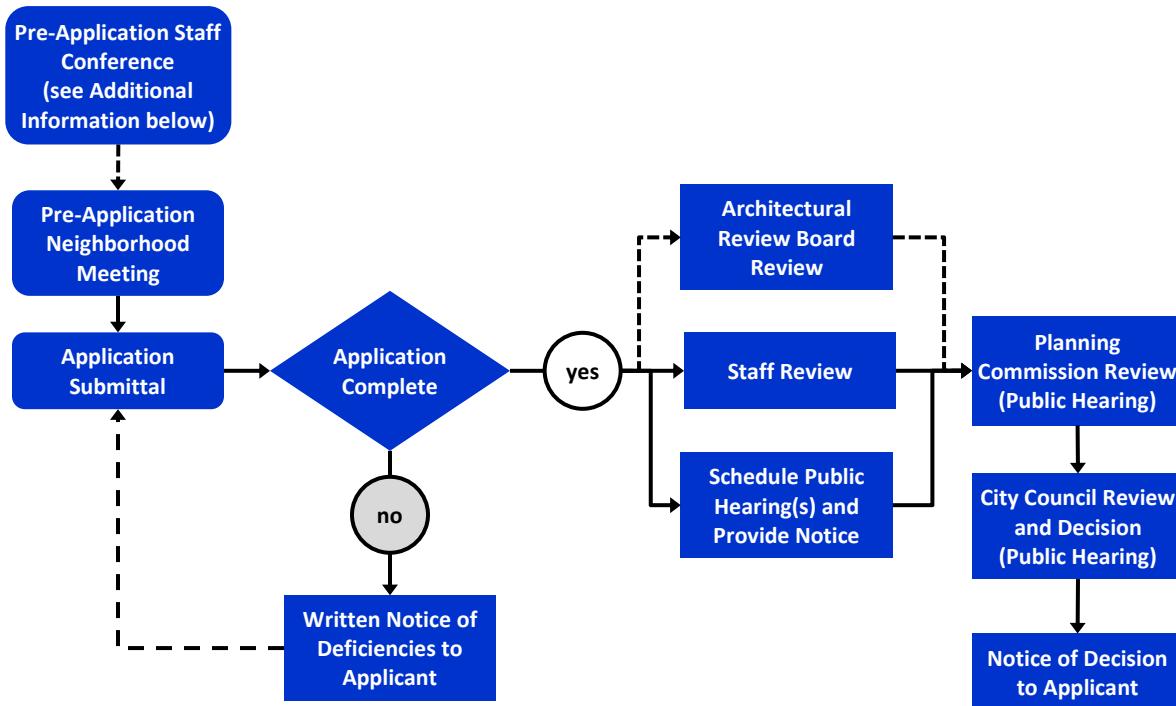
### 1. Zoning Ordinance Text Amendment Process

The procedure for amending the text of the Zoning Ordinance is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



## 2. Zoning Map Amendment Process

The procedure for amending the Zoning Map (rezoning) is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



## 3. Submittal Requirements for Staff Conference and Application

An amendment of the text of the Zoning Ordinance may be initiated only by resolution of the City Council or by motion of the Planning Commission. An application for Zoning Text Amendment is a request asking one of those bodies to initiate the proposed amendment. The application must include:

- A detailed description of the request, including the proposed new text if appropriate; and
- If required by the Zoning Ordinance for the specific amendment requested, evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

An application for a Zoning Map Amendment must be accompanied by:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and

- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Zoning Text Amendment and Zoning Map Amendment application packages in Appendix D: Application Forms identify the materials required to be submitted in advance of the pre-application staff conference and include complete checklists of all items that must be included in the application.

#### **4. Additional information**

For an amendment of the text of the Zoning Ordinance, a pre-application neighborhood meeting is only required if amending one or more of the D, HC, or PCO districts, or the R-C or G-1 district; a zoning text amendment application is initiated by resolution of the City Council or motion of the Planning Commission only.

For a Zoning Map Amendment, a pre-application staff conference is not required if the City Council, Planning Commission, or city staff is the applicant.

Contact information for city staff involved in amendments to the Zoning Map or the text of the Zoning Ordinance is in Appendix A: Staff Contact Information. The schedule for submission and review of Zoning Map Amendment applications is in Appendix C: Submission and Review Schedules. Zoning Map Amendment application forms and Zoning Text Amendment Application forms are in Appendix D: Application Forms. Required fees for Zoning Map Amendment applications are in Appendix E: Fee Schedule.

**CRZ**

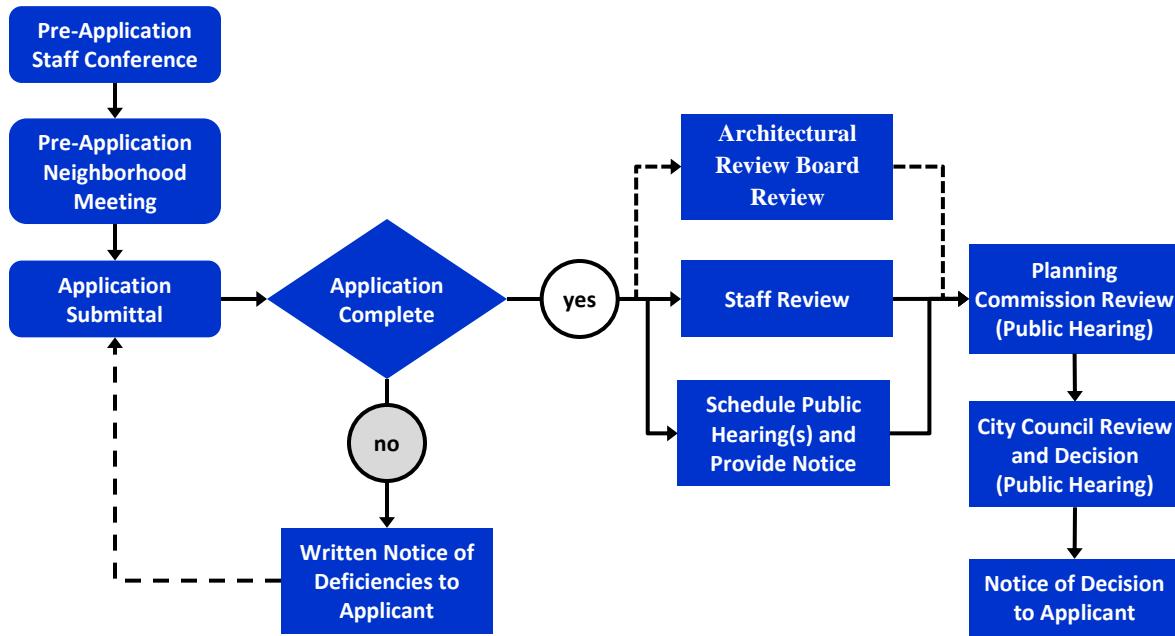
### **(C) Conditional Rezoning**

#### **1. Purpose**

The Zoning Ordinance establishes a Conditional Rezoning review procedure and standards, as allowed under the Code of Virginia, for accepting reasonable conditions voluntarily proffered by a landowner in conjunction with a proposed development (that requires a zoning map amendment), to ensure consistency with the comprehensive plan, address the impacts of the proposed development, and fulfill any other appropriate land use and zoning purposes.

#### **2. Process**

The procedure for review of Conditional Rezoning applications is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

An application for a Conditional Rezoning must be accompanied by:

- All conditions of approval proffered by the applicant, in writing, and a written description of the nature and purpose of the proposed conditional rezoning;
- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- A copy of a conceptual site plan measuring 8 ½ x 11 inches or 11 x 17 inches, drawn to scale;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Conditional Rezoning application package in Appendix D: Application Forms identifies the materials required to be submitted in advance of the pre-application staff conference and includes the complete checklist of all items that must be included in a Conditional Rezoning application.

### 4. Additional Information

Contact information for city staff involved in the review of Conditional Rezoning applications is in Appendix A: Staff Contact Information. The schedule for submission

and review of Conditional Rezoning applications is in Appendix C: Submission and Review Schedules. Conditional rezoning application forms are in Appendix D: Application Forms. Required fees for Conditional Rezoning applications are in Appendix E: Fee Schedule.

**PD**

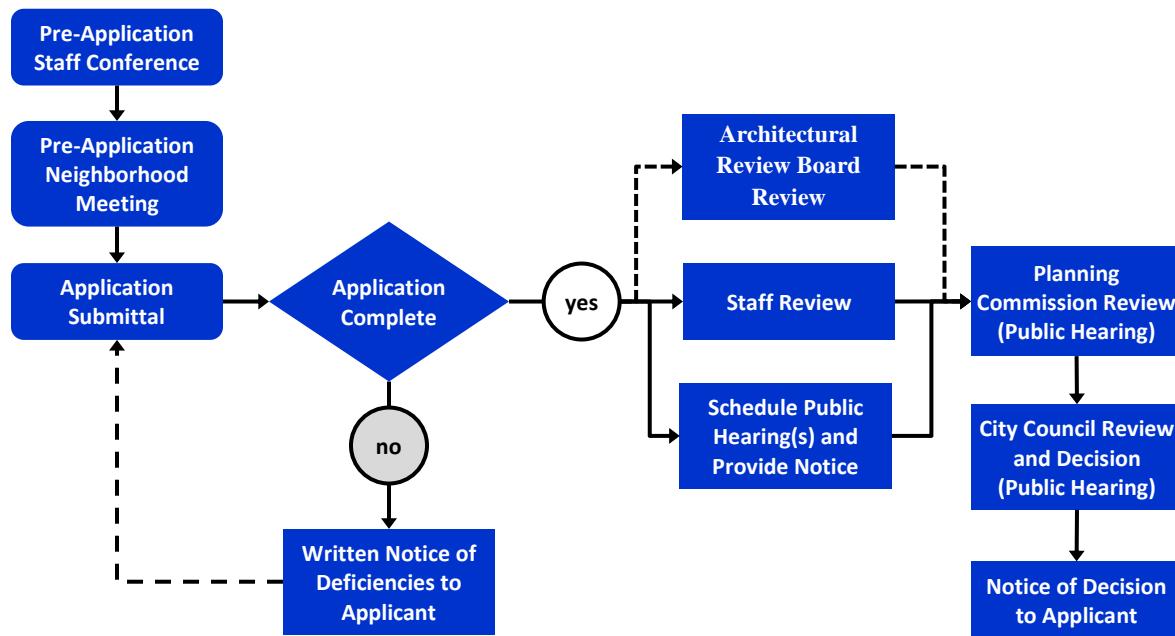
## (D) Planned Development

### 1. Purpose

A Planned Development (PD) district is a district that is planned and developed under unified control that allows for more flexible standards than the underlying base zoning district and supports more mixed-use, pedestrian-oriented development, in return for more innovative design and higher quality development than could be achieved through the base zoning district regulations (see Section 3.8 (Planned Development Districts) in the Zoning Ordinance). The Zoning Ordinance includes a review procedure and special standards for amending the Official Zoning Map to establish a new Planned Development (PD) district.

### 2. Process

The procedure for review of applications for the establishment of a PD district is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

An application for a Planned Development must be accompanied by:

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- A written description of the nature and purpose of the proposed planned development;
- A copy of the proposed PD master plan;
- A copy of the proposed PD terms and conditions document;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Planned Development application package in Appendix D: Application Forms identifies the materials required to be submitted in advance of the pre-application staff conference and includes the complete checklist of all items that must be included in a Planned Development application.

#### **4. Additional Information**

Contact information for city staff involved in the review of applications for new PD districts is in Appendix A: Staff Contact Information. The schedule for submission and review of applications is in Appendix C: Submission and Review Schedules, and application forms are in Appendix D: Application Forms. Required fees for review of applications for new PD districts are in Appendix E: Fee Schedule.

## HD (E) Designation of New Historic Districts, Overlay Districts, and Landmarks

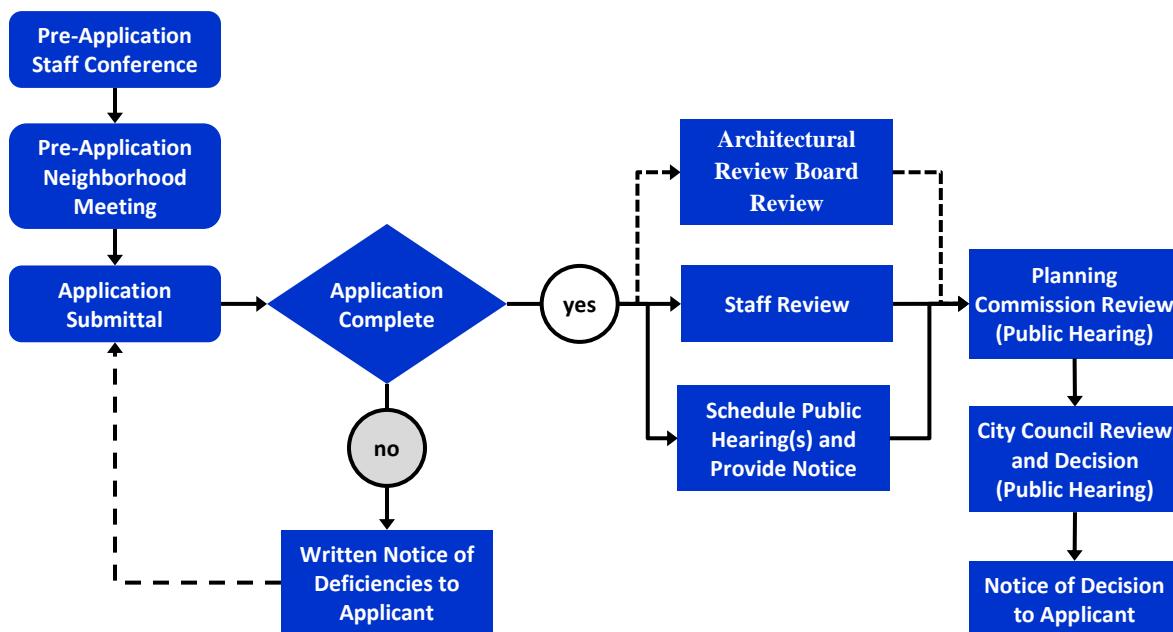
### 1. Purpose

A *historic* or *historic overlay district* is a district that recognizes that an area of the city or collection of structures is in fact of historic and cultural significance requiring protection against destruction and encroachment. A *Norfolk Historic Landmark* is a building, structure, or site which is at least 50 years old that is designated as a historic landmark because it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the City of Norfolk or its surrounds.

The Zoning Ordinance establishes a review procedure and other special standards for designating a new Historic and Cultural Conservation (HC) or Historic Overlay (HO) zoning district, and for reviewing proposed historic landmark designations to ensure they are appropriate for a particular location.

### 2. Process

The procedure for review of applications for new historic districts, overlay districts, and landmarks is established in Section 2.3.2 of the Zoning Ordinance. The following flowchart summarizes the procedure:



### 3. Submittal Requirements for Staff Conference and Application

An application for a Historic or Historic Overlay District or for a Historic Landmark Designation must be accompanied by:

- A written description of the nature and purpose of the proposed map amendment;

- A copy of a physical survey measuring 8½ x 11 inches or 11 x 17 inches, drawn to scale, and showing site conditions including existing structures, driveways, parking, property lines, and landscaping;
- Evidence of payment of any delinquent real estate taxes, nuisance charges, stormwater management utility fees, or other charges; and
- Evidence of participation in the necessary neighborhood organization (civic league or other similar group) meetings or a written summary of an applicant-hosted neighborhood meeting.

The Historic or Historic Overlay District Designation application package and the Historic Landmark Designation application package in Appendix D: Application Forms identify the materials required to be submitted in advance of the pre-application staff conference and include complete checklists of all items that must be included in a Historic or Historic Overlay District Designation application and a Historic Landmark Designation application, respectively.

#### **4. Additional Information**

Contact information for city staff involved in reviewing an application for designation of a new historic district, historic overlay district, or landmark is in Appendix A: Staff Contact Information. The schedule for submission and review of applications is in Appendix C: Submission and Review Schedules, and application forms are in Appendix D: Application Forms. Required fees are in Appendix E: Fee Schedule.



## Part 4: Bodies and Persons that Review and Decide Applications

This part includes a summary table of the responsibilities of each body or person that reviews or makes decisions on applications under the Zoning Ordinance. It also includes contact information and information on regular meetings of the review and decision-making bodies, as well as references to their rules of procedure.

### 4.1 Summary Table of Development Review Responsibilities

Below is a table that summarizes each of the review and approval procedures and the review responsibilities for each of the bodies and persons that review and make decisions on applications under the Zoning Ordinance.

APPLICATION TYPE	ADVISORY AND DECISION-MAKING BODIES					
	ZONING ADMIN.	PLANNING DIRECTOR	ARCH. REVIEW BOARD	PLANNING COMMISSION	CITY COUNCIL	BOARD OF ZONING APPEALS
<b>Planning Commission Public Hearing Procedure (Zoning Ordinance Sec. 2.3.2)</b>						
Zoning Text Amendment						
Zoning Map Amendment						
Conditional Rezoning						
Planned Development District		R	R [I]	<R>	<D>	
Historic and Historic Overlay District						
Historic Landmark Designation						
Conditional Use Permit						
<b>Development Certificate Review Procedure (Zoning Ordinance Sec. 2.3.3)</b>						
Development Certificate	R		R [I]	D [2]	A [2] D [3]	
<b>Architectural Review Board Procedure (Zoning Ordinance Sec. 2.3.4)</b>						
Certificate of Appropriateness	R		D		<A>	
<b>Board of Zoning Appeals Procedure (Zoning Ordinance Sec. 2.3.5)</b>						

**TABLE 4.1: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES**

		<> = PUBLIC HEARING    R = RECOMMENDATION    D = DECISION    A = APPEAL					
APPLICATION TYPE	ADVISORY AND DECISION-MAKING BODIES						
	ZONING ADMIN.	PLANNING DIRECTOR	ARCH. REVIEW BOARD	PLANNING COMMISSION	CITY COUNCIL	BOARD OF ZONING APPEALS	
<b>Variance (Zoning)</b>							<D>
<b>Variance (CBPA-O or FPCH-O)</b>	R						
<b>Appeal to the Board of Zoning Appeals</b>							<D>
<b>Administrative Review Procedure (Zoning Ordinance Sec. 2.3.6)</b>							
Zoning Certificate	D [4]		D [4]				<A>
Floodplain Permit							
<b>Modification Procedure (Zoning Ordinance Sec. 2.3.7)</b>							
Modification	D						<A>
<b>Interpretation Procedure (Zoning Ordinance Sec. 2.3.8)</b>							
Interpretation	D						<A>
<b>Site Plan Review Procedure (Zoning Ordinance Sec. 2.3.9)</b>							
Major Site Plan	D						
Minor Site Plan							

**Notes:**

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

## 4.2 Contact Information and Meeting Schedules

The office location and contact information for the Director of the Department of City Planning, Zoning Administrator, and other city staff are listed in Appendix A: Staff Contact Information. The dates, times, and locations of regular meetings for the review and decision-making bodies, as well as the contact information for supporting staff, are listed in Appendix B: Review and Decision-Making Bodies Regular Meeting and Contact Information.

## 4.3 Rules of Procedure

The Planning Commission's rules of procedure are in the *Norfolk City Planning Commission Policies and Procedures Handbook*, which can be accessed at [www.norfolk.gov/planning](http://www.norfolk.gov/planning) and at the Department of City Planning office in Suite 508 of City Hall Building, located at 810 Union Street. The Architectural Review Board's rules of procedure, as well as those of the Board of

Zoning Appeals, can also be accessed at [www.norfolk.gov/planning](http://www.norfolk.gov/planning) and the Department of City Planning office.



## Part 5: Appendices

### 5.1 Appendix A: Staff Contact Information

Table 5.1 below identifies the office location, phone number, and email address for staff responsible for reviewing and/or making decisions on applications under the Zoning Ordinance. If a name is not listed here, contact the department at (757)664-4752 or [planning@norfolk.gov](mailto:planning@norfolk.gov).

**TABLE 5.1: STAFF CONTACT INFORMATION**

STAFF	OFFICE LOCATION	PHONE NUMBER	EMAIL ADDRESS
<b>Director of the Department of City Planning</b>	vacant		
<b>Assistant Director</b>	Paula Shea, AICP City Hall, Room 508	(757)664-4772	<a href="mailto:paula.shea@norfolk.gov">paula.shea@norfolk.gov</a>
<b>Building Commissioner</b>	Phillip Williams (Acting) Development Services Center	(757)664-6696	<a href="mailto:phillip.williams@norfolk.gov">phillip.williams@norfolk.gov</a>
<b>Zoning Administrator</b>	Jeremy Sharp, AICP CFM City Hall, Room 508	(757)823-1087	<a href="mailto:jeremy.sharp@norfolk.gov">jeremy.sharp@norfolk.gov</a>
<b>Environmental Services Manager</b>	Seamus McCarthy, CFM City Hall, Room 508	(757)664-4363	<a href="mailto:seamus.mccarthy@norfolk.gov">seamus.mccarthy@norfolk.gov</a>
<b>Current Planning Manager</b>	Susan Pollock-Hart, CFM City Hall, Room 508	(757)664-4765	<a href="mailto:susan.pollock@norfolk.gov">susan.pollock@norfolk.gov</a>
<b>Historic Preservation Planner</b>	Susan McBride City Hall, Room 508	(757)823-1451	<a href="mailto:susan.mcbride@norfolk.gov">susan.mcbride@norfolk.gov</a>
<b>Chief Comprehensive Planner</b>	Chris Whitney, AICP CFM City Hall, Room 508	(757)823-1253	<a href="mailto:chris.whitney@norfolk.gov">chris.whitney@norfolk.gov</a>



## 5.2 Appendix B: Review and Decision-Making Bodies Regular Meeting and Contact Information

Table 5.2 below provides information on regular meetings of the review and decision-making bodies that review development applications under the Zoning Ordinance.

**TABLE 5.2: REGULAR MEETING SCHEDULES AND CONTACT INFORMATION**

BOARD/ COMMISSION	REGULAR MEETING DATE & TIME	REGULAR MEETING LOCATION	STAFF LIAISON AND ADMINISTRATIVE SUPPORT	PHONE NUMBER	EMAIL ADDRESS
<b>Architectural Review Board</b>	Second and Fourth Monday 4:00 PM	City Hall, 10 <sup>th</sup> Floor	Susan McBride City Hall, Room 508	(757)823-1451	susan.mcbride@norfolk.gov
<b>Board of Zoning Appeals</b>	Third Thursday 10:00 AM	City Hall, 11 <sup>th</sup> Floor	Jeremy Sharp City Hall, Room 508	(757)823-1087	jeremy.sharp@norfolk.gov
<b>City Council</b>	Tuesday 7:00 PM	City Hall, 11 <sup>th</sup> Floor	City Clerk City Hall, Room 1006	(757)664-4253	allan.bull@norfolk.gov
<b>Planning Commission</b>	Second and Fourth Thursday 1:00 PM	City Hall, 11 <sup>th</sup> Floor	Susan Pollock-Hart City Hall, Room 508	(757)664-4765	susan.pollock@norfolk.gov



### 5.3 Appendix C: Submission and Review Schedules

Table 5.3 below provides information on the application review schedules and deadlines of the review and decision-making bodies that review development applications under the Zoning Ordinance.

**TABLE 5.3: APPLICATION REVIEW SCHEDULES AND DEADLINES**

BOARD/ COMMISSION	REGULAR MEETING DATE & TIME	APPLICATION DEADLINES	EXCEPTIONS	DECISION-MAKING BODY, MEETING DATE, AND TIME (WHERE NECESSARY)
Architectural Review Board	First and Third Monday 4:00 PM	14 calendar days prior to meeting	Where the regular meeting date coincides with a Monday holiday, the meeting will be held the Thursday before the regular meeting date.	Next scheduled Planning Commission meeting 1:00 PM
Board of Zoning Appeals	Third Thursday 10:00 AM	30 calendar days prior to meeting	N/A	N/A
City Council	Tuesday 7:00 PM	N/A	N/A	N/A
Planning Commission	Fourth Thursday 2:30 PM	45 calendar days prior to meeting	In November and December, the meeting will be held the second Thursday	As scheduled by City Council (typically, non-public hearing items are heard on the ensuing second Tuesday and public hearing items are heard on the ensuing fourth Tuesday) 7:00 PM



## 5.4 Appendix D: Application Forms

Can be found at <https://www.norfolk.gov/825/City-Planning>.



## 5.5 Appendix E: Fee Schedule

Table 5.5 below outlines the fee schedule for each application type accepted under this Ordinance.

<b>TABLE 5.5: FEE SCHEDULE (EFFECTIVE JULY 1, 2021)</b>	
<b>PERMITTING ACTIVITY</b>	<b>Fee</b>
<b>Architectural Review Board</b>	
<b>Certificate of Appropriateness</b>	\$15
<b>Design Review</b>	\$420
<b>Certificate of Appropriateness (after the fact)</b>	\$840
<b>Planning Commission</b>	
<b>Development Certificate</b>	\$95
<b>Development Certificate (with request to modify standards)</b>	\$435
<b>Plan Amendment with Concurrent Application</b>	\$15
<b>Plan Amendment without Concurrent Application</b>	\$1,065
<b>Zoning Map Amendment, Conditional Rezoning</b>	\$1,375
<b>Conditional Use Permit</b>	\$1,080
<b>Zoning Text Amendment</b>	\$915
<b>Right of Way Vacation</b>	\$100
<b>Board of Zoning Appeals</b>	
<b>Variance, Variance (CBPA-O or FPCH-O), Appeal to the Board of Zoning Appeals</b>	\$270
<b>Variance (after the fact)</b>	\$555
<b>Administrative Review</b>	
<b>Non-Standard Lot Review</b>	\$525
<b>Ownership Review Request</b>	\$115
<b>Major Site Plan</b>	\$785
<b>Minor Site Plan</b>	\$95
<b>Subdivision Review (preliminary review)</b>	\$300+\$11/lot
<b>Subdivision Review (final review)</b>	\$300+\$11/lot
<b>Subdivision Review (lot vacation)</b>	\$100
<b>Tax Abatement (1-4 lots)</b>	\$55
<b>Tax Abatement (all others)</b>	\$255
<b>Zoning Compliance Letter, Zoning Compliance Review, Interpretation, Modification</b>	\$95
<b>Moving Storage Container Registration</b>	\$15 (for up to two weeks) + \$15/week (for longer than two weeks)

## 5.6 Appendix F: Resources and Guidance for Application of Zoning Ordinance Standards

The table below includes resources and guidance to aid city staff in the application of the standards in the Zoning Ordinance. It is ordered according to the Zoning Ordinance section number where the standard is located. For each standard, the table includes text, graphics, and/or cross references to relevant official interpretations, resources, and other standards. In general, the resources and guidance in the table can be categorized as follows:

- Interpretations of zoning standards in written form;
- References to sections of the Zoning Ordinance or other related regulatory documents; or
- Illustrations and examples of ways to comply with the standards, best practices, and other guidance to aid in the application of the standards.

Official interpretations are binding on staff application of standards; all other information in the table is non-binding and is intended only as a resource available to staff.

The index below lists all sections of the Zoning Ordinance for which resources and guidance are provided and the corresponding page number where the entry for each section is located in the table (the index is hyperlinked to the appropriate location in the table).

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<b>Article 1: General Provisions</b>	
<b>Article 2: Administration</b>	
<b>Section 2.3.3.B(5) – Added July 23, 2019</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>“The ARB shall review the application and consider the application, relevant support materials, staff report, and any public comments...The ARB shall provide guidance and make a recommendation to the Planning Commission. The recommendation shall be to approve, approve with changes, or disapprove the application.”</p> <p><b>Guidance:</b></p> <p>For the purposes of this provision, a development proposal receiving a Certificate of Appropriateness (COA) shall be deemed to have received a recommendation of approval from the ARB to the Planning Commission.</p>	
<b>Section 2.3.4.A(2) – Added July 23, 2019</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>“Per the provisions of this Ordinance, the Architectural Review Board shall also make recommendations to the Planning Commission on the following items...”</p> <p><b>Guidance:</b></p> <p>Determinations of architectural appropriateness required in Section 2.2.4.A shall also be reviewed according to this procedure.</p>	
<b>Section 2.3.6.A(1) – Added May 5, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>“Except in any historic (HC or HO) district, on any corner lot, or on any through lot, the construction of a fence or wall shall be exempt from the procedural steps and other rules in this section.”</p> <p><b>Guidance:</b></p> <p>This exemption has been administratively extended to include sheds and other accessory structures smaller than 256 square feet and located outside of the front yard.</p>	
<b>Section 2.3.9.A(1)(a)(i) – Added May 5, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>[The following types of development require major site plan review:] “All new construction and substantial improvements of existing structures involving land disturbance greater than 2,500 square feet, excluding new single-family detached residential construction that is built in compliance with the standards of Section 5.12. Resilience Quotient;”</p> <p><b>Guidance:</b></p> <p>This should be read as requiring major site plan review for (1) new construction of a principal structure other than 1-2 single-family dwellings, and (2) additions or substantial improvements to</p>	

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
	<p>a principal structure (not including a single-family dwelling) with land disturbance greater than 2,500 square feet.</p>
<b>Section 2.3.9.A(1)(a)(iv) – Added May 5, 2023</b>	<p><b>Zoning Ordinance Text:</b></p> <p>[The following types of development require major site plan review:] “Common Plans of Development.”</p> <p><b>Guidance:</b></p> <p>A Common Plan of Development is defined as “a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules” per the <i>Norfolk Stormwater Design and Construction Manual</i>. In practice, the construction of more than two single-family dwellings on property that is presently or was formerly under common ownership is considered a Common Plan of Development, even where the dwellings are being constructed at different times by different developers.</p>
<b>Section 2.4.8.B(2)(b) – Added December 6, 2023</b>	<p><b>Zoning Ordinance Text:</b></p> <p>[The expedited process for review of a conditional use permit application...may be utilized in any of the following circumstances:] “(b) Whenever the holder of a conditional use permit which is currently in effect for the use of a Restaurant that has been authorized by a grant of a conditional use permit that allows operating with late hours (as required by Section 4.2.3.F(2)(f)), seating fewer than 80% of patrons (as required by Section 4.2.3.F(2)(f), or the accessory use of live entertainment (as required by Section 4.3.3.E(1)(k)), for the use of a banquet hall, or for the use of production of craft beverages requests approval to add one or more approved managers to its operation, to add or increase the capacity of an outdoor dining area located within the public right-of-way, or both.”</p> <p><b>Guidance:</b></p> <p>This provision is considered to apply to outdoor dining areas located on private property as well as those within the public-right-of-way.</p>
<b>Section 2.4.16.C(3) and (5) – Added May 5, 2023</b>	<p><b>Zoning Ordinance Text:</b></p> <p>[The proposed Modification shall be approved upon a finding that:] “(3) The authorization of the Modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. (5) It will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.”</p> <p><b>Guidance:</b></p> <p>It is the practice of the Zoning Administrator to consider any opposition to the modification received through the required public outreach process to cause the proposal to fail these tests. In these cases, the modification will be denied, and the applicant will be directed to seek a Variance.</p>

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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**Sections 2.4.18.B and 2.4.19.B – Added May 5, 2023**

**Guidance:**

The applicability statements for these sections conflict with the applicability statements in Section 2.3.9. The applicability statements of Section 2.3.9, as interpreted above, are considered the correct applicability statements.

**Sections 2.4.18.F and 2.4.19.F – Added August 18, 2023**

**Zoning Ordinance Text:**

[Regarding site plan expiration] “an application for a Zoning Certificate shall be obtained for at least one building in the site plan within five years of the date of the approval, or the site plan shall become null and void, and automatically expire, subject to the vesting provisions of the Code of Virginia.”

**Guidance:**

The validity of site plans issued prior to January 1, 2009 was extended repeatedly by the General Assembly, with extensions granted July 1, 2009 that were extended in 2012 and 2017. However, those extensions expired July 1, 2020. A separate extension was created in 2020, extending the validity of plans that were still valid but unenacted on July 1, 2020 until July 1, 2025.

**Article 3: Zoning Districts**

**Section 3.2.3.B – Added May 5, 2023**

**Zoning Ordinance Text:**

“Side Yard Setback, min. (ft.): 5, with a total on both sides of 20”

**Guidance:**

For corner lots, any side yard can be as small as 5’.

**Section 3.2.3.B – Added December 6, 2023**

**Zoning Ordinance Text:**

[Lot Area, min.] “20,000-25,000, based on the predominant pattern”

[Lot Width, min.] “100”

[Notes] “[1] Where there is no predominant pattern, lot area shall not be less than 25,000 sf. [2] Minimum lot width may be reduced to the average lot width of properties on the same block face, but the minimum shall not be less than 90 ft.”

**Guidance:**

The method for determining the predominant lot size or width on a block face is to assess the width or area of other residential zoning lots that lie within 500 feet and front the same street as the subject site. Zoning lots that are in a non-residential district, across a street with a width of 75 feet or greater, or across a body of water are not included. At a minimum, a pattern is determined to be predominant if a simple majority of lots are within the selected size range. However, a determination of no predominant pattern may occur where a greater variety of lot proportions is present.

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<b>Section 3.2.3.B – Added December 6, 2023</b>	
	<p><b>Zoning Ordinance Text:</b></p> <p>[Front Yard Setback, min.] “25 [3]”</p> <p>[Notes] “[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.”</p> <p><b>Guidance:</b></p> <p>The method for determining the average setback on the block face is to assess the setback, measured to the front façade, of the structures on other residential zoning lots that lie on the same side of the street between the nearest two cross streets. For unusually long blocks, this may be reduced to 3-5 lots in either direction. Present use of the structure is not considered. A simple average (mean) is utilized, considering all outliers. However, the Zoning Administrator will consider removing outliers where appropriate.</p>
<b>Section 3.2.4.B – Added December 6, 2023</b>	
	<p><b>Zoning Ordinance Text:</b></p> <p>[Lot Area, min.] “10,000-15,000, based on the predominant pattern”</p> <p>[Lot Width, min.] “100”</p> <p>[Notes] “[1] Where there is no predominant pattern, lot area shall not be less than 15,000 sf. [2] Minimum lot width may be reduced to the average lot width of properties on the same block face, but the minimum shall not be less than 90 ft.”</p> <p><b>Guidance:</b></p> <p>The method for determining the predominant lot size or width on a block face is to assess the width or area of other zoning lots of similar zoning that lie within 500 feet and front the same street as the subject site. Zoning lots that are in a non-residential district, across a street with a width of 75 feet or greater, or across a body of water are not included. At a minimum, a pattern is determined to be predominant if a simple majority of lots are within the selected size range. However, a determination of no predominant pattern may occur where a greater variety of lot proportions is present.</p>
<b>Section 3.2.4.B – Added December 6, 2023</b>	
	<p><b>Zoning Ordinance Text:</b></p> <p>[Front Yard Setback, min.] “25 [3]”</p> <p>[Notes] “[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.”</p> <p><b>Guidance:</b></p> <p>The method for determining the average setback on the block face is to assess the setback, measured to the front façade, of the structures on other residential zoning lots that lie on the same side of the street between the nearest two cross streets. For unusually long blocks, this may be reduced to 3-5 lots in either direction. Present use of the structure is not considered. A simple average (mean) is utilized, considering all outliers. However, the Zoning Administrator will consider removing outliers where appropriate.</p>

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<b>Section 3.2.4.B – Added May 5, 2023</b>	
<b>Zoning Ordinance Text:</b>	
“Side Yard Setback, min. (ft.): 5, with a total on both sides of 20”	
<b>Guidance:</b>	
For corner lots, any side yard can be as small as 5’.	
<b>Section 3.2.5.B – Added December 6, 2023</b>	
<b>Zoning Ordinance Text:</b>	
[Lot Area, min.] “6,000-7,500, based on the predominant pattern”	
[Lot Width, min.] “60-75, based on the predominant pattern”	
[Notes] “[1] Where there is no predominant pattern, lot area shall not be less than 7,500 sf. [2] Where there is not predominant pattern, lot width shall not be less than 75 ft.”	
<b>Guidance:</b>	
The method for determining the predominant lot size or width on a block face is to assess the width or area of other zoning lots of similar zoning that lie within 500 feet and front the same street as the subject site. Zoning lots that are in a non-residential district, across a street with a width of 75 feet or greater, or across a body of water are not included. At a minimum, a pattern is determined to be predominant if a simple majority of lots are within the selected size range. However, a determination of no predominant pattern may occur where a greater variety of lot proportions is present.	
<b>Section 3.2.5.B – Added December 6, 2023</b>	
<b>Zoning Ordinance Text:</b>	
[Front Yard Setback, min.] “25 [3]”	
[Notes] “[3] Front yard setback may be reduced to the average setback of properties on the same block face, if less than 25 ft.”	
<b>Guidance:</b>	
The method for determining the average setback on the block face is to assess the setback, measured to the front façade, of the structures on other residential zoning lots that lie on the same side of the street between the nearest two cross streets. For unusually long blocks, this may be reduced to 3-5 lots in either direction. Present use of the structure is not considered. A simple average (mean) is utilized, considering all outliers. However, the Zoning Administrator will consider removing outliers where appropriate.	
<b>Section 3.2.6.B – Added December 6, 2023</b>	
<b>Zoning Ordinance Text:</b>	
[Lot Area, min.] “4,000-5,000, based on the predominant pattern”	
[Lot Width, min.] “40-50, based on the predominant pattern”	
[Notes] “[1] Where there is no predominant pattern, lot area shall not be less than 5,000 sf. [2] Where there is not predominant pattern, lot width shall not be less than 50 ft.”	
<b>Guidance:</b>	
The method for determining the predominant lot size or width on a block face is to assess the width or area of other zoning lots of similar zoning that lie within 500 feet and front the same street as the subject site. Zoning lots that are in a non-residential district, across a street with a	

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF  
ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<p>width of 75 feet or greater, or across a body of water are not included. At a minimum, a pattern is determined to be predominant if a simple majority of lots are within the selected size range. However, a determination of no predominant pattern may occur where a greater variety of lot proportions is present.</p>	
<b>Section 3.2.6.B – Added December 6, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>[Front Yard Setback] “Within 3 ft. of the average on the block face or 18-25 if no pattern exists”</p> <p><b>Guidance:</b></p> <p>The method for determining the average setback on the block face is to assess the setback, measured to the front façade, of the structures on other residential zoning lots that lie on the same side of the street between the nearest two cross streets. For unusually long blocks, this may be reduced to 3-5 lots in either direction. Present use of the structure is not considered. A simple average (mean) is utilized, considering all outliers. However, the Zoning Administrator will consider removing outliers where appropriate.</p>	
<b>Section 3.2.6.B – Added May 5, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>“Side Yard Setback, min. (ft.): 3, with a total on both sides of 10”</p> <p><b>Guidance:</b></p> <p>For corner lots, any side yard can be as small as 3’.</p>	
<b>Section 3.2.7.B – Added December 6, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>[Lot Area, min.] “4,000-5,000, based on the predominant pattern”</p> <p>[Lot Width, min.] “40-50, based on the predominant pattern”</p> <p>[Notes] “[1] Where there is no predominant pattern, lot area shall not be less than 5,000 sf. [2] Where there is not predominant pattern, lot width shall not be less than 50 ft.”</p> <p><b>Guidance:</b></p> <p>The method for determining the predominant lot size or width on a block face is to assess the width or area of other zoning lots of similar zoning that lie within 500 feet and front the same street as the subject site. Zoning lots that are in a non-residential district, across a street with a width of 75 feet or greater, or across a body of water are not included. At a minimum, a pattern is determined to be predominant if a simple majority of lots are within the selected size range. However, a determination of no predominant pattern may occur where a greater variety of lot proportions is present.</p>	
<b>Section 3.2.7.B – Added December 6, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>[Front Yard Setback] “Within 3 ft. of the average on the block face or 9-16 if no pattern exists”</p> <p><b>Guidance:</b></p> <p>The method for determining the average setback on the block face is to assess the setback, measured to the front façade, of the structures on other residential zoning lots that lie on the same side of the street between the nearest two cross streets. For unusually long blocks, this</p>	

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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may be reduced to 3-5 lots in either direction. Present use of the structure is not considered. A simple average (mean) is utilized, considering all outliers. However, the Zoning Administrator will consider removing outliers where appropriate.

**Section 3.2.7.B – Added May 5, 2023**

**Zoning Ordinance Text:**

“Side Yard Setback, min. (ft.): 3, with a total on both sides of 10”

**Guidance:**

For corner lots, any side yard can be as small as 3'.

**Section 3.2.8.D(8) – Added May 5, 2023**

**Zoning Ordinance Text:**

[Multifamily Buildings] “The purpose of the alternative standards set forth in this section is to allow for creative coastal designs that will maximize interactions with the beach and the water.”

**Guidance:**

This section includes two separate types of multifamily dwellings: where individual units are detached and mansion-style apartments. In practice, several developers have proposed hybrid developments with some detached dwellings and some mansion-style apartments all on one lot. The Zoning Administrator has indicated a willingness to apply a mix of standards from the two options in these scenarios.

**Section 3.2.9.B – Added December 6, 2023**

**Zoning Ordinance Text:**

[Notes] “[1] Minimum lot area may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 4,000 sf.

[2] Minimum lot width may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 40 ft.”

**Guidance:**

These notes differ in language from the equivalent notes for the SF zoning districts, referencing the use of a simple average rather than assigning a round value based on the predominant pattern. The MF-NS language represents an older draft version of this rule that was not updated when the SF language was updated. Despite the different language, the method for determining the minimum lot width and area should follow the approach established for the SF districts.

**Section 3.2.11.B – Added December 6, 2023**

**Zoning Ordinance Text:**

[Notes] “[1] Minimum lot area may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 4,000 sf.

[2] Minimum lot width may be reduced to the average lot size of properties on the same block face, but the minimum shall not be less than 40 ft.”

**Guidance:**

These notes differ in language from the equivalent notes for the SF zoning districts, referencing the use of a simple average rather than assigning a round value based on the predominant pattern. The MF-HR language represents an older draft version of this rule that was not updated

## **TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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when the SF language was updated. Despite the different language, the method for determining the minimum lot width and area should follow the approach established for the SF districts.

### **Section 3.9.5.E(2)(a) – Added May 5, 2023**

#### **Zoning Ordinance Text:**

[It shall be the policy of the City Council that no application for discretionary development included within the provisions of this section should be approved unless the uses and structures it contemplates are designated as compatible uses (...). For the purposes of this section, discretionary development applications should include applications for:] “(ii) Conditional use permits for new uses or structures, or for alterations or enlargements of existing conditional uses where the occupant load would increase. (iii) 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.”

#### **Guidance:**

The ASO/AICUZ district is unique in that incompatible uses are not prohibited, but rather are recommended for denial by staff only where discretionary approvals are needed. In the noted cases, increases in occupant load only refers to building code occupancy. Where a use has lost its vested rights in the Zoning Ordinance a discretionary approval restoring the rights to use the building for the occupancy is not considered an increase in occupant load.

### **Table 3.9.16(A) – Added July 23, 2019, Updated May 5, 2023**

#### **Zoning Ordinance Text:**

“As part of the Conditional Use Permit process, the proposed design of the single-family dwelling shall be required to undergo review by the ARB which shall issue a recommendation to the Planning Commission prior to the commission’s public hearing.”

#### **Guidance:**

Such review will be considered a determination of architectural appropriateness as outlined in Section 2.2.4.A(3)(d).

### **Section 3.9.16.E(6)(b)(ii) – Added July 23, 2019**

#### **Zoning Ordinance Text:**

“In order to approve an alternative to the otherwise-required front porch dimensions or minimum ground floor height requirement, an alternative building design may be approved by the ARB.”

#### **Guidance:**

Such review will be considered a determination of architectural appropriateness as outlined in Section 2.2.4.A(3)(d).

## **Article 4: Performance Standards**

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<b>Section 4.2.3.D(2)(c)(i)(D) – Added December 6, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>[A Conditional Use Permit is required in the following circumstances:] “In the MF-NS, MF-AC, MF-HR, C-N, C-C, C-R, D-SP, and G-1 districts, for any development of more than 24 multi-family dwelling units.”</p> <p><b>Guidance:</b></p> <p>Though no pedestrian commercial overlay district (PCO) is listed here, this standard would apply anywhere a PCO overlays one of these base zoning districts.</p>	
<b>Article 5: Development Standards</b>	
<b>Section 5.1.2.B(3) – Added May 5, 2023</b>	
<p><b>Zoning Ordinance Text:</b></p> <p>“No additional parking shall be required for existing buildings when a use changes to another use with an equal or lesser parking requirement as per Table 5.1.7(D), Minimum Number of Parking Spaces.”</p> <p><b>Guidance:</b></p> <p>This is generally interpreted as only applying to conversions from one non-residential use to another. Conversions to residential uses are going to require the parking necessary for residential dwellings. However, the residential component of a conversion to a mixed-use development has been considered to qualify for this exemption as the overall parking requirement will generally be reduced and the mixing of uses will generally allow for shared parking scenarios.</p>	
<b>Section 5.1.7.B(1) – Added May 5, 2023</b>	
<p><b>Issue:</b></p> <p>Are circular driveways permitted?</p> <p><b>Guidance:</b></p> <p>Circular driveways have been approved where two driveways are permitted, provided the “curved” portion is located outside the front yard setback and the two “straight” portions are within the maximum width requirements for two driveways (generally 10', but 20' in some cases).</p>	
<b>Section 5.2.6.A – Added June 2, 2023</b>	
<p><b>Issue:</b></p> <p>What is required within a foundation planting strip?</p> <p><b>Guidance:</b></p> <p>Foundation planting strips have been interpreted as requiring plantings throughout. Staff has consistently required the installation of 2-gallon shrubs at minimum with spacing requirements as indicated on the documentation provided with the shrubs.</p>	
<b>Section 5.2.7.D(2) – Updated July 23, 2019</b>	
<p><b>Guidance:</b></p> <p>City of Norfolk Plant Recommendations</p>	

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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Suggested trees:

SUGGESTED TREES							
Botanical Name	Common Name	Mature Size <sup>1</sup> (S=Small, M=Medium, L=Large)	Residential Tree	Parking Lot Street Frontage	Parking Lot Interior - Single Stem Only	Street Tree - Single Stem Only	Salt Spray Tolerance (1=Most, 2=Moderate, 3=Least)
<i>Acer barbatum</i>	Florida maple (southern sugar maple)	M	•	•		•	•
<i>Acer buergerianum</i>	trident maple	M	•	•	•	•	2
<i>Acer campestre</i>	hedge maple	M	•	•	•	•	
<i>Aesculus pavia</i>	red buckeye	S	•			•	3
<i>Amelanchier canadensis</i>	shadblow serviceberry	S	•	•			•
<i>Amelanchier x grandiflora</i>	apple serviceberry	S	•	•		•	3
<i>Asimina triloba</i>	common pawpaw	S	•				•
<i>Betula nigra</i>	river birch	M	•				2
<i>Carpinus caroliniana</i>	American hornbeam	S	•				3
<i>Carya illinoinensis</i>	pecan	L	•	•	•	•	
<i>Catalpa bignonioides</i>	southern catalpa	M	•	•	•	•	2
<i>Cedrus deodara</i>	Deodar cedar	M	•				2
<i>Celtis occidentalis</i>	common hackberry	L	•	•	•	•	2
<i>Cercis canadensis</i>	eastern redbud	S	•		•	•	
<i>Chamaecyparis thyoides</i>	Atlantic white-cedar	M	•	•	•		2
<i>Chionanthus virginicus</i>	fringe tree	S	•		•		
<i>Cornus florida</i>	dogwood	S	•		•		•
<i>Cornus kousa</i>	Kousa dogwood	S	•	•	•	•	
<i>Cotinus obovatus</i>	American smoketree	S	•		•		
<i>Diospyros virginiana</i>	American persimmon	M	•		•		2
<i>Ginkgo biloba</i>	ginkgo (male cultivars only)	L	•	•	•	•	2
<i>Halesia diptera</i>	two-winged silverbell	S	•				3
<i>Halesia tetrapetra (formerly H. carolina )</i>	Carolina silverbell	M	•				3
<i>Ilex opaca</i>	American holly	M	•	•	•	•	2
<i>Ilex decidua</i>	possumhaw holly	S	•		•	•	2

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE					
SUGGESTED TREES						
Botanical Name	Common Name	Mature Size <sup>1</sup> (S=Small, M=Medium, L=Large)	Residential Tree	Parking Lot Street Frontage	Parking Lot Interior - Single Stem Only	Street Tree - Single Stem Only
<i>Ilex vomitoria</i>	yaupon holly	S	•	•	•	1
<i>Ilex x attenuata 'Fosteri'</i>	Foster's holly	S	•	•	•	2
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie R. Stevens holly	S	•	•	•	2
<i>Juniperus virginiana</i>	eastern red-cedar	M	•	•		2
<i>Liriodendron tulipifera</i>	tulip-poplar	L	•	•	•	•
<i>Magnolia acuminata</i>	cucumbertree magnolia	L	•	•		•
<i>Magnolia grandiflora 'Little Gem'</i>	Little Gem magnolia	S	•	•	•	2
<i>Magnolia grandiflora</i>	Southern magnolia	L	•			2
<i>Magnolia virginiana</i>	sweetbay magnolia	M	•	•	•	2
<i>Metasequoia glyptostroboides</i>	dawn redwood	L	•	•	•	3
<i>Nyssa sylvatica</i>	blackgum (black tupelo)	L	•	•	•	3
<i>Osmanthus americanus</i>	devilwood	S	•	•	•	1
<i>Osmanthus fragrans</i>	sweet olive	S	•	•	•	
<i>Ostrya virginiana</i>	American hophornbeam	M	•	•	•	3
<i>Oxydendrum arboreum</i>	sourwood	S	•			3
<i>Pinus thunbergii</i>	Japanese black pine	S	•	•		1
<i>Pinus palustris</i>	longleaf pine	L	•	•		1
<i>Pinus taeda</i>	loblolly Pine	L	•	•		2
<i>Prunus caroliniana</i>	Carolina cherry-laurel	S	•	•	•	2
<i>Prunus cerasifera</i>	purple leaf plum	S	•	•		
<i>Prunus x yedoensis</i>	Yoshino cherry	S	•			
<i>Quercus alba</i>	white oak	L	•	•	•	3
<i>Quercus bicolor</i>	swamp white oak	L	•	•	•	2
<i>Quercus falcata</i>	southern red oak	L	•			2
<i>Quercus geminata</i>	sand live oak	M	•	•	•	1
<i>Quercus hemisphaerica</i>	laurel oak	L	•	•	•	2
<i>Quercus lyrata</i>	overcup oak	L	•			•
<i>Quercus macrocarpa</i>	bur oak	L	•	•		3

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE							
SUGGESTED TREES								
Botanical Name	Common Name	Mature Size <sup>1</sup> (S=Small, M=Medium, L=Large)	Residential Tree	Parking Lot Street Frontage	Parking Lot Interior - Single Stem Only	Street Tree - Single Stem Only	Salt Spray Tolerance (1=Most, 2=Moderate, 3=Least)	Native to Virginia
<i>Quercus michauxii</i>	swamp chestnut oak	L	•	•	•	•		•
<i>Quercus muehlenbergii</i>	chinkapin (chinquapin) oak	L	•	•	•	•		•
<i>Quercus nuttallii</i>	nuttall oak	L	•	•	•	•		
<i>Quercus phellos</i>	willow oak	L	•	•	•	•	1	•
<i>Quercus prinoides</i>	dwarf chinkapin (chestnut) oak	S	•	•		•		•
<i>Quercus prinus</i>	chestnut oak	L	•	•	•	•		•
<i>Quercus shumardii</i>	Shumard oak	L	•	•	•	•	3	•
<i>Quercus virginiana</i>	live oak	L	•	•	•	•	1	•
<i>Rhus glabra</i>	smooth sumac	S	•					•
<i>Sequoia sempervirens</i>	coast redwood	L	•			•	3	
<i>Styrax japonicus</i>	Japanese snowbell	S	•	•	•	•	2	
<i>Taxodium ascendens</i>	pond cypress	M	•	•	•	•		
<i>Taxodium distichum</i>	bald cypress	L	•	•	•	•	3	•
<i>Tilia cordata</i>	littleleaf linden	M	•	•	•	•	3	
<i>Ulmus americana 'Princeton'</i>	Princeton American elm	L	•	•	•	•	3	•
<i>Ulmus parvifolia</i>	lacebark elm	M	•	•	•	•	2	
<i>Ulmus parvifolia x carpinifolia 'Frontier'</i>	Frontier elm	M	•	•	•	•		

<sup>1</sup>Small ≤ 25 feet tall, Medium 26 feet to 40 feet tall, and Large > 40 tall

Suggested powerline trees:

SUGGESTED POWERLINE TREES	
Botanical Name	Common Name

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE	
	<i>Amelanchier canadensis</i>	serviceberry
	<i>Cercis canadensis</i>	Eastern redbud
	<i>Chionanthus virginicus</i>	white fringetree
	<i>Quercus geminata</i>	sand live oak
	<i>Rhus glabra</i>	smooth sumac

Suggested shrubs:

SUGGESTED SHRUBS			
Botanical Name	Common Name	Salt Spray Tolerance	Native to Virginia
<i>Alnus serrulata</i>	smooth alder		•
<i>Aronia abutifolia</i>	red chokeberry		•
<i>Baccharis halimifolia</i>	high-tide bush	•	•
<i>Callicarpa americana</i>	American beautyberry		•
<i>Ceanothus americanus</i>	New Jersey tea		•
<i>Cephalanthus occidentalis</i>	buttonbush		•
<i>Clethra alnifolia</i>	pepperbush	•	•
<i>Cornus amomum</i>	silky dogwood		•
<i>Corylus americana</i>	American hazelnut		•
<i>Eubotrys racemosus</i>	fetterbush		•
<i>Euonymus americanus</i>	strawberry bush		•
<i>Gaylussacia baccata</i>	black huckleberry		•
<i>Hamamelis virginiana</i>	witch hazel		•
<i>Hydrangea arborescens</i>	wild hydrangea		•
<i>Ilex glabra</i>	inkberry holly	•	•
<i>Ilex verticillata</i>	winterberry		•
<i>Ilex vomitoria</i>	yaupon holly		•
<i>Itea virginica</i>	Virginia sweetspire		•
<i>Lindera benzoin</i>	spicebush		•
<i>Lyonia mariana</i>	Piedmont staggerbush		•
<i>Morella cerifera</i>	Southern bayberry	•	•
<i>Persea palustris</i>	swamp bay	•	•
<i>Rhododendron atlanticum</i>	dwarf azalea		•
<i>Rhododendron periclymenoides</i>	wild azalea		•
<i>Rhododendron viscosum</i>	swamp azalea		•
<i>Rhus copallina</i>	winged sumac		•

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE		
SUGGESTED SHRUBS			
Botanical Name	Common Name	Salt Spray Tolerance	Native to Virginia
<i>Rosa carolina</i>	Carolina rose	•	•
<i>Rosa palustris</i>	swamp rose		•
<i>Rubus occidentalis</i>	black raspberry		•
<i>Sambucus canadensis</i>	common elderberry		•
<i>Stewartia malacodendron</i>	silky camellia		•
<i>Vaccinium pallidum</i>	early lowbush blueberry		•
<i>Viburnum acerifolium</i>	maple-leaved viburnum		•
<i>Viburnum dentatum</i>	arrowwood		•
<i>Viburnum prunifolium</i>	black haw		•
<i>Virburnum nudum</i>	possumhaw viburnum		•

*Plant recommendations from "Native Plants for Southeast Virginia"*

Prohibited plant species:

PROHIBITED PLANT SPECIES	
Botanical Name	Common Name
<i>Broussonetia papyrifera</i>	paper mulberry
<i>Elaeagnus pungens</i>	thorny elaeagnus
<i>Fraxinus spp.</i>	ash
<i>Hedera canariensis</i>	Canaries ivy
<i>Hedera helix</i>	English ivy
<i>Ligustrum spp.</i>	privet
<i>Nandina spp</i>	nandina
<i>Pistacia chinensis</i>	Chinese pistache
<i>Pyrus calleryana</i>	Bradford pear
<i>Vitex rotundifolia</i>	beach vitex

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE	
PROHIBITED PLANT SPECIES		
Botanical Name	Common Name	
Any plant on the Virginia Invasive Plant Species List (DCR) <a href="http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf">http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf</a>		
A plant that is not suitable for the proposed location		

**Section 5.7.5.A(3) – Added May 5, 2023**

**Zoning Ordinance Text:**

[Prohibited Signs] “A flashing sign, except for a public service message board or an outdoor advertising sign displayed in compliance with the provisions of this section;”

**Guidance:**

A flashing sign is defined in Section 5.7.3 as “A sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a conspicuous and intermittent variation in illumination, appearance, color, or pattern.” There is no minimum time limit by which flashing signs are considered to be acceptable. Instead, the standard that has been applied is a context-based one – a sign will be considered flashing if it changes face quickly enough that a vehicle stopped at a traffic signal will be subject to more than one message.

**Section 5.9.2.B(3)(a) – Added May 5, 2023**

**Zoning Ordinance Text:**

“For Component 4, Garage Location, garages shall not exceed 16 feet in horizontal width.”

**Guidance:**

This is interpreted as applying to all right-of-way facing garages on the property, which aligns with the language of Table 5.9.3, Component 4, which applies to “the total horizontal length of the garage doors facing the street, for any attached garage...”. The total width of all such garages on the property may not exceed 16 feet.

**Table 5.9.3, Component 2 – Added May 5, 2023**

**Issue:**

Can a porch meeting the front porch form standard requirements be screened-in?

**Guidance:**

A porch can be screened-in and still consider to meet the form standard requirements provided any walls are knee walls or lower, any glazing is easily removable, and the space is not conditioned. An exterior door separating the screened-in porch from the remainder of the dwelling is required.

## TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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### Table 5.11.6 – Added July 23, 2019

#### Zoning Ordinance Text:

“Rear yard (adjacent to a street): 2.5, or 6 if fence or wall at least 50 percent transparent or if abutting an alley less than 30 ft., 6 ft. fence or wall 5 ft. from property line.”

“Side yard (corner): 2.5, 6 if fence or wall at least 50 percent transparent, or 6 ft. fence or wall 3 ft. from property line not to extend any closer toward the front of the lot than the rearmost portion of the residence.”

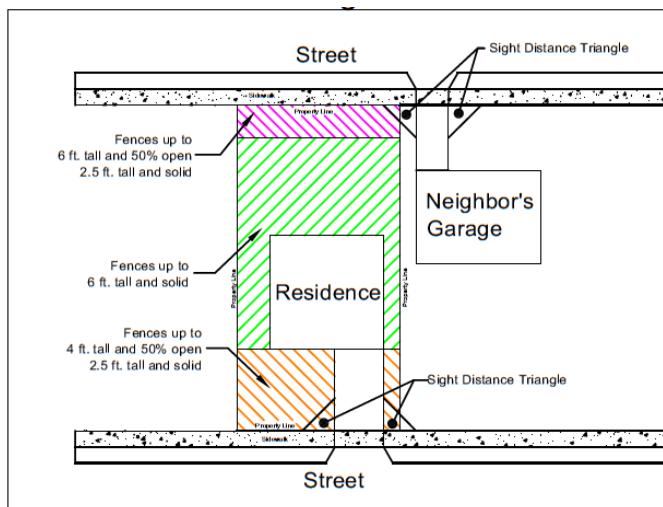
#### Guidance:

The provision addressing alleys less than 30 ft. for rear yards shall apply to corner side yards that function as rear yards. This allows for a consistent line of fences fronting alleys. Note that any sight distance triangle requirements will overrule this exception.

### Table 5.11.6 – Added July 23, 2019

#### Diagrams illustrating standards:

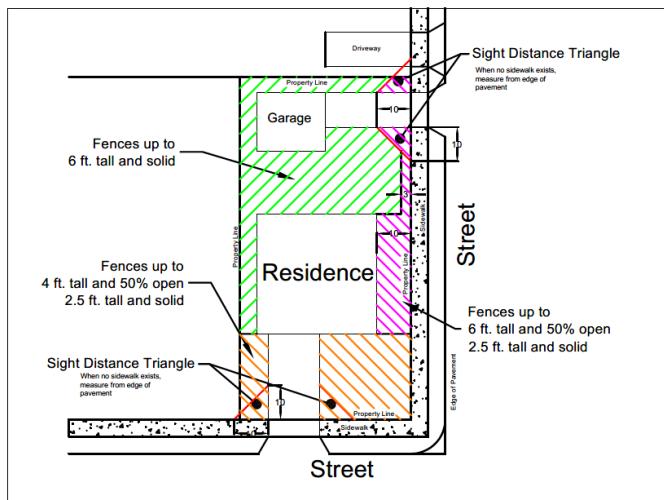
Through lot:



**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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Corner lot:



**Section 5.12.2.A – Added July 23, 2019**

**Zoning Ordinance Text:**

“The following development is exempted from the standards of this section: (1) New buildings or redevelopment that have achieved or will achieve LEED requirements necessary to receive certification from the U.S. Green Building Council at the gold level or above.”

**Guidance:**

This provision has been interpreted from the outset as meaning “LEED Gold or equivalent”. To date, Earthcraft House, Multifamily, and Light Commercial have been approved as equivalent to LEED Gold certification.

**Article 6: Nonconformities**

**Article 7: Enforcement**

**Article 8: Definitions and Rules of Measurement**

**Table 8.2.2, Allowable Encroachments into Required Yards/Build-To Zones – Added December 6, 2023**

**Issue:**

Can a covered porch or carport project into the corner side yard?

**Zoning Ordinance Text:**

“No covered porch or carport, open on three sides except for supporting columns and architectural features, shall be located closer than three feet to any interior side lot line or

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
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project more than eight feet into any required front or rear yard. The first floor of such porches or carports shall not extend beyond the first floor level of the building.”

**Guidance:**

This definition is interpreted to treat corner side yards similarly to front yards, permitting covered porches or carports to project up to 8 feet into the corner side yard. However, the Zoning Administrator still prohibits them from being located closer than three feet from the corner side property line and entirely outside of any sight distance triangle.

**Section 8.3.2, Definition of Dwelling Unit – Added August 18, 2023**

**Issue:**

Can a dwelling unit have more than one kitchen?

**Zoning Ordinance Text:**

“One or more rooms connected together and constituting a single housekeeping unit, with independent cooking (including range), bathroom (including bathtub and/or shower), and sleeping facilities, designed or used for occupancy by a single family or housekeeping unit...and separate from any other dwelling units or rooms in the same building.”

**Guidance:**

This definition is interpreted to mean that a dwelling unit – a collection of rooms designed for occupancy by a single family – must have independent cooking facilities, but that those facilities can take the form of multiple kitchens so long as they are located within the confines of a single home. Where secondary kitchens are located within areas clearly designed to be separated, by entry doors or within separate buildings, they would not be covered by this interpretation.

However, the Zoning Administrator has approved full kitchens in pool houses and other similar detached structures where the function is clearly not for habitation.

**Section 8.3.2, Definition of Sight Distance Triangle – Added December 6, 2023**

**Zoning Ordinance Text:**

“A triangular area in which vision obstructions are prohibited...”

**Guidance:**

The term “vision obstruction” is not defined. Generally, any object taller than 2.5’ is considered an obstruction. However, a 50% open fence is not considered a vision obstruction and can be located within the sight distance triangle.

**Section 8.3.2, Definition of Yard, Corner Side and Yard, Side – Added May 5, 2023**

**Issue:**

What is a side yard abutting an alley? Is it an interior side yard or a corner side yard?

**Guidance:**

It is the practice of the Zoning Administrator to generally treat side yards adjacent to alleys as interior side yards rather than corner side yards. This applies to alleys that are generally unimproved and/or less than 20-30’ in width. As the definition of corner side yard speaks to being adjacent to a street, these alleys do not appear to meet that standard.

**TABLE 5.6: RESOURCES AND GUIDANCE FOR APPLICATION OF  
ZONING ORDINANCE STANDARDS**

ZONING ORDINANCE SECTION	RESOURCES AND GUIDANCE
<b>Section 8.3.2, Definition of Yard, Front – Added June 14, 2023</b>	
<b>Issue:</b> How is a front yard setback measured? Is it the setback distance from the front property line, following the shape of the property line, or some other method?	<b>Guidance:</b> It is the practice of the Zoning Administrator to measure the setback distance along the side lot lines and connect those points with a straight line that does not mimic the shape of the front lot line.
<b>Article 9: Legacy Development Approvals</b>	