



## Request

An Ordinance to amend Section 1306 of the City Zoning Ordinance to add Assembly Uses as a Conditional Use in the Historic and Cultural Districts.

## Summary of Referred Ordinances

The purpose of this ordinance is to add Assembly Uses as a Conditional Use in Historic and Cultural Districts. "Assembly Uses" are defined in Section 111 of the Zoning Ordinance as, "uses that involve the gathering of individuals or groups in one (1) location, such as arena, assembly halls, auditoriums, bingo halls, civic centers, eleemosynary establishments, private clubs, union halls and excluding religious uses." In order to promote the preservation of historic structures, the Zoning Ordinance currently permits the following conditional uses in Historic and Cultural districts:

1. Bed and breakfast inns;
2. Antique shops;
3. Museums and art galleries;
4. Specialty shops; and
5. Offices of nonprofit organizations.

Adding Assembly Uses will provide property owners with more options and flexibility for utilization of their property; and in some instances the additional revenue may help with the maintenance and preservation of historic resources in Virginia Beach.

The appropriateness and ultimate approval of an Assembly Use within a Historic and Cultural District will be at the discretion of City Council through the review of a Conditional Use Permit and subject to a finding that the operation of the use will not produce adverse impacts, such as excess traffic, noise or on-street parking demand, upon the surrounding area.

## Recommendation

Staff recommends approval of this Ordinance for reasons stated above.

1 AN ORDINANCE TO AMEND SECTION 1306  
2 OF THE CITY ZONING ORDINANCE TO ADD  
3 ASSEMBLY USES AS CONDITIONAL USES  
4 IN THE HISTORIC AND CULTURAL  
5 DISTRICTS  
6  
7 Section Amended: § 1306 of the City Zoning  
8 Ordinance  
9  
10 WHEREAS, the public necessity, convenience, general welfare and good zoning  
11 practice so require;  
12  
13 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
14 BEACH, VIRGINIA:  
15  
16 That Section 105 of the City Zoning Ordinance is hereby amended and  
17 reordained to read as follows:  
18  
19 **Sec. 1306. Conditional uses.**  
20  
21 (a) In order to promote the preservation of historic structures, the following uses shall  
22 be permitted within the historic and cultural district, regardless of the underlying  
23 zoning district classification, if authorized by a conditional use permit. A conditional  
24 use permit may be granted only if the city council finds that the operation of the use  
25 will not produce adverse impacts, such as excess traffic, noise or on-street parking  
26 demand, upon the surrounding area:  
27  
28 (1) Bed and breakfast inns;  
29  
30 (2) Antique shops;  
31  
32 (3) Museums and art galleries;  
33  
34 (4) Specialty shops; and  
35  
36 (5) Offices of nonprofit organizations; and  
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38 (6) Assembly uses.  
39  
40 (b) No conditional use permit shall be required for any such use allowed as a principal  
41 use in the zoning district underlying the historic and cultural district unless living  
42 quarters are provided.

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Planning Department

CA15509  
R-1  
July 28, 2021

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
City Attorney's Office