

1 AN ORDINANCE TO AMEND AND REORDAIN SECTIONS
2 102 AND 200, AND ADD A NEW SECTION 506, OF THE
3 CITY ZONING ORDINANCE, ESTABLISHING THE NORTH
4 END OVERLAY ORDINANCE AND SETTING FORTH
5 SPECIAL REGULATIONS FOR THE DISTRICT AND TO
6 AMEND THE OFFICIAL ZONING MAP BY DESIGNATING
7 THE NORTH END OVERLAY DISTRICT THEREON
8

9 Sections Amended: City Zoning Ordinance Sections 102
10 and 200
11

12 Section Added: City Zoning Ordinance Section 506
13
14

15 WHEREAS, the public necessity, convenience, general welfare and good zoning
16 practice so require;
17

18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
19 VIRGINIA BEACH, VIRGINIA:
20

21 That Sections 102 and 200 of the City Zoning Ordinance are hereby amended,
22 and a new Section 506 of the City Zoning is hereby added, establishing the North End
23 Overlay District and setting forth regulations pertaining to the district, and amending the
24 official zoning map by designating the North End Overlay District thereon, to read as
25 follows:
26

27 **ARTICLE 1. GENERAL PROVISIONS**

28
29

30 **Sec. 102. Establishment of districts and official zoning maps.**
31

32 (a) In order to carry out the purposes and provisions of this ordinance, the
33 following districts are hereby established, ~~the numbered categories of which are hereby~~
34 ~~listed in order from most restrictive to least restrictive:~~
35
36

37 (a2) There is hereby established the North End Overlay District. Such district
38 shall be designated on the official zoning map by the notation "(NE)" following the
39 designation of the underlying zoning district. As an illustration, property lying within the

40 North End Overlay District and the R-5R Residential Resort District shall be designated
41 on the official zoning map as having the classification "R-5R(NE)."

42
43
44
45
46
47
48

COMMENT

The amendments add the North End Overlay District as a zoning district of the City and specify how the district is to be designated.

49
50
51

ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO ALL DISTRICTS

52
53
54
55
56

A. REGULATIONS RELATING TO LOTS, YARDS, HEIGHTS, OFF-STREET PARKING, OFF-STREET LOADING, AND CERTAIN USES

Sec. 200. Lots

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

.....
(g) *Erection of structures on lot.* Except as herein provided, or as provided in the Oceanfront Resort District Form-Based Code, there shall be no more than one (1) single-family detached dwelling, semidetached dwelling or duplex erected on a lot; provided, however, that one (1) single-family detached dwelling and one (1) ancillary single-family detached dwelling shall be allowed on lots within the R-5D(OB) Residential Duplex District or any Apartment or Resort Tourist District within the Old Beach Overlay District, in accordance with the provisions of Section 1903, and two (2) single-family dwellings shall be allowed on lots within the R-5R(NE) North End Overlay District on which duplexes are allowed as a principal use, in accordance with the provisions of Section 506. Except where a greater setback or buffer is required, the setback for any such dwelling from a permanent body of water shall be no less than five (5) feet, as measured from the mean high water mark of tidal bodies of water and from the normal water level of nontidal bodies of water, in any zoning district.

73
74
75
76
77
78

COMMENT

The amendment is needed in order to maintain consistency between this section and the provisions of Section 506, which sets forth the regulations of the North End Overlay District.

79 **ARTICLE 5. RESIDENTIAL DISTRICTS**

80
81

82
83 **Sec. 506. North End Overlay District.**

84
85 (a) District boundaries. The boundaries of the North End Overlay District
86 shall be as designated on the official zoning map of the city.

87
88 (b) Application of regulations. The designation of any property as lying within
89 the North Virginia Beach Overlay District shall be in addition to, and not in lieu of, the
90 underlying R-5R Residential Resort District classification of such property. All such
91 property shall be subject to the applicable provisions of this section as well as to all
92 other regulations applicable to it, and to the extent that any provision of this section
93 conflicts with any other ordinance or regulation, the provisions of this section shall
94 control.

95
96 (c) Special regulations for development. Permitted uses and structures and
97 dimensional requirements for uses and structures located within the North End Overlay
98 District shall be as specified in Sections 501 and 502, respectively; provided, however,
99 that two single-family dwellings may be located on a single lot if the following standards
100 are met:

101
102 (1) Dimensional requirements generally. Unless otherwise specified
103 herein or in subsection (d), dimensional requirements shall be
104 those applicable to duplex dwellings in the R-5R Residential District
105 [Section 502 (b1)];

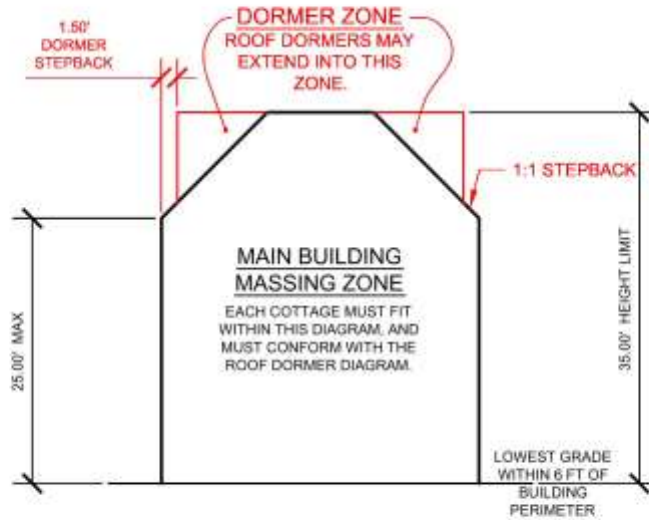
106
107 (2) Building separation. There shall be a minimum separation of
108 sixteen (16) feet between dwellings on the lot. Such space shall be
109 unencumbered by any structures or improvements, other than
110 fences, greater than sixteen (16) inches in height above ground
111 elevation;

112
113 (3) Height. No dwelling shall be greater than thirty-five (35) feet or two
114 and one-half (2-1/2) stories in height, as measured from the lowest
115 grade within six (6) feet of the building perimeter to the highest
116 point of the building. Building walls shall be a maximum of twenty-
117 five (25) feet high, as measured from the lowest grade within six (6)
118 feet of the building perimeter to the primary roof rafter bearing
119 point. Roof dormers, if any, shall conform to the dimensions and

120
121
122

design shown on Building Massing Diagram 1 (*Figure 1*) and Roof Dormer Diagram (*Figure 2*):

FIGURE 1. BUILDING MASSING DIAGRAM



123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140

(4) Garages. Garages walls containing an overhead door facing a public street shall be set back a minimum of six (6) feet from the main wall of the dwelling facing the same street. Garage walls containing an overhead door facing a street shall have a maximum width of thirty per cent (30%) of the lot dimension parallel to the garage door; and

(5) Parking. Vehicular parking areas shall not be located between the street and the front of the dwelling or porch facing the street, other than at a front-loading garage. To facilitate on-site parking and access to rear- or side-facing garages, one side yard setback may be reduced to a minimum of eight (8) feet, provided that the opposite side yard setback is increased a like amount, such that the total of the two setbacks equals twenty (20) feet. Such side yard setbacks shall be required along the entire length of the lot line.

141 Figure 3 (Example Site Diagram A) and Figure 4 (Example Site Diagram B) illustrate the
142 requirements of subdivisions (4) and (5) above.

143
144 (d) Design incentives. The following deviations from requirements otherwise
145 applicable to property within the North End Overlay District shall be allowed where the
146 dwellings conform to the provisions of subsection (c):

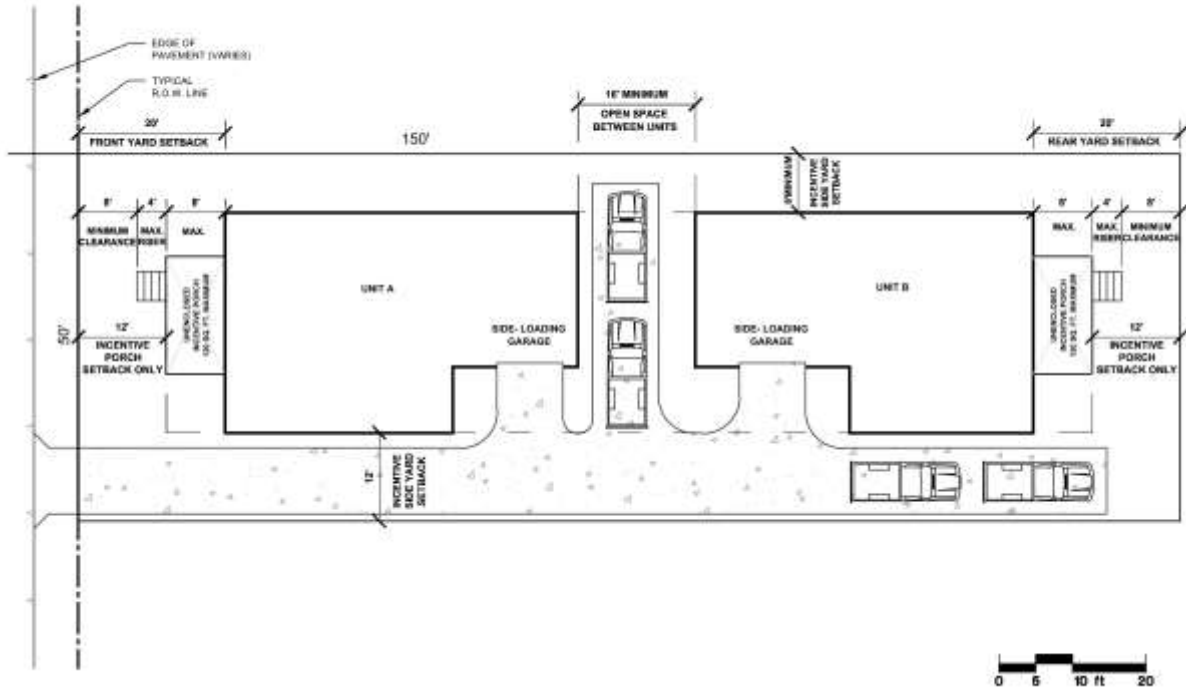
147
148 (1) Bonus porches. One-story, roofed, unenclosed porches may
149 extend a maximum of eight (8) feet into a required front or rear
150 yard, except where a yard faces the Atlantic Ocean. Porch roof
151 rafter bearings shall be a maximum of ten (10) feet above the first
152 story finished floor. A maximum of one hundred-twenty (120)
153 square feet of the floor area of such porches for each of the two
154 dwelling units shall be excluded from the calculation of lot
155 coverage.

156
157 In addition, a maximum of four (4) uncovered stair treads that lead
158 to an unenclosed porch may encroach further into a required yard,
159 provided that the setback from the lowest tread to the nearest
160 property line is a minimum of four (4) feet.

161
162 (2) Bay or bow windows. Bay or bow window elements having a rafter
163 bearing of no more than ten (10) feet above the finished floor may
164 encroach a maximum of eighteen (18) inches into either side yard
165 setback, the front yard and the rear yard ; provided, that (i) the total
166 of such setback encroachments shall be no greater than one-third
167 (1/3) of the length of the wall in which the windows are located; and
168 (ii) a minimum side-yard setback of eight (8) feet from the face of
169 the encroaching window is maintained.

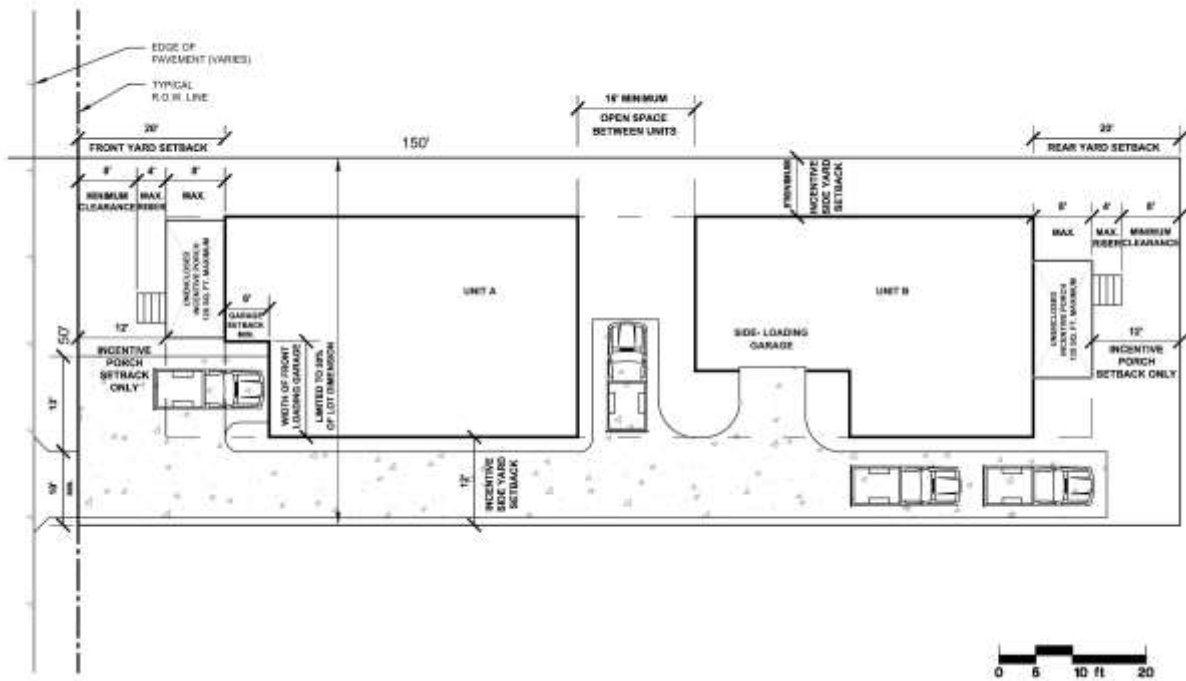
170

FIGURE 3. EXAMPLE SITE DIAGRAM A



171
172
173

FIGURE 4. EXAMPLE SITE DIAGRAM B



174
175

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

COMMENT

The section sets forth the boundaries and development standards for the North End Overlay District. The standards govern various dimensional standards and set forth design standards that serve as incentives for desired development in the District. The section also includes graphic representations of allowed development.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That the official zoning map of the City of Virginia Beach be, and hereby is, amended to designate the North End Overlay District (NE), as shown on a sheet or series of sheets marked and identified as such, and which have been displayed before the City Council this date and are on file in the Department of Planning.

COMMENT

The ordinance amends the zoning map to include the North End Overlay District, designated on the map as “(NE)” following the abbreviation for the underlying R-5R zoning district.

APPROVED AS TO CONTENT: APPROVED AS TO LEGAL SUFFICIENCY:

Department of Planning

City Attorney’s Office

CA-13382
August 17, 2015
R-7