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**Sec. 1900. Legislative intent.**

- (a) The purpose of the Old Beach Overlay District is to preserve and enhance the historic status of the Old Beach neighborhood as one of the first residential areas within the Oceanfront Resort Area by providing opportunities for both new and redeveloped resort residential development, characterized by single-family cottage-style homes and compatible multiple-family residential dwellings. Furthermore, the Old Beach Design Guidelines are provided for this district, the purpose of which is to encourage development that is appropriate for the district.

(Ord. No. 2908, 12-20-05)

**Sec. 1901. District boundaries.**

The Old Beach Overlay District boundaries shall be as designated on the official zoning map of the city.

(Ord. No. 2908, 12-20-05)

**Sec. 1902. Application of regulations.**

The designation of any property as lying within the Old Beach Overlay District shall be in addition to, and not in lieu of, the underlying zoning district classification of such property, such that any property situated in the Old Beach Overlay District shall also lie within one or more of the underlying zoning districts enumerated in section 102(a) of this ordinance. All such property shall be subject to the requirements of this article as well as to all other regulations applicable to it, and to the extent that any provision of this article conflicts with any other ordinance or regulation, the provision of this article shall control.

(Ord. No. 2908, 12-20-05)

**Sec. 1903. Use regulations.**

- (a) *Principal uses and structures.* Subject to general requirements and to the regulations of the underlying zoning districts, all uses and structures permitted as principal uses in the underlying zoning districts shall be permitted as principal uses within the Old Beach Overlay District. In addition,

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the following use shall be permitted within the Old Beach Overlay District, although not allowed as a principal use in the underlying zoning district:

- (1) Single-family dwellings.
  - (2) Ancillary single-family dwellings, located on the same lot as a separate single-family, in the R-5D Residential Duplex District, any Apartment District, and any Resort Tourist District, subject to the requirements of sections [1904\(b\)](#) and [1905](#), and provided further that a single lot with a single-family dwelling and an ancillary single-family dwelling shall not be subdivided to create a separate lot for each dwelling.
- (b) *Accessory uses and structures.* Subject to general requirements and to the regulations of the underlying zoning district, all uses and structures permitted as accessory uses in the underlying zoning district in which they are located shall be permitted as accessory uses within the Old Beach Overlay District. In addition, the following use shall be permitted within the Old Beach Overlay District, although not allowed as an accessory use in the underlying zoning district, upon a finding that the structure containing the use meets the provisions of the Old Beach Design Guidelines as specified in [section 1905\(a\)](#):
- (1) Garage apartment, except that the living area shall not be less than five hundred (500) square feet of floor area nor greater than eight hundred (800) square feet, and provided further that such garage apartment shall be at least thirty (30) feet from the structure containing the principal dwelling.
- (c) *Conditional uses and structures.* Subject to general requirements and to the regulations of the underlying zoning district, all uses and structures permitted as conditional uses in the underlying zoning district in which they are located shall be permitted as conditional uses within the Old Beach Overlay District. In addition, the following use shall be permitted within the Old Beach Overlay District as a conditional use, although not allowed as a conditional use in the underlying zoning district:
- (1) Bed and breakfast inn.

(Ord. No. 2908, 12-20-05)

**Sec. 1904. Dimensional requirements.**

Dimensional requirements and maximum density for uses and structures located within the Old Beach Overlay District shall be as specified in the underlying zoning district; provided, however, that the following requirements shall apply notwithstanding any contrary provision in the regulations of the underlying zoning district:

- (a) The following tables shall apply to lots with one (1) single-family dwelling and no ancillary dwelling:

*Setback requirements for principal structures (in feet):*

- (1) Minimum front yard setback .....20
- (2) Minimum rear yard setback .....20
- (3) Minimum side yard setback where a driveway is located within such side yard .....12
- (4) Minimum side yard setback adjacent to a street .....20
- (5) Minimum side yard setback except if adjacent to a street or where a driveway is located within such side yard .....8

*Setback requirements for attached or detached garages, carports and other accessory structures (in feet):*

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- (6) Minimum front yard setback for garages and carports .....N/A<sup>1</sup>
- (7) Minimum rear yard setback for garages and carports, except as provided in subdivision (8) below .....20
- (8) Minimum rear yard setback for garages and carports if no improved alley adjacent to the rear yard .....8
- (9) Minimum side yard setback for garages and carports where a driveway is located within such side yard .....12
- (10) Minimum side yard setback for garages and carports adjacent to a street .....20
- (11) Minimum side yard setback for garages and carports, except if adjacent to a street .....8
- (12) Minimum side and rear yard setback for other accessory structures no larger than one hundred fifty (150) square feet in area and with an eave height no greater than eight (8) feet, except when adjacent to a street: .....5
- (13) Minimum side and rear yard setback for other accessory structures no larger than one hundred fifty (150) square feet in area and with an eave height no greater than eight (8) feet when adjacent to a street .....8

*Notes:*

<sup>1</sup> The garage wall containing the overhead door shall be recessed at least eight (8) feet from the front wall plane of the dwelling, excluding the porch, if any, closest to the front or rear lot line.

*Other dimensional requirements (in feet or square feet):*

- (14) Minimum lot area .....5,000
- (15) Minimum lot area outside of water, marsh or wetlands .....5,000
- (16) Minimum lot width .....40
- (17) Maximum lot coverage .....40%
- (18) Maximum area of impervious cover, as defined in section 103 of the Chesapeake Bay Preservation Area Ordinance, expressed as a percentage of the lot size .....60%
- (19) Minimum lot area comprised of landscape plantings and ground cover, provided that such area shall be a single, contiguous portion of the required rear yard .....600

*Stepback requirements.* The uppermost story or building level above the first story or building level of any new structure or addition to an existing structure shall be stepped back, such that at least thirty-five (35) percent of the total length of the exterior wall of the uppermost story or building level is set back a minimum of three (3) feet from the exterior wall directly below it. The length of wall stepped back may be comprised of multiple sections of varying length that are not contiguous to each other. For the purposes of this section, uppermost story or building level does not include living area completely contained within the roofed area of the structure.

- (b) The following provisions shall apply to lots with one (1) principal single-family dwelling and an ancillary dwelling:

*Setback requirements for principal and ancillary structures (in feet):*

- (1) Minimum front yard setback .....20
- (2) Minimum rear yard setback .....20

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- (3) Minimum side yard setback except when adjacent to a street or where a driveway is located within such side yard .....8
- (4) Minimum side yard setback where a driveway is located within such side yard .....12
- (5) Minimum side yard setback adjacent to a street .....20

*Setback requirements for attached or detached garages, carports and other accessory structures (in feet):*

- (6) Minimum front yard setback for garages and carports .....N/A<sup>1</sup>
- (7) Minimum rear yard setback for garages and carports .....N/A<sup>1</sup>
- (8) Minimum side yard setback for garages and carports except if adjacent to a street or where a driveway is located within such side yard .....8
- (9) Minimum side yard setback for garages and carports if adjacent to a street .....20
- (10) Minimum side yard setback for garages and carports where a driveway is located within such side yard .....12
- (11) Minimum side yard setback for accessory structures no larger than one hundred fifty (150) square feet in area and with an eave height no greater than eight (8) feet, except when adjacent to a street .....5
- (12) Minimum side yard setback for accessory structures no larger than one hundred fifty (150) square feet in area and with an eave height no greater than eight (8) feet when adjacent to a street .....8

*Notes:*

<sup>1</sup> The garage wall containing the overhead door shall be recessed at least eight (8) feet from the front wall plane of the dwelling, excluding the front porch, if any, closest to the front or rear lot line.

*Other dimensional requirements (in feet or square feet):*

- (13) Minimum lot area .....5,000
- (14) Minimum lot area outside of water, marsh or wetlands .....5,000
- (15) Minimum lot width .....40
- (16) Maximum lot coverage .....40%
- (17) Minimum lot coverage of principal single-family dwelling, expressed as a percentage of total lot coverage, except that in no case shall the combined lot coverage of the principal and ancillary single-family dwellings on a lot exceed 100 percent of the maximum total lot coverage .....55%
- (18) Maximum lot coverage of ancillary single-family dwelling, expressed as a percentage of total lot coverage, except that in no case shall the combined lot coverage of the principal and ancillary single-family dwellings on a lot exceed 100 percent of the maximum total lot coverage .....45%
- (19) Maximum area of impervious cover, as defined in section 103 of the Chesapeake Bay Preservation Area Ordinance, expressed as a percentage of the lot size .....60%
- (20) Total maximum building floor area, expressed as floor area ratio .....0.7

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- (21) Minimum floor area of principal single-family dwelling, expressed as a percentage of total floor area, except that in no case shall the combined floor area of the principal and ancillary single-family dwellings exceed 100% of the maximum total floor area .....55%
- (21) Maximum floor area of ancillary single-family dwelling, expressed as a percentage of total floor area, except that in no case shall the combined floor area of the principal and ancillary single-family dwellings exceed one hundred 100% of the maximum total floor area .....45%
- (22) Minimum interior yard between principal and ancillary dwellings .....30
- (23) Minimum lot area per unit devoted to landscape plantings, including rain gardens and bioretention areas, and ground cover, in square feet, provided that a minimum of 400 square feet of such area shall be a single, contiguous portion of the required interior yard .....600

*Other requirements:*

- (1) *Orientation of dwellings.* Any principal or ancillary single-family dwelling located on a lot with a separate single-family dwelling shall be oriented on the lot in a manner consistent with the Old Beach Design Guidelines, such that the primary facade of the dwelling faces the street or alley, provided that if no alley exists, the primary facade of the dwelling on the rear portion of the lot shall face the required interior yard.
- (2) *Stepback requirements.* The uppermost story or building level above the first story or building level of any new structure or addition to an existing structure shall be stepped back, such that at least thirty-five (35) percent of the total length of the exterior wall of the uppermost story or building level is set back a minimum of three (3) feet from the exterior wall directly below it. The length of wall stepped back may be comprised of multiple sections of varying length that are not contiguous to each other. For the purposes of this section, uppermost story or building level does not include living area completely contained within the roofed area of the structure.
- (3) *Conversions:*
  - (i) In any case where an existing structure converting to either a principal or ancillary single-family dwelling does not meet the required minimum yard setbacks, such setback shall be considered conforming and shall not require a variance, provided that all new portions of the structure shall meet the required minimum yard setbacks.
  - (ii) For any lot on which an existing duplex dwelling is converted to a principal or ancillary single-family dwelling and a separate principal or ancillary single-family dwelling is on the same lot, no certificate of occupancy shall be issued unless the director of planning or his designee certifies that the necessary modifications to preclude the use of the structure as a duplex to the building have been made.

(Ord. No. 2908, 12-20-05; Ord. No. 3269, 4-23-13)

**Sec. 1905. Desired design incentives.**

- (a) *Old Beach Design Guidelines.* Old Beach is a place where quality single-family cottage-style homes, open space, and pedestrian-oriented streets promote the neighborhood's residential character. In order to achieve compatibility with the Old Beach neighborhood, consistent with its historic status as an early twentieth century resort community, structures in the Old Beach Overlay District should comply with applicable criteria in the Old Beach Design Guidelines. As an incentive to develop lots within the Old Beach Overlay District in such a manner, the regulations set forth in this section shall supersede any contrary regulation of Section 1904, so as to allow deviations from the dimensional

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and other requirements thereof only in cases in which a building, structure or condition of development set forth below meets the applicable criteria set forth in the Old Beach Design Guidelines.

- (b) *Porches.* Single-family, ancillary single-family, and duplex dwelling structures with open, unenclosed porches with a minimum depth of five (5) feet and a maximum depth of eight (8) feet, as measured from the exterior wall of the main structure to the exterior edge of the porch foundation, may have a front yard setback of thirteen (13) feet, as measured from the exterior wall of the main structure to the lot line. However, in no case shall the setback from the lot line to the exterior wall of the porch foundation be less than eight (8) feet. Further, any open, uncovered second-story porch located above the first-story porch shall be setback from the lot line a minimum of at least 10 feet. In the case of a second single-family dwelling located on the rear portion of the lot, this deviation applies to the rear setback requirement such that the porch is oriented to the alley, if an alley exists.
- (c) *Exterior porch stairs for single-family, ancillary single-family, and duplex structures.* Open, unenclosed porches adjacent to streets or alleys may have exterior stairs that encroach into a front or rear setback to within three (3) feet of the lot line. In no case shall such stairs exceed six (6) feet in width.
- (d) *Side yard setback adjacent to a street for single-family, ancillary single-family, and duplex structures.* The minimum side yard setback adjacent to a street for single-family, ancillary single-family, and duplex structures shall be ten (10) feet.
- (e) *Side yard setbacks for projecting wall planes on single-family, ancillary single-family, and duplex structures.* A maximum of twenty-five (25) percent of the total length of the wall of a structure adjacent to the side lot line may project into the side yard setback. The minimum setback for such wall projection shall be five (5) feet, except that if the wall projection is adjacent to a driveway, the minimum setback shall be eleven (11) feet. If the wall projection is adjacent to a street and there is a driveway between the property line adjacent to the street and the wall projection, the minimum setback shall be eighteen (18) feet. If the wall projection is adjacent to a street and there is no driveway between the property line adjacent to the street and the wall projection, the minimum setback shall be eight (8) feet.
- (f) *Side yard setbacks for garages on lots with single-family, ancillary single-family, and duplex structures.* Any rear-loaded, side-loaded, or front-loaded garage recessed a minimum of forty (40) feet from the front or rear lot line and conforming to all applicable criteria of the design guidelines may reduce the side yard setback for the garage to five (5) feet.
- (g) *Porch eave overhangs for single-family, ancillary single-family, and duplex structures.* For structures satisfying the criteria of the design guidelines pertaining to open, unenclosed porches fronting on streets or alleys, any wide eave overhang of such porch, which does not exceed three (3) feet in length from the outside of the porch column support to the porch roof fascia shall not be included in the calculation of lot coverage.
- (h) *Interior yard.* Where a single-family dwelling and an ancillary dwelling are on the same lot, up to thirty-five (35) percent of the length of the wall facing the required interior yard may encroach into the required interior yard, except that in no case shall there be less than ten (10) feet of separation between the single-family dwelling and the ancillary single-family dwelling.
- (i) *Parking spaces for single-family, ancillary single-family, and duplex structures.* The area of a parking space located below any second story overhang not exceeding two (2) feet in width, and the area of a parking space located below a decorative trellis or the overhanging eave of the main structure and not exceeding four (4) feet in width shall qualify as on-site parking.
- (j) *Parking area paving.* Parking spaces consisting of pervious paving material, such as brick runners and open pavers, may be used to satisfy on-site parking requirements.

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- (k) *Maximum floor area.* The total maximum floor area ratio may be increased to 0.8.  
(Ord. No. 2908, 12-20-05; Ord. No. 3269, 4-23-13)

**Sec. 1906. Old Beach Design Review Committee.**

- (a) The Old Beach Design Review Committee, hereinafter referred to as the "committee", is established as a resource for those seeking to develop within the Old Beach Overlay District. The committee is intended to preserve, enhance, and promote the character of the residential neighborhood in accordance with the Old Beach Design Guidelines and provisions of the Old Beach Overlay District. Plan submission and review by the committee is voluntary.
- (b) The Old Beach Design Review Committee shall consist of five (5) members selected by Virginia Beach City Council, two (2) representatives from the Resort Advisory Commission and three (3) representatives who reside or own property within the area encompassed by the Old Beach Overlay District. All committee members shall be qualified by knowledge or experience to make decisions on questions of neighborhood planning or design. A member of the City of Virginia Beach Planning staff shall serve as liaison to the committee as needed.

(Ord. No. 2908, 12-20-05)