



Virginia Beach, Virginia

OCEANFRONT RESORT DISTRICT FORM-BASED CODE

Appendix 1 to City Zoning Ordinance

REVISED JANUARY 15, 2019



Oceanfront Resort District Form-Based Code



PREPARED FOR
The City of Virginia Beach

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Adoption

Adoption by City CouncilJuly 10, 2012

Amendments

- Section 4.1 Height Map.....June 17, 2014
- Section 5.2 Use Table, Craft Distilleries..... March 3, 2015
- Section 5.2 Use Table, Small Wireless Facilities April 21, 2015
- Section 5.3.16 Building Mounted Antenna..... April 21, 2015
- Section 5.3.17 Small Wireless Facility..... April 21, 2015
- Section 5.2 Use Table, Live Work Units..... May 19, 2015
- Section 5.2 Use Table, Wine-Tasting Room..... May 19, 2015
- Section 6.2.2 Required Parking, Live Work Units May 19, 2015
- Section 6.3.1 Sign Standards April 19, 2016
- Section 7.3.1 Alternative Compliance - Minimum Parking..... March 7, 2017
- Section 5.2 Use Table, Craft Wineries June 20, 2017
- Section 5.3.17 Small Wireless Facility..... July 11, 2017
- Comprehensive Code Rewrite..... December 5, 2017
- Section 5.2 Use Table, Short Term RentalsJanuary 15, 2019
- Section 6.2.6 Parking Design, Public Works Design Standards Manual.....June 16, 2020

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Enabling the Plan

In the fall of 2009, the City of Virginia Beach commissioned a team led by Urban Design Associates to develop a new approach to zoning for the Oceanfront Resort Area. One of the primary inspirations for doing so was the outcome of the [Resort Area Strategic Action Plan \(RASAP\)](#) public process pursued in an earlier effort that identified the existing zoning as a significant barrier to achieving the visions it outlines. Like most jurisdictions in the United States today, Virginia Beach's existing zoning fragments the Oceanfront Resort Area into use zones with complicated development criteria and limits the types of compact, interesting, and livable environments that residents, commercial interests, and civic leaders seek to create.

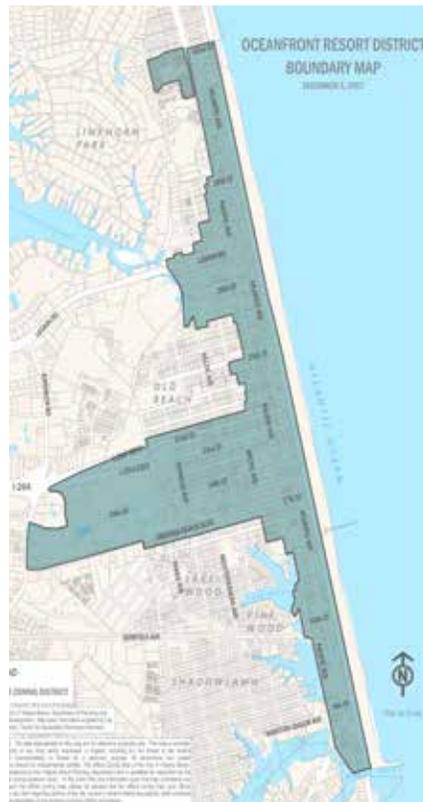
The directive for this team, therefore, was to enable the RASAP and its subsequent modifications to occur over time through the reprogramming of zoning that regulates development within the Oceanfront Resort Area.



Most of the former Resort Tourist (RT) District zoning was rezoned to Oceanfront Resort (OR) in 2012.



Portrait of Existing Conditions showing major water bodies, land uses, and building patterns of the Oceanfront Resort Area.



The extents and location of the Oceanfront Resort District.



Proposed Atlantic Avenue (RASAP).



Proposed 19th Street (RASAP).



Three-dimensional model of the Oceanfront Resort Area (RASAP).



FROM VISION TO REALITY

The Urban Design Associates process was one of transitioning from the vision outlined in the RASAP to a framework that allows the public and private sectors to develop and redevelop over time in a manner that is consistent with the original vision.

From the beginning, the evolution of the plan and the means by which it gets coded was a collaborative effort between the consultant team, City leadership, economic development, the Oceanfront Resort Area Advisory Commission, the development community, and local residents and stakeholders. The process unfolded in four stages:

1. UNDERSTANDING

The design team commenced efforts through a presentation by City staff of the goals, aspirations, and key outcomes of the RASAP effort. One key outcome was the clear need to revise the zoning for the Oceanfront Resort Area.

2. TESTING

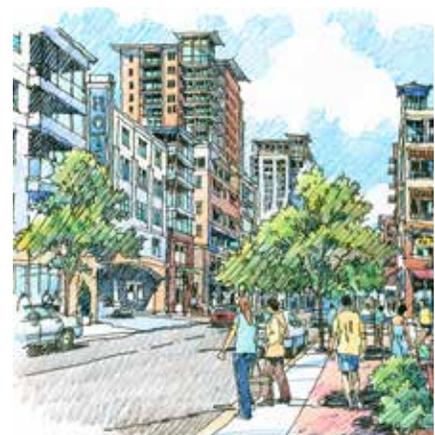
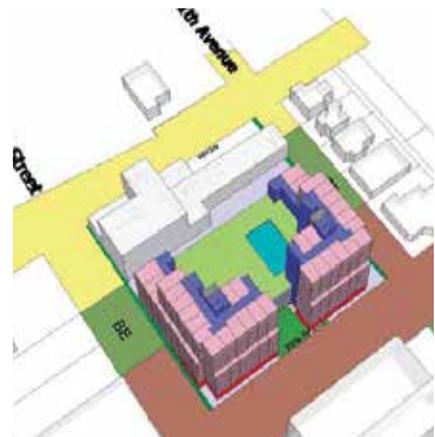
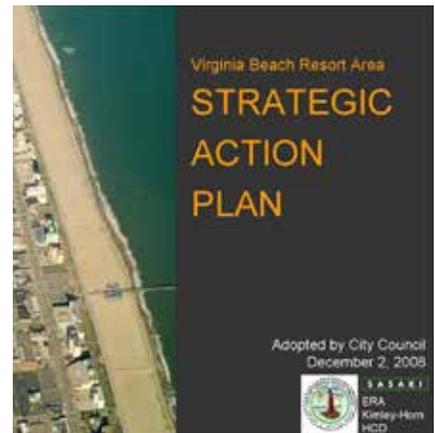
After listening to the needs of the community as expressed by City staff and the Advisory Commission, members of the consultant team and the City met to develop what would eventually become the primary components of the new zoning for the Oceanfront Resort Area. This was done primarily through case studies on real development parcels throughout the area, testing a variety of program scenarios. Doing so allowed the team to determine those components of zoning that had to be restructured and offered an organization for the new zoning to be rebuilt around.

3. UPDATING THE VISION

As the components of the new zoning emerged so did new ideas for the vision. In most cases these were small modifications to the RASAP to reflect the latest consensus. The changes established clear points of departure for the future of the Oceanfront Resort Area. These changes and updates are due in large part to the testing of prototypical development blocks and through dialogue with various stakeholders and residents.

4. DEVELOPING THE CODE

With the image and character set, the team was then able to develop new zoning reflecting the aspirations of the City. The result is a methodology that is much more proscriptive rather than restrictive and unlocks the development potential of the Oceanfront Resort Area while ensuring the quality of the built environment.



Why a Form-Based Code

Form-based codes foster predictable built results and a high-quality public realm by using physical form rather than separation of uses as the organizing principle. They address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in uses. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses and the control of development intensity through abstract and uncoordinated parameters (such as floor area ratio, dwellings per acre, and minimum setbacks) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are mandatory, not advisory, and are adopted into law as regulations.



Laskin Road before (right) and after (left) the Laskin Gateway project.

OVERVIEW OF THE ZONING

The form-based code is based on the vision presented in the RASAP and addresses the relationship between buildings and the public realm. The regulating plan consists of three layers – the designation of frontages, street setbacks, and height. The frontages link the user to the building type standards, which govern basic form, placement, and fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards are based on existing building types found in the area and the vision expressed in the RASAP.

The form-based code is integrated into the City's existing regulatory framework in a manner that insures procedural consistency, meshes with state and local legal requirements, provides clarity as to applicability of existing regulations, protects established neighborhoods, and maximizes the effectiveness of the regulations. While all of the regulated elements could have been included in a more conventional zoning format, the highly illustrated, simpler format provides an easier mechanism to translate the RASAP to development on the ground.



COMPARISON TO CONVENTIONAL ZONING

Several key elements of the form-based code are atypical of conventional zoning. They allow a much more detailed approach to regulating form in the area, while also reducing the complexity of the number of districts applied.

MULTIPLE BUILDING FORMS

Where conventional zoning would normally establish a single bulk envelope (derived from setback and height requirements) for all building types, the new form-based code sets the parameters for a good townhouse differently from those for a good mixed-use building. This allows a more diverse urban form to evolve over time as redevelopment occurs.

OPTIONAL FORMS OF DEVELOPMENT

In addition to the building forms prescribed by this code, optional forms of development are also allowed as incentives in return for the provision of certain features, design elements, or public amenities. The availability of these optional forms of development significantly expand the opportunities for creative, high-quality development in the Oceanfront Resort District.

ALTERNATIVE COMPLIANCE

Alternative Compliance is a process by which development not conforming with either the prescribed or optional forms of development may be allowed with the approval of the City Council by meeting the applicable criteria specified in this Code. The use of the Alternative Compliance process greatly enhances the scope of possibilities for building design, as well as allows uses not otherwise allowed at a specific location.

DESIGN GUIDELINES

The [Oceanfront Resort District Design Guidelines](#), along with a handful of more specialized plans and guidelines, have been incorporated into the Comprehensive Plan to promote desirable forms of urban design in the district. These documents address architectural, site, and sign design in the private realm as well as streetscapes and linear parks in the public realm. Compliance with the applicable components in these otherwise non-compulsory documents is required when seeking approval through optional forms of development, alternative compliance, or enlargements/alterations of nonconforming structures.

SEPARATE HEIGHT MAP

The height map controls height without respect to the underlying allowed building types. Typically, conventional zoning links height to a zoning district, which means many more conventional zoning districts would be needed to implement the nuances of the RASAP vision.

STREET SETBACK MAP

The street setback map ensures consistency in building placement along key corridors while allowing additional room for public realm improvements. Applying conventional zoning districts would mean creating separate versions of each district to implement the variety of setbacks.

BROAD USE PROVISIONS

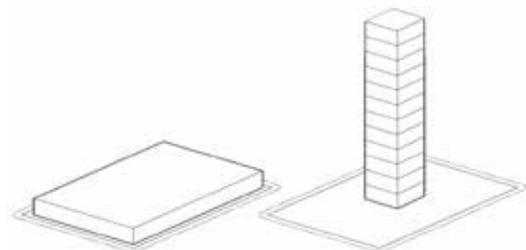
Conventional zoning relies heavily on the regulation of uses. The form-based code relies on the form of the building to get most uses to behave in a way that contributes to the overall urban vision for the area.

FLEXIBLE PARKING STANDARDS

The form-based code provides a series of flexible techniques for the provision of parking. It allows parking to be accommodated off site, which will support the eventual planned public parking district. On a separate track from the form-based code, the City is pursuing measures intended to alleviate any potential adverse effects on established neighborhoods of allowing off-site parking.

PROTECTED DISTRICTS

The form-based code contains a number of provisions protecting residential and apartment districts that are adjacent to the Oceanfront Resort District (“protected districts”) from potentially problematic effects of commercial uses. These provisions include limitations on or prohibition of certain uses, screening requirements, enhanced setbacks, and access restrictions for commercial uses.



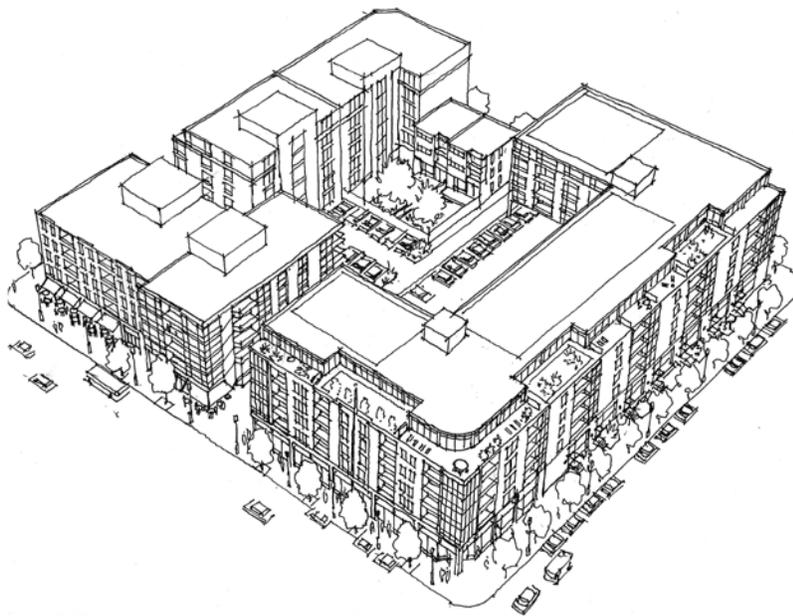
Elements of the Code

The RASAP identified a series of design initiatives that, without restructuring the zoning for the Oceanfront Resort Area, would not be feasible or enforceable. Elements such as how streets are addressed upon by development; the types of streetscapes within the Resort Area; and the scale and height of buildings are all critical to the RASAP. The form-based code is organized around these elements in a clear, easy-to-understand format.

Several important assumptions are made based on the RASAP recommendations and those of the City and the design team. The most important of which is that parking will be dealt with district-wide in a centrally managed system. This is critical in allowing parcels of any size to develop and is a critical component to the incremental development of the Oceanfront Resort Area without being constrained by on-site parking needs.

CASE STUDIES

To generate the criteria enforced by the form-based code, the design team studied a series of prototypical developments, located on typically dimensioned lots and blocks. These case studies revealed the appropriate minimum setbacks from the street, vertical step backs in the building envelope, and acceptable heights of structures. The studies also verified that several different program scenarios could be efficiently located within each building type. Furthermore, each test studied parking and access solutions, vertical circulation, and how different patterns of property ownership can be supported and accommodated over time.



Case studies established the regulating dimensions and criteria for the form-based code.

ESSENTIAL ELEMENTS OF THE CODE

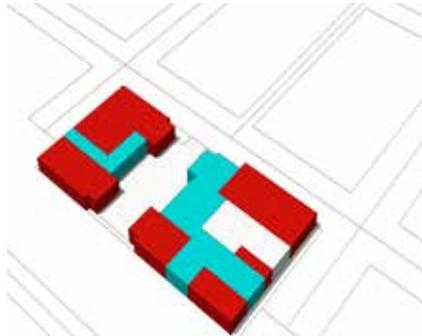
- » *Frontages*
- » *Building Types*
- » *Building Elements*
- » *Street Setbacks*
- » *Heights*
- » *Uses*



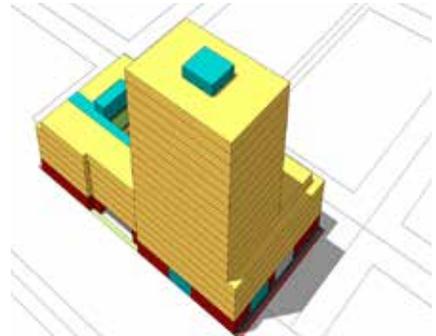
BOARDWALK BLOCKS



Boardwalk blocks have setbacks and facade locations that animate Atlantic Avenue as well as the Connector Parks that serve as access routes to the beach.

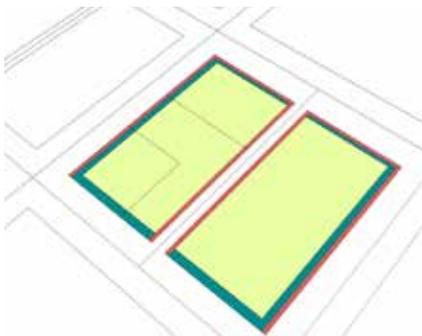


Ground floor retail and lobby uses animate all sides of the blocks.

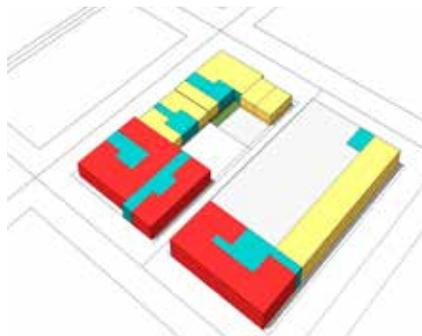


Stepbacks and tower sizes maximize view access from inland blocks and meet program goals for hotels along the beach.

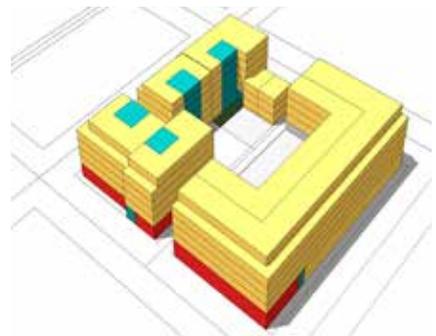
ATLANTIC AND PACIFIC BLOCKS



With no parking requirements for commercial uses, the Atlantic and Pacific blocks allow more space for active uses.



Retail uses populate Atlantic and parts of the cross streets, mixing with residential front doors and lobbies.



A variety of upper floor uses can coexist, including residential (shown), commercial office space, or hotels.

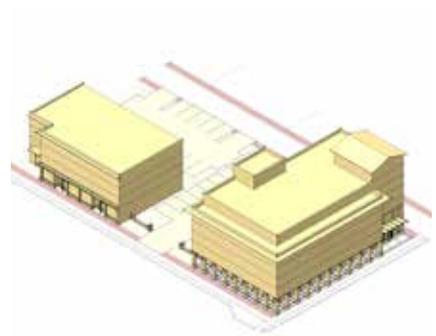
INLAND BLOCKS



Inland blocks typically have smaller parcels than Atlantic and Pacific blocks.



Typically 2- to 3-story detached and attached houses with a variety of uses locate on inland blocks.



Assembled properties can support larger, integrated mixed-use development.

Elements of the Code

Frontages

The RASAP calls for streets fronted by buildings. Doing so provides for a clear public and private delineation, maximizes a building's exposure to the street, and best articulates how one is to enter and use the building. In Virginia Beach, several types of buildings exist, each with their own "DNA" and typical characteristics. Chapter 2 of the form-based code establishes the range of building types that are permitted along each of the Resort Area streets.

Five types of frontages exist in the study area. The Boardwalk is the Resort Area's primary "living room" and public space. It is primarily lined with hotel uses within mixed-use buildings. Connector Park Frontages connect Atlantic Avenue to the Boardwalk and break up the large scale hotel buildings in order to maintain vistas to the ocean. These linear parks primarily serve pedestrians although some contain legacy vehicular access. Shopping Frontages are those streets geared towards an active street life with retail, restaurants, cafes, and other commercial establishments oriented to the street. Gateway streets are the means by which most visitors and residents enter and depart the Resort Area. These generally have a clearer distinction between pedestrian and auto-oriented movement. Beach Streets serve as the main east-west connections from the inland to Atlantic Avenue.

FRONTAGE TYPES

- » Boardwalk Frontage
- » Connector Park Frontage
- » Shopping Frontage
- » Gateway Frontage
- » Beach Frontage

WHERE TO FIND FRONTAGE TYPES IN THE CODE

- » [Chapter 2](#), Frontages & Building Types



The streets of Oceanfront Resort Area are envisioned as vibrant, active spaces.



The Frontage Map establishes the regulations for each of the streets based on location and function.



BOARDWALK FRONTAGE ■

The Boardwalk is one of the most memorable places in Virginia Beach. Cyclists, beachgoers, visitors, and residents intermix with cafes and clubs that address out onto the ground floors of the hotels that rise above. Hotels have a maximum base height of 75 feet with towers as high as 200 feet. The Boardwalk is made accessible by regular intersections with Connector Parks.



CONNECTOR PARK FRONTAGES ■

Ways in which residents and visitors access the Boardwalk. Connector Parks have clear visual and physical access to the Boardwalk and are improved with a variety of decorative pavers, pedestrian lights, furnishings, plantings, and public art.



SHOPPING FRONTAGES ■

Premier retail addresses within the Oceanfront Resort Area. Shopfronts, outdoor cafe seating, and other commercial uses front wide sidewalks and slower-moving traffic. Residential, office, and hotel uses are typically located above the shops and restaurant uses. Shopping Streets include 17th, 19th, 31st, and Atlantic Avenue.



GATEWAY FRONTAGES ■

Primary routes to, through, and from the Oceanfront Resort Area. While these routes typically carry a higher volume of traffic, they still offer ample accommodations for the pedestrian. Pacific Avenue is an example of a Gateway street.



BEACH FRONTAGES ■

Smaller scale buildings typically line these low traffic streets. Examples include the north/south streets in the ViBe District (Arctic, Baltic, Mediterranean, and Cypress) as well as 18th and 20th Streets.



Elements of the Code

The Shopping (SH) Frontage

The RASAP identified five distinct subdistricts within the Oceanfront Resort Area. Two are addressed within the new form-based code as Shopping Frontages. The first is at the confluence of 17th Street, 19th Street, and Atlantic Avenue. This subdistrict, called the Central Beach District, is identified by entertainment and retail uses. Some of the City’s historic city fabric roots are preserved in this subdistrict as part of Virginia Beach’s cultural legacy.

The second subdistrict surrounds Laskin Road and is called the North Beach/Laskin Gateway District. This subdistrict has a public open space on the beach and a high intensity of convenience and destination retail.

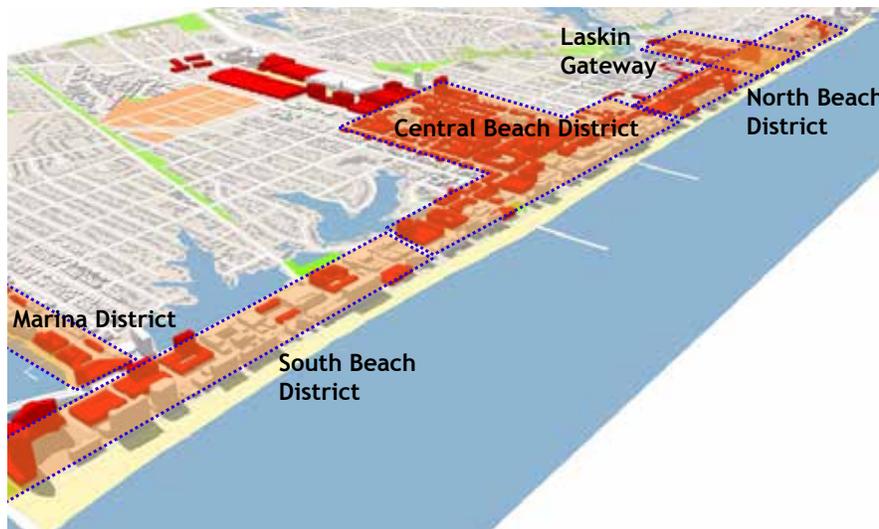
In both cases, the distinct addresses of Virginia Beach are codified in the Frontage Map as Shopping Frontage streets.

DISTRICTS

- » North Beach/Laskin Gateway
- » Central Beach: 17th, 19th Streets and Atlantic Avenue

WHERE TO FIND THE SHOPPING FRONTAGES IN THE CODE

- » [Sec. 2.1, Frontages](#)



The RASAP identifies five distinct subdistricts. Two are specifically addressed as Shopping Frontages in the form-based code: Laskin Gateway and Central Beach.



NORTH BEACH/LASKIN GATEWAY

Laskin Gateway is a primary entry point into the Oceanfront Resort Area. Residential atop a variety of retail uses in mixed-use buildings line wide sidewalks. On-street parking slows traffic to further ease the comfortable crossing of the street. At the eastern terminus is one of the Resort Area parks that is frequently used for concerts and other civic functions.



CENTRAL BEACH: 17TH STREET, 19TH STREET, AND ATLANTIC AVENUE

The entertainment hub of the Resort Area. Theaters, restaurants, and other entertainment venues are activated by the close proximity of the hotels and the eventual terminus of the transit line.



Elements of the Code

Building Types and Uses

The form-based code for the Oceanfront Resort Area uses building types to control the form and type of development rather than regulating simply by use. The palette allows for any number of uses to occupy each of the building types, based on market conditions, private interests, and location. For instance, you may have a restaurant in a detached house, an office on the ground floor of a row house, or an office above retail in a mixed-use building. In all cases, the basic rules governing form do not change despite the various uses. This ensures flexibility over time while maintaining the essential qualities of a street or a place.

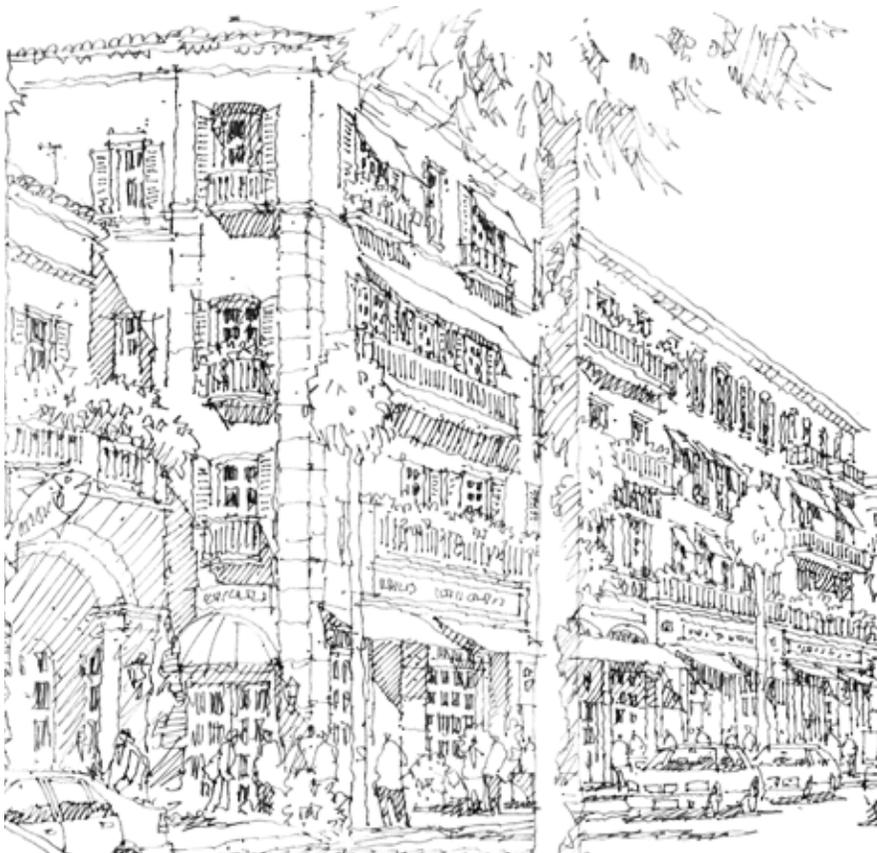
Building types are differentiated by how they occupy a lot, address a street, and are massed. Detached houses, for example, are set back farther than mixed-use or row house buildings. Likewise, apartment and mixed-use buildings are typically much taller than a detached house or civic building. All of the building types have different approaches towards providing open space.

BUILDING TYPES

- » *Mixed-Use Building*
- » *Commercial Building*
- » *Apartment Building*
- » *Row House*
- » *Detached House*
- » *Civic Building*

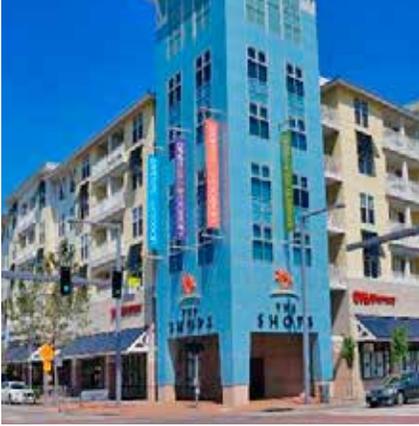
WHERE TO FIND BUILDING TYPES AND USES IN THE CODE

- » [Sec. 2.2, Building Types](#)
- » [Chapter 5, Use](#)





BUILDING TYPES



MIXED-USE BUILDINGS

Mixed-use buildings typically offer some type of retail, office, or civic frontage with office, hotel, or residential above. Mixed-use buildings have minimal setbacks and higher requirements for forming a street wall.



COMMERCIAL BUILDINGS

Commercial buildings are single story buildings that have office or retail functions associated with them. Commercial buildings range anywhere from convenience retail shops to professional offices.



APARTMENT BUILDINGS

Apartment buildings are multifamily structures oriented to the street with a primary entrance or lobby off the street.



ROW HOUSES

Row houses are in-line structures ranging from 20 to 30 feet wide and two to four stories in height. Row houses support any number of ground floor uses with residential uses typically located above. Row houses typically have a small setback from the street.



DETACHED HOUSES

Detached houses were initially much more prevalent in the area. The ones that remain are cherished for their ability to be a bed and breakfast, a restaurant, professional office space, or residences. Detached houses have a deeper front setback with a yard and usually have some form of porch or welcoming entrance element.



CIVIC BUILDINGS

Civic buildings represent the values, culture, character and native materials to Virginia Beach. Civic buildings contain the City's most important institutional and cultural functions and have great flexibility in site organization and scale. These buildings often are associated with either proximate or on-lot open space.

Elements of the Code

Building Elements

Each of the building types has a suite of building elements that can accompany them. These fall into two categories, public and semi-public, and are selected based on design criteria set forth by the property owner. They can be selected due to function or desired character of the building.

Some building elements are allowed to encroach into the street setback and in some cases the public right-of-way to encourage their use and further activate the street. Design Guidelines offer recommended dimensions and special conditions for each building element.

BUILDING ELEMENT TYPES

- » *Public: Shopfront, Arcade, Gallery, Awning, Porte Cochere*
- » *Semi-Public: Forecourt, Stoop, Porch, Balcony*

WHERE TO FIND BUILDING ELEMENTS

- » [Sec. 3.2, Encroachments](#)
- » [Oceanfront Resort District Design Guidelines](#)



This two-story gallery animates the street and allows active space to flow out onto and above the sidewalk.



PUBLIC BUILDING ELEMENTS



AWNINGS & CANOPIES

Awnings and canopies announce entry into lobbies, shops, and offices and provide shade and protection from rain.



SHOPFRONTS

Shopfronts clearly advertise goods and services.



ARCADES & GALLERIES

Arcades and galleries provide shade and weather protection for outdoor dining or window shopping.

SEMI-PUBLIC BUILDING ELEMENTS



PORCHES

Porches can be one, two, or even three stories and extend living spaces out to the public realm.



BALCONIES

Balconies further activate the street scene and allow usable open space to upper floor occupants.



STOOPS

Stoops provide a transition from the public sidewalk to a private residence or commercial space.

Elements of the Code

Street Setbacks

Minimum street setbacks have been created to augment, where necessary, the public right-of-way or to create usable front yard, sidewalk, or dining spaces. These setbacks become the minimum setback for all buildings from the right-of-way. Individual building types have setback requirements unique to each building type that extend beyond the required street setback.

Street setbacks describe what occurs between the back of the curb and the front of the building. Vehicular zones, planting zones, sidewalk zones, setback zones, and build-to zones are all coded by what can and cannot occur in each.

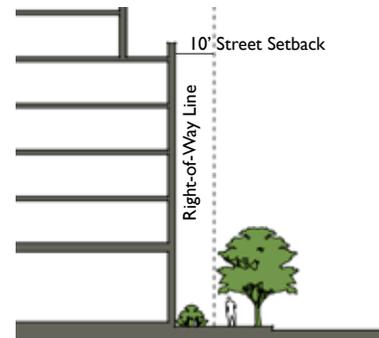
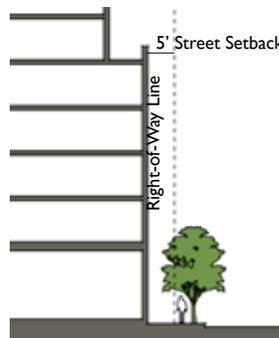
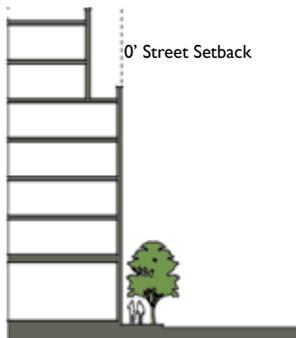
In many cases, certain building elements are permitted to encroach into the street setback and over the sidewalk. For instance, a balcony or awning can extend into the setback and over the sidewalk provided sufficient height clearance is provided.

STREET SETBACKS

- » 0 feet
- » 5 feet
- » 10 feet

WHERE TO FIND STREET SETBACKS IN THE CODE

- » [Chapter 3, Street Setbacks](#)



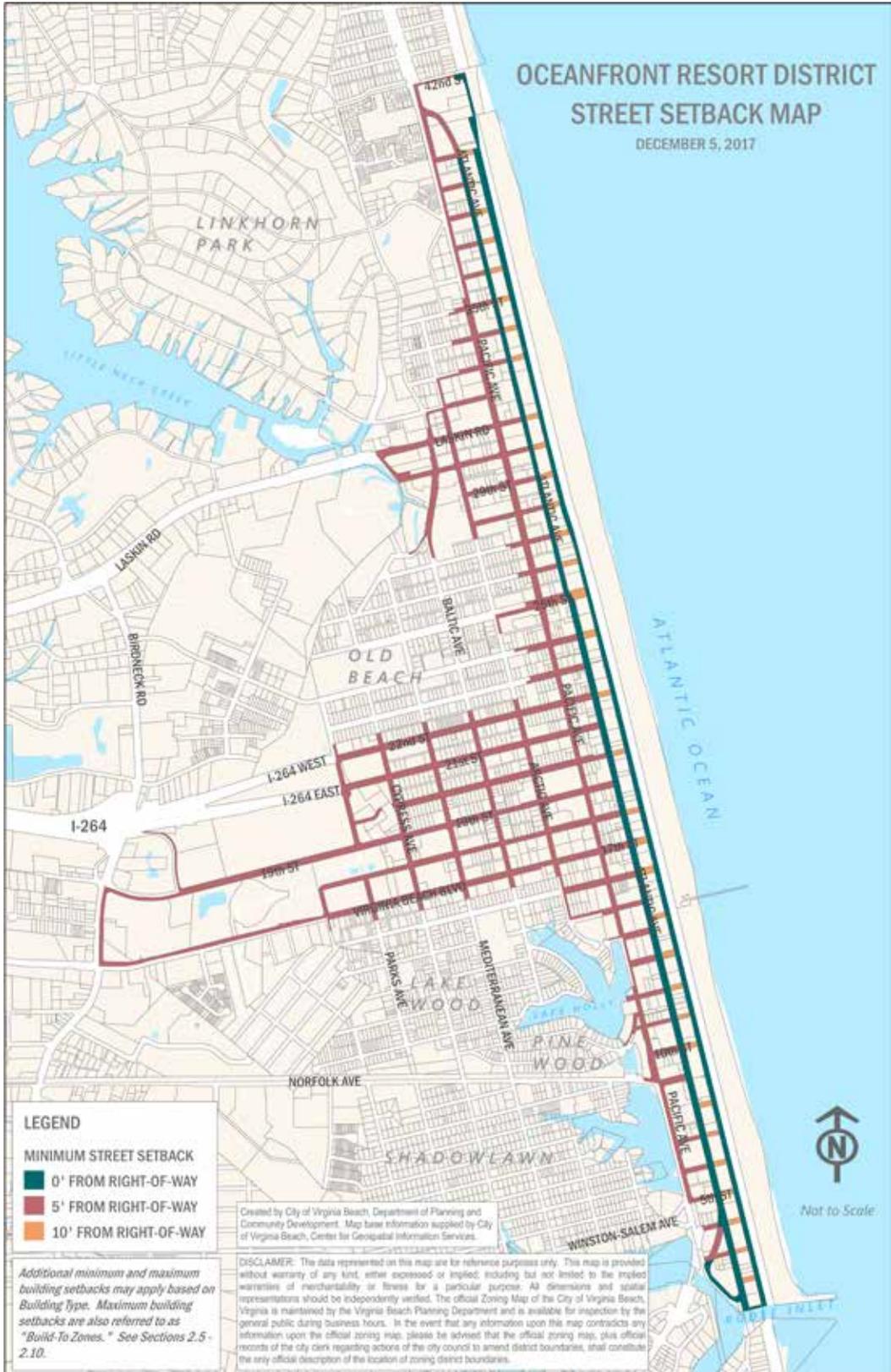
0-FOOT SETBACK
0-foot setbacks are intended for areas where the sidewalk dimension is adequate for comfortable and safe pedestrian passage, window shopping, and "spill-out" foot traffic from ground floor uses.



5-FOOT SETBACK
5-foot setbacks are intended for areas where additional sidewalk space is necessary for a functional pedestrian environment. They are also appropriate for outdoor dining and other outdoor retail uses. The setback provides the dimension required for overhanging projections such as balconies and bay windows.



10-FOOT SETBACK
10-foot setbacks are intended to maximize views of the ocean through the Connector Parks. They are also beneficial where there is heavy pedestrian traffic and ground level outdoor amenity space.



The Street Setback Map designates the minimum setback for buildings from the right-of-way.

Elements of the Code

Heights

The form-based code identifies six height categories, ranging in total building height from 35 feet to 200 feet. The location of the height categories is determined by proximity to residential neighborhoods and relationships to streets and public spaces. The height categories are shown on the Height Map, pictured to the right.

Traditionally in Virginia Beach, height is governed by the City Zoning Ordinance. Under the previous RT zoning, height on blocks east of Atlantic was capped at 200 feet, blocks between Atlantic and Pacific had a 75-foot cap, and in the RT-3 districts, no height restrictions existed except for 75 feet on hotels. The form-based code redistributes height equitable to surrounding neighborhoods and minimizes over-bulking of streets and open space. The latter improvement, in particular, allows for secondary views around and over structures whereas before, massive “walls” prohibited such sight lines. Towers are the primary tools used to redistribute the height. By allowing 110-foot and 200-foot towers much of the Resort Area is allowed to stay at a much lower height. Tower dimensions are restricted to 15,000 square feet for 200-foot towers and 7,500 feet for 110-foot towers.

HEIGHT ZONES

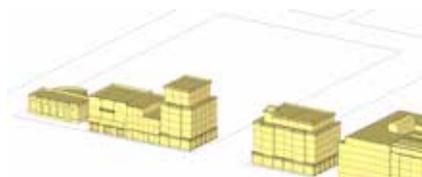
- » 35 feet
- » 45 feet
- » 75 feet
- » 75' Podium+35' Tower/110 feet
- » 75' Podium+125' Tower/200 feet
- » 100' Podium+100' Tower/200 feet

WHERE TO FIND HEIGHT LIMITS IN THE CODE

- » [Chapter 4, Height](#)



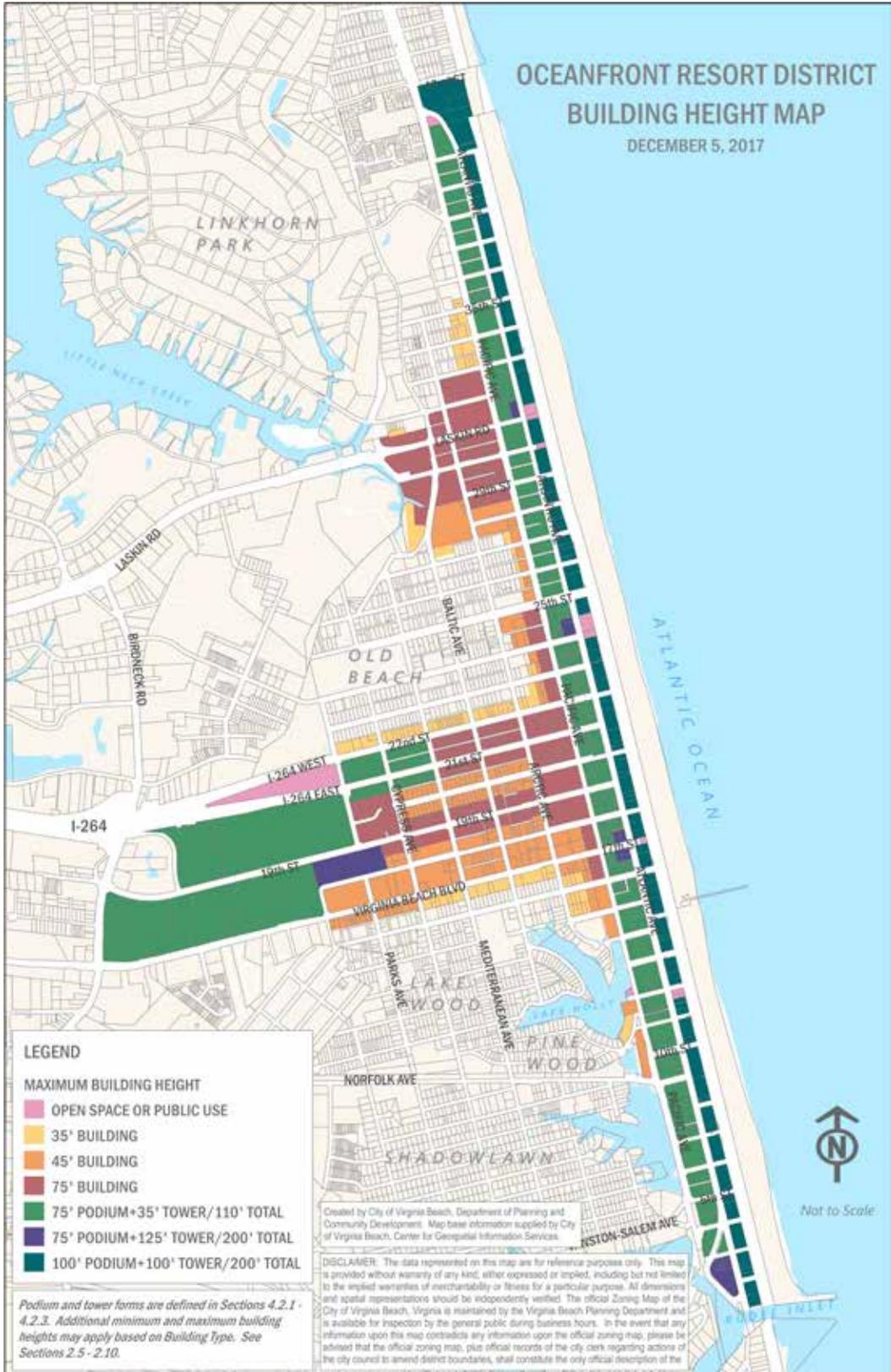
35- AND 45-FOOT ZONES
Typically used in areas that transition to surrounding residential neighborhoods. Houses and small commercial and mixed-use buildings generally fall within these height limits.



75-FOOT ZONES
Typically used to allow taller heights in the Laskin Gateway and Central Beach districts.



110- AND 200-FOOT ZONES
Primarily located on the Atlantic and Pacific blocks, the 110-foot and 200-foot zones permit towers with floor plates up to 7,500 square feet and 15,000 square feet respectively.



The Height Map designates maximum building height.

How to Use the Code

For most users, the form-based code is organized in a sequence that generally follows the order of normal decision making in site design and layout. Rather than beginning with use, the form-based code focuses more on location to determine building form and the relationship to public space. Therefore, the property owner begins by determining what frontages apply to the property’s location using the Frontage Map. Setbacks and height follow that chapter to determine the criteria for the maximum building envelope. Use, given the flexibility in its location, follows as a means to confirming the range of permitted uses for a site and building type. Site development standards give the criteria for site access, parking, landscaping, and other site details. Finally, optional forms of development and alternative compliance give guidance to those seeking a different path from the prescribed forms outlined in chapters 2 through 6.

This form-based code also recognizes that no two approaches to a development effort are the same and that there likely will be several different points of entry for users, depending on the nature of their design and program. This page offers a quick reference for the most common needs of those using the code. The situations below are followed by the general sequence one could follow in exploring the possibilities for the site and building design.

REGULATING PLANS FOR USE WITH THIS CODE*

- » The [Frontage Map](#) establishes the building types permitted along a street.
- » The [Street Setback Map](#) sets the minimum building setback from a street.
- » The [Height Map](#) sets the maximum height of a structure.

*All maps are available for reference in the code. Full scale maps are available to download online or purchase from the Department of Planning and Community Development.

| What best describes your situation? | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 |
|-------------------------------------------------------------------------------|---------|---------|---------|---------|---------|---------|
| <i>I would like to know what I can develop on my site.</i> | 2 | 5 | 3 | 4 | 6 | 7 |
| <i>I have a use in mind and would like to know where I can locate it.</i> | 5 | 2 | 3 | 4 | 6 | 7 |
| <i>I am thinking of building an addition or adding a building on my site.</i> | 2 | 3 | 4 | 5 | 6 | 7 |
| | Chapter | Chapter | Chapter | Chapter | Chapter | Chapter |



FRONTAGES & BUILDING TYPES

[Chapter 2](#)

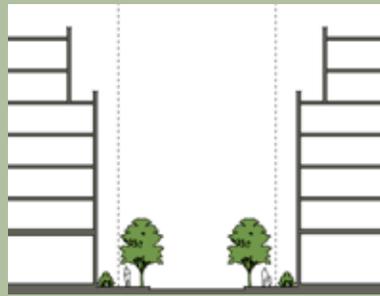


SUMMARY

Using the **Frontage Map**, determine the building types that are permitted on your property then look at the individual building type pages to determine your lot and building standards.

STREET SETBACKS

[Chapter 3](#)

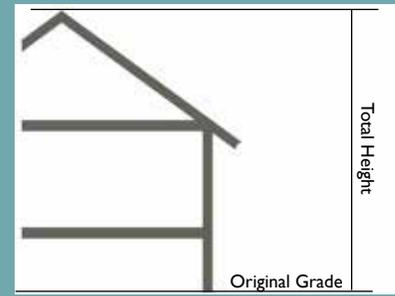


SUMMARY

Using the **Street Setback Map**, determine what setback is required from the public right-of-way.

HEIGHT

[Chapter 4](#)



SUMMARY

Using the **Height Map**, determine what your maximum height is (if not already determined by choice of building type).

USE

[Chapter 5](#)



SUMMARY

Establishes which uses are allowed in which building types.

SITE DEVELOPMENT

[Chapter 6](#)



SUMMARY

Establishes the requirements for site access, parking, landscaping, building servicing and other criteria critical for site design and layout.

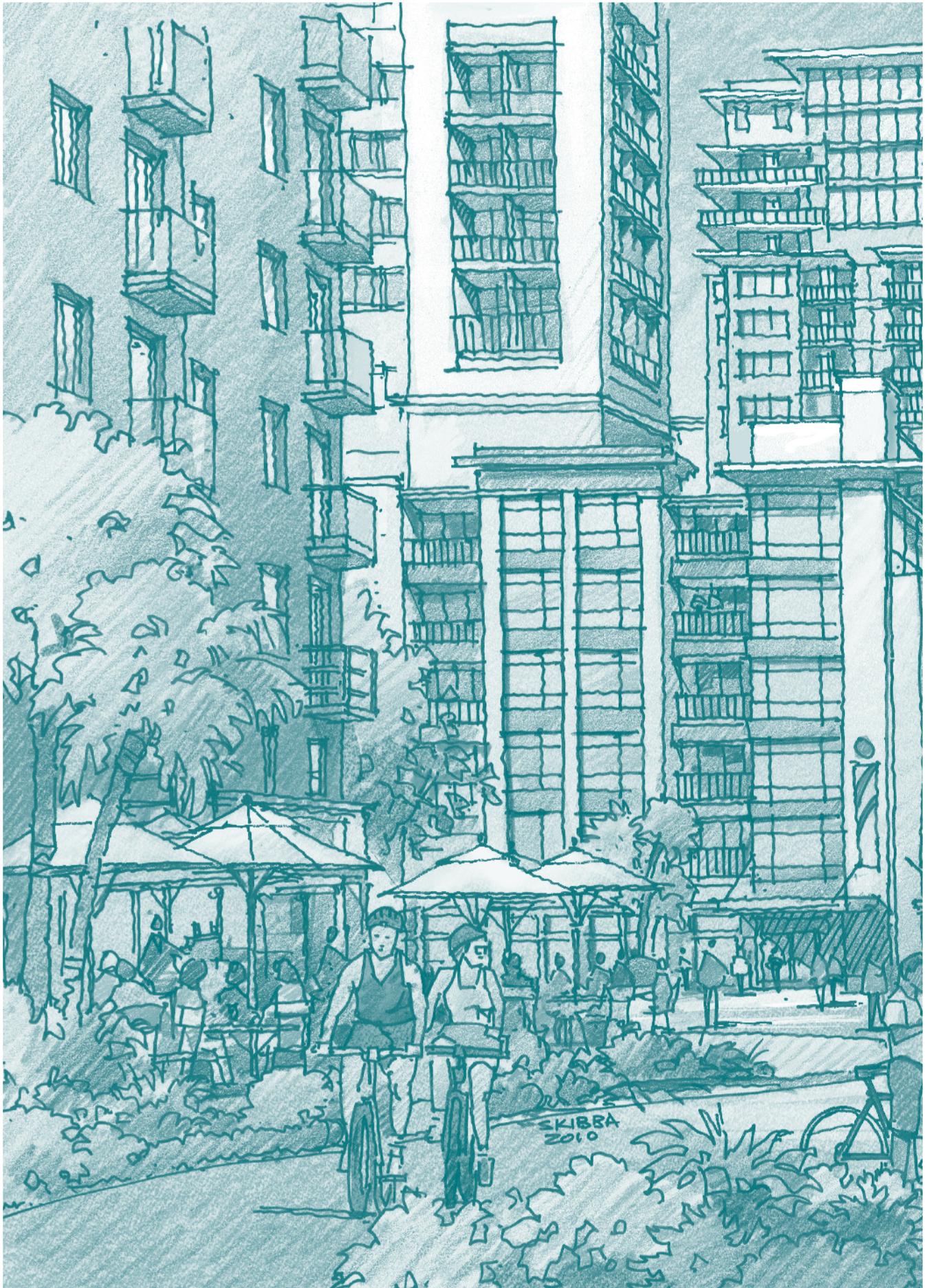
OPTIONAL FORMS OF DEVELOPMENT & ALTERNATIVE COMPLIANCE

[Chapter 7](#)



SUMMARY

This chapter describes ways of developing other than by following the prescribed forms in Chapters 2-6.





Chapter 1. Purpose & Applicability

SEC. 1.1 GENERAL PROVISIONS 1-2

1.1.1 Purpose and Intent..... 1-2

1.1.2 Applicability 1-2

1.1.3 Severability..... 1-3

1.1.4 Permitted Development..... 1-3

SEC. 1.2 DEFINED TERMS..... 1-4

Sec. 1.1 General Provisions

I.1.1 Purpose and Intent

- A. The purpose of the OR Oceanfront Resort District is to implement and update the vision of the City's Resort Area contained in the [2008 Resort Area Strategic Action Plan \(RASAP\)](#) by facilitating the transition of the Resort Area from a seasonal vacation spot to a year-round, world-class urban resort destination for recreation, entertainment and conventions, complemented by a dedicated, active local community that adds unique local flavor in the form of restaurants, creative businesses, shops and recreational activities.
- B. Rather than relying upon conventional zoning principles, the OR Oceanfront Resort District (ORD) fosters predictable results and a high-quality public realm by prescribing the physical form of buildings and other elements and addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. At the same time, however, the Code provides a high degree of flexibility by allowing the use of optional design forms as incentives that accomplish the purpose of the ORD in ways other than those specifically prescribed in the Code.
- C. It is the intent of the OR District, by using such principles, to:
 - 1. Create a walkable, mixed-use urban area with improved access to the beach;
 - 2. Improve pedestrian connections between destinations;
 - 3. Create a transition from the Resort Area to residential neighborhoods;
 - 4. Expand residential opportunities;
 - 5. Concentrate retail activities; and
 - 6. Transform the Resort Area into a year-round resort.

I.1.2 Applicability

- A. This Code applies to all property located within the OR District, as designated on the Official Zoning Map. Property abutting a specific frontage shown on the [Frontage Map](#) set forth in [Sec. 2.1](#) shall conform to the provisions of this Code applicable to such frontage.
- B. Unless expressly provided otherwise, any provision of this Code that conflicts with another provision of the City Zoning Ordinance or other applicable ordinance or regulation shall be deemed to control to the extent of such conflict.

I.1.3 Severability

The provisions of this Code shall be severable, and in the event one or more of the provisions of this Code shall be adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not in any way be affected or impaired by such adjudication.

I.1.4 Permitted Development

- A. New structures and additions to existing structures, where such new structures or additions conform to the provisions of this Code, shall be allowed by right if all other applicable requirements of law are met. Only uses designated in this Code as permitted, limited, conditional or accessory shall be allowed in any such structure or addition, and no nonconforming use may be expanded or moved to occupy any portion of such structure or addition, except as may be allowed by the City Council pursuant to [Sec. 7.3](#) (Alternative Compliance).
- B. New uses or structures or additions to or alterations of existing structures that do not fully conform to the provisions of this Code may be allowed pursuant to the provisions of [Sec. 7.3](#) (Alternative Compliance) or [Sec. 2.11](#), as the case may be.

Sec. 1.2 Defined Terms

Terms listed below are defined for the purposes of this Code. Additional definitions are listed in [Sec. 1.11](#) of the Zoning Ordinance.

ARCADE. A colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the street setback line.

AWNING. A sheet of canvas or other material stretched on a frame affixed to and projecting from a building or structure and used to keep the sun or rain off of a storefront, window, doorway, or deck.

BACKYARD COTTAGE. A self-contained dwelling unit permitted only as ancillary to a detached house building containing a greater floor area than the backyard cottage and no more than one dwelling unit. A backyard cottage must be located on the same lot as, but physically separated from, the main house.

BALCONY. An exterior platform attached to the upper floors of a building facade.

BLANK WALL WIDTH. The maximum distance an exterior building facade that is adjacent to a street may extend without a substantial material change.

BUILDING FRONTAGE. The linear distance of a building's facade that is placed in the build-to zone.

BUILDING TYPE. Building Types govern basic parameters such as lot dimensions, building placement, building form, and use. Categories include Mixed-Use, Commercial, Apartment, Row House, Detached House, and Civic Building Types.

BUILD-TO ZONE. The build-to zone is the area on the lot between the minimum and maximum setback range from the street setback line where a required minimum percentage of the lot width must contain building facade.

CANOPY. A rigid structure projecting from a building or structure and used to keep the sun or rain off of a storefront, window, doorway, or deck.

COMMON LOT LINE. A lot line shared between two private lots, which does not abut public or private right-of-way.

FORECOURT. A building element where a portion of the building facade is located within the build-to zone and the central portion is set back and located outside of the build-to zone.

FRONTAGE TYPE. Designated on the Frontage Map. Frontages govern permitted building types and parking setbacks. Categories include BW, CP, SH, GW, and BE.

FRONTAGE MAP. A map that assigns frontage types to specific properties in the Oceanfront Resort District and serves as part of the Official Zoning Map.

GALLERY. A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side.

GROUND STORY. The story closest to and above grade along the street.

HEIGHT MAP. A map that sets maximum heights for all properties in the Oceanfront Resort District and serves as part of the Official Zoning Map.

LOT. A piece or parcel of land abutting a street and considered as one unit.

OUTDOOR AMENITY SPACE. An outdoor area of an establishment that: (1) serves as a shared amenity for occupants of the establishment or members of the public or (2) consists of green space, such as gardens (including roof gardens), landscaping beds, or other vegetated and maintained areas. Examples of outdoor amenity space include, but are not limited to, courtyards, fountains, plazas, outdoor cafes, and gardens. Outdoor display areas and private balconies shall not be included as outdoor amenity space.

PARKING SETBACK LINE. Structured and surface parking must be located behind this line.

PORCH. A one, two, or three-story structure attached to a building to shelter an entrance or to serve as covered but unenclosed space.

PORTE COCHERE. A roofed structure extending from the entrance of a building over an adjacent driveway or street and sheltering those getting in or out of vehicles.

PROJECT. A land development proposal in which all components and phases are presented as a unified plan. A “project” shall be determined by the severability of the individual structures, both on a legal and practical basis, considering, but not limited to the following issues: legal ownership, physical connection of the project, equitable ownership, location, and similar issues.

PROTECTED DISTRICT. Group of districts that includes all Residential and Apartment Zoning Districts adjacent to the Oceanfront Resort District.

REGULATING PLAN. The regulating plan is made of the Frontage Map, the Street Setback Map, and the Height Map. The regulating plan serves as part of the Official Zoning Map.

SHOPFRONT. A building element on the front of a building composed primarily of display windows and entryways that increase building transparency.

STOOP. A small raised entry platform on the facade of a building.

STORY. That space within a building and above grade that is situated between one floor level and the next floor level above, or, if there is no floor above, the ceiling or roof above.

STREET FRONTAGE. The linear distance of lot line abutting a public or private street, excluding alleys.

STREET SETBACK MAP. A map that establishes the street setbacks for all properties in the Oceanfront Resort District and serves as part of the Official Zoning Map.

TRANSPARENCY. The percentage of windows and doors that cover a ground or upper story facade adjacent to a street. In order to be considered transparent, windows and doors must be clear and allow views inside the ground-story space to a depth of three feet.

UPPER STORY. Any story located above a ground story

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Chapter 2. Frontages & Building Types

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Sec. 2.1 Frontages

2.1.1 Frontages Established

The following street frontages have been established and are applied to property as set forth on the Frontage Map.

A.  (BW) Boardwalk

The Boardwalk Frontage is intended to preserve and enhance pedestrian and bicycle access to the beach. The frontage allows only limited vehicular access and is intended to preserve the openness of the Oceanfront. The frontage is also intended to encourage activity by allowing active uses to directly access the beach.

B.  (CP) Connector Park

The Connector Park Frontage is assigned to all rights-of-way between Atlantic Avenue and the Boardwalk. Many of these have been improved as public outdoor amenity spaces with varying degrees of vehicular use. Any modifications to these frontages must adhere to the Connector Park Design Guidelines, which were created to protect and enhance pedestrian use, emergency/service vehicle access, viewsheds, and the aesthetic character of these connections.

C.  (SH) Shopping Frontage

The Shopping Frontage is intended for the most walkable places in the Resort Area, with a focus on pedestrian movement and activity. Shopping Frontages typically include mixed-use buildings with active uses on the ground floor and office, residential, or hotel uses in the upper stories.

D.  (GW) Gateway Frontage

The Gateway Frontage is intended to balance moving vehicles through the area with walkability and pedestrian safety. These frontages typically carry a higher volume of traffic, but still offer accommodations for the pedestrian.

E.  (BE) Beach

The Beach Frontage is intended as a quieter frontage with high pedestrian activity associated with movement from residential areas down to the beach.

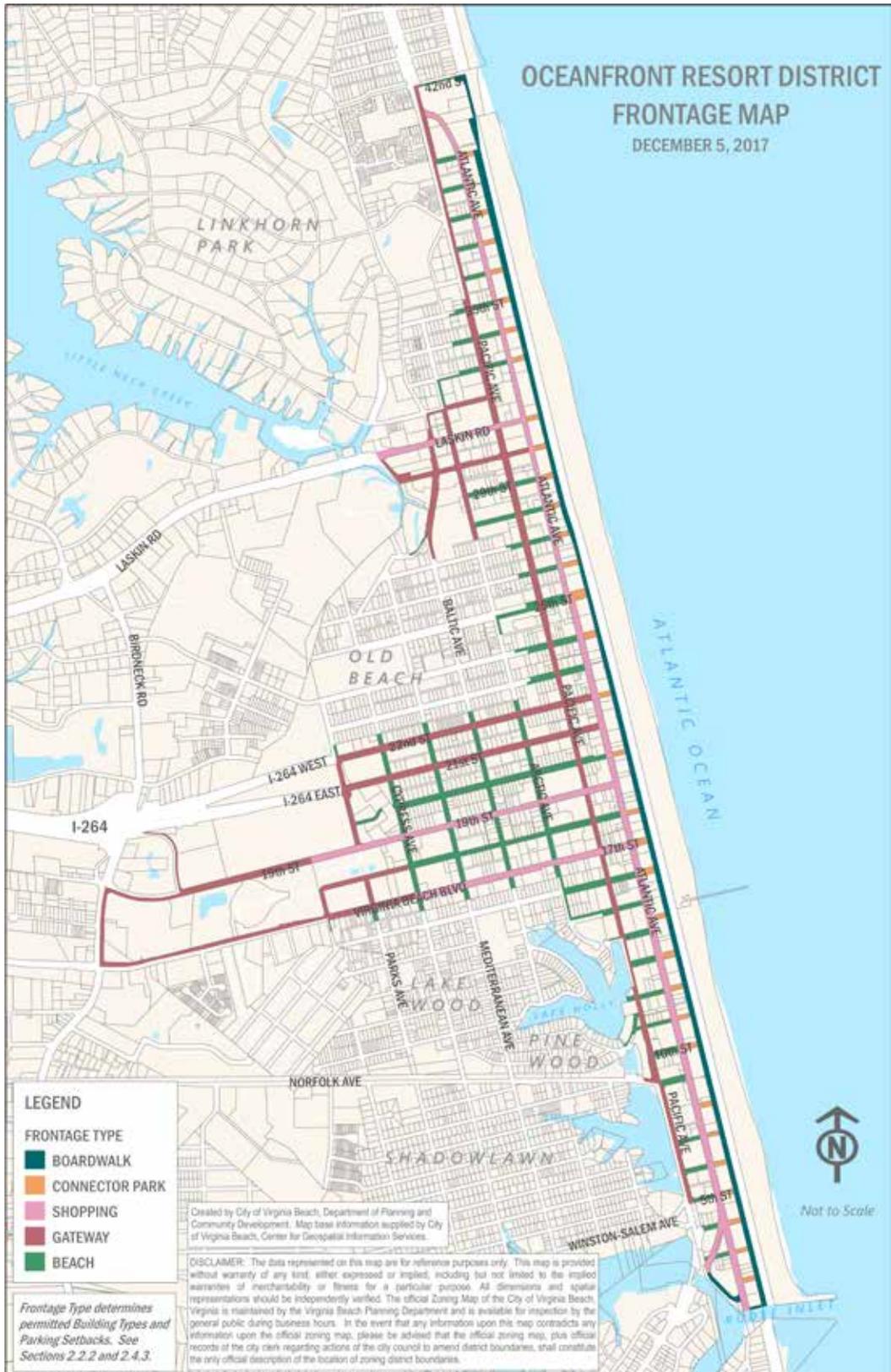
2.1.2 [RESERVED]

2.1.3 Frontage Map Incorporated

- A. The [Frontage Map](#) is hereby incorporated and made a part of the Official Zoning Map.
- B. The [Frontage Map](#) specifies the territorial application of the OR District and is the key that identifies the allowed building types within each designated frontage.

2.1.4 Rules of Interpretation

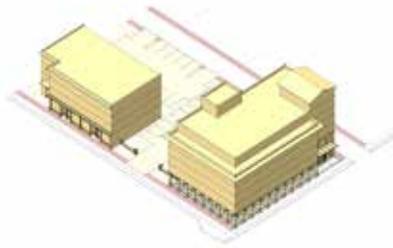
- A. The building regulations for sites vary based on the frontage type assigned to a specific property as set forth on the [Frontage Map](#).
- B. When the frontage type changes along the street or at the block corner on a property that is used, developed, or built upon as a unified development, the first 50 feet of the lower ranking frontage shall be subject to the requirements of the frontage that is listed highest in the following order:
 - 1. Boardwalk
 - 2. Connector Park
 - 3. Shopping
 - 4. Gateway
 - 5. Beach
- C. On mid-block conditions with multiple frontage designations on property that is used, developed, or built upon as a unified development, the requirements for each frontage extend for at least 50 feet measured inward from the street setback.
- D. A full-scale Frontage Map is available for review at the Department of Planning.



Sec. 2.2 Building Types

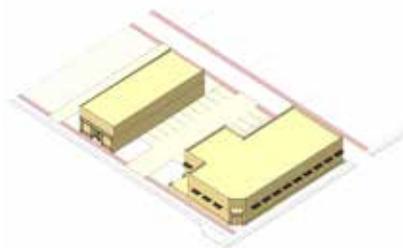
2.2.1 Building Type Descriptions

The following is a description of each of the building types allowed by this Code. Where a proposed building type does not clearly fit within one of the following descriptions, the Zoning Administrator shall determine which building type description the proposed building most closely fits, and the building shall be subject to the requirements of this Code applicable to that building type.



MIXED-USE BUILDING

A building having at least two stories and containing one or more nonresidential uses on the ground floor and commercial, residential, or hotel uses in the upper stories.



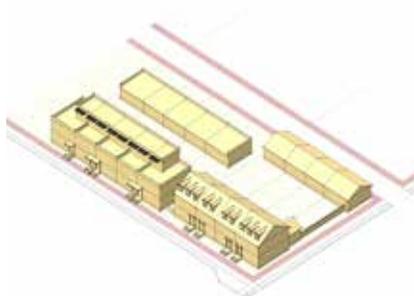
COMMERCIAL BUILDING

A one-story building containing one or more nonresidential uses. With the exception of live-work units, residential uses are not permitted.



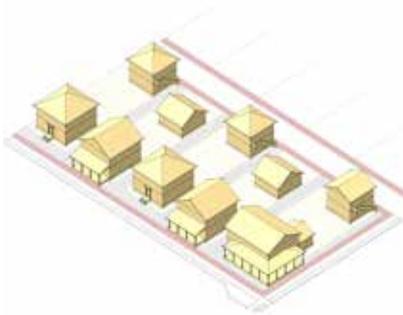
APARTMENT BUILDING

A multistory building containing five or more dwelling units that are vertically and horizontally integrated. Nonresidential uses other than those accessory to the dwelling units are not permitted.



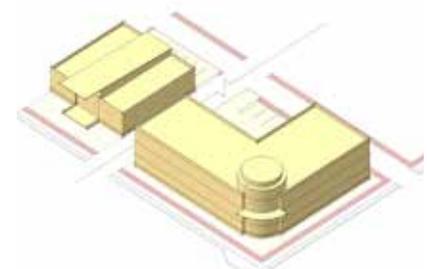
ROW HOUSE

A multistory building having a maximum of four stories and containing two or more dwelling units, attached at the side or sides in a series, and separated vertically by a shared wall. A row house may contain ground story commercial uses with residential uses above.



DETACHED HOUSE

A building type having a maximum of three stories and containing up to four dwelling units; attached at the rear, rear and side, or between stories; with private yards on all four sides. A detached house may contain one commercial use on the ground story, either singly or in combination with a single dwelling unit.

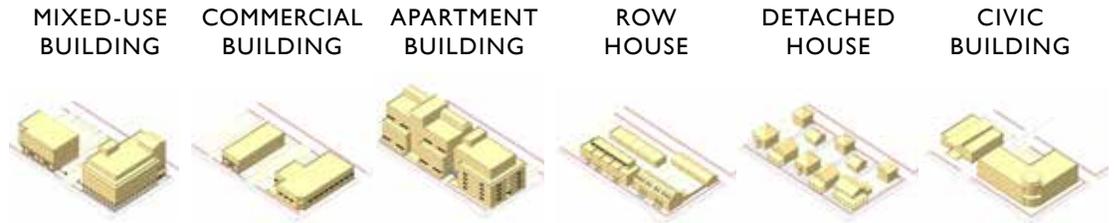


CIVIC BUILDING

A building containing one or more civic, institutional, or public uses. Examples include, but are not limited to, governmental buildings, indoor arenas, places of worship, assembly halls, or other buildings in which members of a community gather for social or cultural activities or that serve a general public purpose or need.

2.2.2 Building Types Allowed by Frontage

Building types are allowed by frontage as established in the table below. Specific requirements for each building type are shown on the following pages.



| FRONTAGE | | | | | | |
|-------------------------------------------------------------------|---|----|----|----|----|---|
| (BW) Boardwalk | P | -- | -- | -- | -- | P |
| (CP) Connector Park | P | -- | -- | -- | -- | P |
| (SH-E) Shopping east side of Atlantic | P | -- | -- | -- | -- | P |
| (SH-W) Shopping west side of Atlantic | P | -- | P | P | -- | P |
| (GW) Gateway | P | P | P | P | P | P |
| (BE) Beach | P | -- | P | P | P | P |
| KEY: P = Permitted building type -- = Building type not permitted | | | | | | |

Sec. 2.3 Building Type Properties

2.3.1 Intent

The building types establish the basic parameters governing lot dimensions, building placement, building height, and building form.

2.3.2 Lot Criteria

- A. The lot criteria sets the minimum lot area and width for each building type.
- B. The building setback determines how far buildings must be placed from each lot line.

2.3.3 Placement

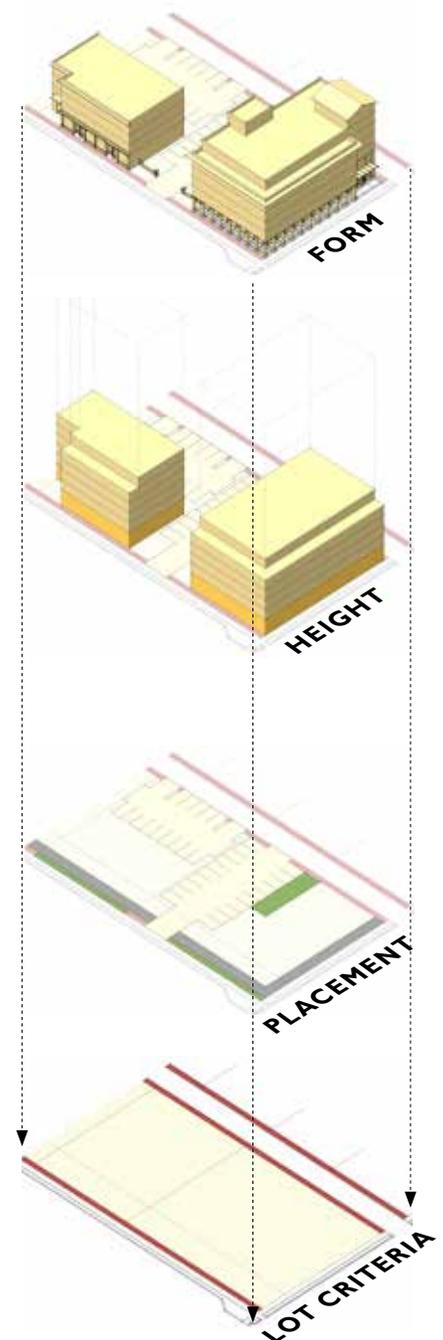
- A. The build-to zone and parking location criteria determine where buildings and parking will be placed relative to the street.
- B. Outdoor amenity space sets minimum requirements for the provision of smaller areas of urban open space that supplement major public spaces such as the Beach, Boardwalk and Connector Parks.

2.3.4 Height

- A. Establishes vertical dimensions of ground and upper floors.
- B. The minimum and maximum height for each building type is set forth in [Sec. 2.5 through 2.10](#). Maximum heights based on location are set forth in [Chapter 4](#). The lesser of the two is the maximum building height.

2.3.5 Form

- A. Transparency establishes the degree to which a building's facade must contain windows and provide views into and out of the interior of the building.
- B. Entrances determine the orientation of each building.



Sec. 2.4 Rules for All Buildings

2.4.1 Applicability

The following standards apply to all building types unless expressly stated otherwise.

2.4.2 Lot Criteria

A. Lot

1. Minimum lot area is exclusive of public right-of-way, water, wetlands, and floodways.
2. Lot width is measured between the side lot lines (generally running perpendicular to a street) at the street setback line.
3. When multiple primary buildings or building types are placed on the same lot, each building must be able to meet the minimum lot criteria of its associated building type whether or not actual lot lines exist.

B. Building Setbacks

1. Street setbacks are measured from the right-of-way line, excluding alleys, and are established on the [Street Setback Map](#) (see Chapter 3). [Permitted street setback encroachments](#) are listed in Chapter 3.
2. Alley setbacks are measured from the rear property line where alleys are present, improved or unimproved. Permitted alley setback encroachments are listed in Chapter 3.
3. Side or rear setbacks from a common lot line are measured from the side or rear property line. [Permitted side or rear setback encroachments](#) are listed in Chapter 3.
4. Provisions allowing the use of optional forms of development in place of the building setback requirements prescribed above are set forth in [Sec. 7.2.2 \(A\)](#).

2.4.3 Placement

A. Build-to

1. The build-to zone is the area on the lot where a required minimum percentage of the lot width, as required for each Building Type in [Sec. 2.5 through 2.10](#), must contain building facade, which may include galleries, arcades, porte cocheres, forecourts, and shopfronts. Specifically, the build-to zone is the area between the minimum and maximum setback range from the street setback line.
2. The 'minimum percentage' as required for each Building Type in [Sec. 2.5 through 2.10](#), specifies the width (in terms of a percentage of the width of the lot) in which building facade must be located in the build-to area.
3. [Permitted build-to zone encroachments](#) are listed in Chapter 3.

4. A building facade must be constructed within the build-to zone for the first 15 feet along the street extending from any block corner, measured from the intersection of the two street setback lines, except on the east side of Atlantic Avenue.
5. The build-to requirements of this Code do not apply to the Boardwalk, Connector Parks, or alleys.
6. Provisions allowing the use of optional forms of development in place of the build-to requirements prescribed above are set forth in [Sec. 7.2.2 \(B\)](#).

B. Parking Location

I. Parking Setback

Also shown in [Sec. 6.2.4 \(A\)](#).

A 20' parking setback, measured from the street setback line, applies to surface and ground-story structured parking, including vehicular entrances, exits, and drive aisles, as a minimum percentage of the street frontage as listed below:

| | STRUCTURED PARKING (GROUND STORY) | SURFACE PARKING |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Boardwalk | 100% min <i>Parking setback applies to full street frontage.</i> | |
| Connector Park | 100% min <i>Parking setback applies to full street frontage.</i> | |
| Shopping | 70% min <i>Parking setback applies to 70% of street frontage; *30% of street frontage may include structured and/or surface parking.</i> | |
| Gateway | 60% min <i>Parking setback applies to 60% of street frontage; *40% of street frontage may include structured and/or surface parking.</i> | |
| Beach | 0% min <i>*100% of street frontage may include structured parking.</i> | 60% min <i>Parking setback applies to 60% of street frontage; *40% of street frontage may include surface parking.</i> |
| *Landscaping requirements must also be met even where parking setbacks do not apply. Surface parking lots and structured parking located adjacent to the street must be lined with a 10' landscape strip. Landscaping is permitted in the building setback. See Sec. 6.3 for details on landscaping requirements. | | |

- a. However, surface parking, including vehicular entrances, exits, and drive aisles, is not permitted within 15 feet of a block corner, measured from the intersection of the two street setback lines.

- b. Structured and surface parking, including drive aisles but excluding vehicular entrances and exits, must also be located behind the side and rear parking setbacks, measured from the side or rear (common) property line, as listed by building type in [Sec. 2.5 through 2.10](#). The setback applies to 100% of the side and rear property lines.
- c. Other than a building setback that would be applicable for a parking structure, there is no parking setback from alleys.
- d. The parking setback does not apply to the upper stories of structured parking facilities.
- e. The ground story of structured parking must have active uses located between the parking structure and any public sidewalk.

2. Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the parking setback requirements prescribed above are set forth in [Sec. 7.2.2 \(C\)](#).

C. Outdoor Amenity Space

- 1. Required outdoor amenity space must be provided on the site in accordance with the requirements of this chapter. Outdoor amenity space:
 - a. May be comprised of one contiguous area or multiple areas;
 - b. Shall have a minimum width or depth of six feet;
 - c. May be located in a setback zone;
 - d. May be located at grade or above grade;
 - e. Shall be visible from the street if located at grade;
 - f. Shall not contain outdoor display, outdoor storage, dumpsters, or any permanent improvements, except for improved surfaces and structures that provide a shared amenity, and may not be parked or driven upon, except for emergency access and during permitted temporary events; and
 - g. May be covered, but if covered, must remain open on at least three sides.

2. Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the outdoor amenity space requirements prescribed above are set forth in [Sec. 7.2.2 \(G\)](#).

2.4.4 Height

A. Building Height

1. The maximum permitted height of buildings and structures varies based on location (shown on the [Height Map](#) in Chapter 4) and building type (shown in [Sec. 2.5 - 2.10](#)). The lesser of the two is the maximum building height.
2. The minimum required building height is established in [Sec. 2.5 - 2.10](#). All portions of the building used to meet the build-to requirement must meet minimum building height.
3. Up to four feet of the height of a parapet may be applied to meet minimum building height, provided the parapet continues around the full perimeter of the building.

B. Story Height

1. Ground-story finished floor elevation is measured from the top of the abutting sidewalk to the top of the finished ground floor.
2. Story height is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, floor height is measured to the ceiling above plus one additional foot.
3. Minimum ground-story height applies to the first 30 feet of the building measured inward from the facade adjacent to the street. At least 50% of the ground story must meet the minimum height provisions.
4. At least 80% of each upper story must meet the minimum upper-story height provisions.

C. Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the height requirements prescribed above are set forth in [Sec. 7.2.2 \(D\)](#).

2.4.5 Form

A. Transparency

1. The minimum percentage of windows and doors that must cover a ground-story facade adjacent to a street is measured between 2 and 12 feet above ground level.
2. The minimum percentage of windows and doors that must cover an upper-story facade adjacent to a street is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story transparency is measured from the top of the finished floor to the top of the wall plate.

3. Blank wall means a portion of the exterior facade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows, doors, columns, pilasters, or other articulation greater than 6 inches in depth.
4. Blank wall applies in both a vertical and horizontal direction.
5. Blank wall applies to both ground and upper-story facades adjacent to a street.

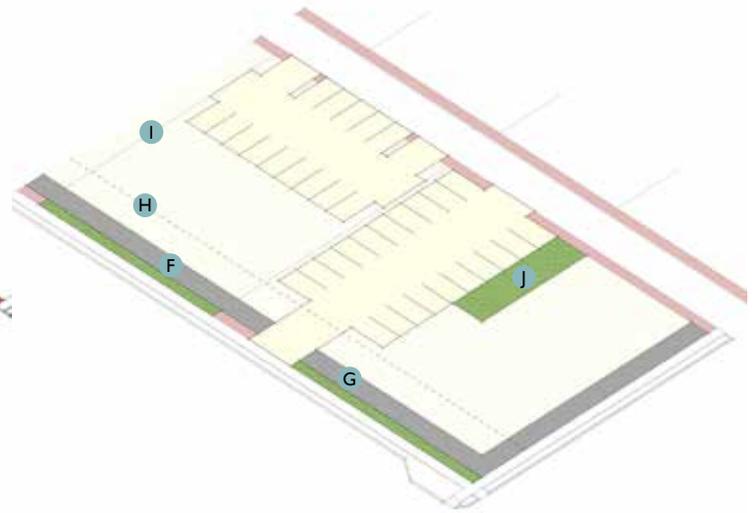
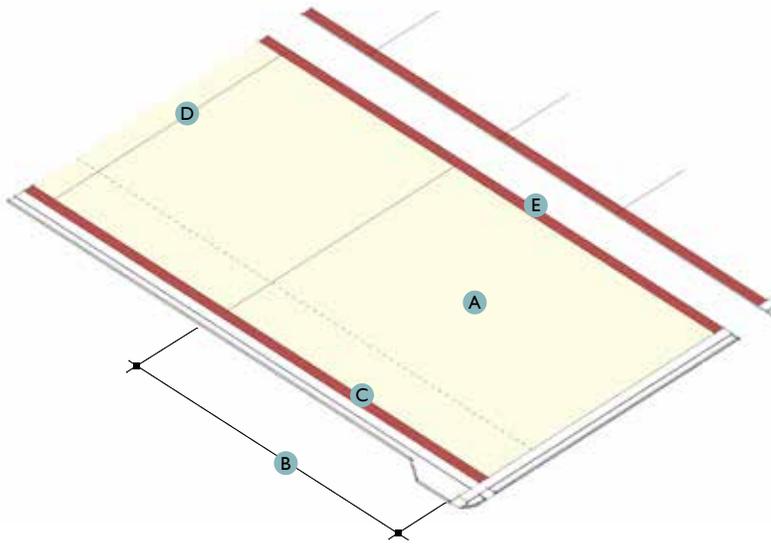
B. Building Entrances

1. A primary entrance providing both ingress and egress, operable during normal business hours, if applicable, is required to meet the street-facing entrance requirements.
2. An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements.
3. A minimum of 50% of a required entrance must be transparent on a mixed-use or commercial building.

C. Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the form requirements prescribed above are set forth in [Sec. 7.2.2 \(E\)](#).

Sec. 2.5 Mixed-Use Building



Lot Criteria

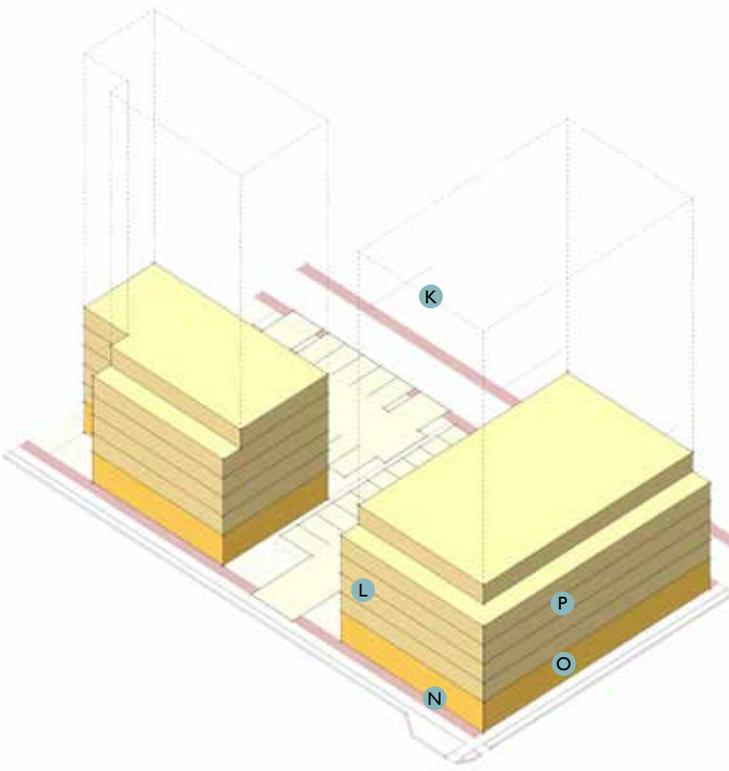
| Lot Dimensions | |
|-------------------|---------------------------------------------------------------|
| A | Area (min) 5,000 sq. ft. |
| B | Width (min) 50' |
| Building Setbacks | |
| C | *Building Setback, street (min) Varies, see Chapter 3 |
| D | Building Setback, side or rear - common lot line (min) 0' |
| D | Building Setback, side or rear - protected district (min) 10' |
| E | Building Setback, alley (min) 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

**To meet street frontage landscaping requirements, ensure that surface parking lots and parking structures adjacent to a street are set back at least 10' from the ROW.

Placement

| Build-to Zone | |
|----------------------------------------------------------------|-------------------------------------------------------------|
| Build-to zone (min/max) | |
| F | BW & CP Frontage..... N/A |
| | All other Frontages..... street setback plus 10' |
| Percentage of lot width on which build-to zone applies (min) | |
| G | BW & CP Frontage..... N/A |
| | SH Frontage..... 70% |
| | All other Frontages..... 60% |
| Parking Location | |
| H | **Parking Setback, street (min) street setback plus 20' |
| Percentage of lot width on which parking setback applies (min) | |
| H | BW & CP Frontage..... 100% |
| | SH Frontage..... 70% |
| | GW Frontage..... 60% |
| | BE Frontage..... 0% Structured/ 60% Surface |
| I | Parking Setback, rear or side, common lot line (min) 0' |
| I | Parking Setback, rear or side, protected district (min) 10' |
| Outdoor Amenity Space | |
| J | % of lot area (min) 15% |



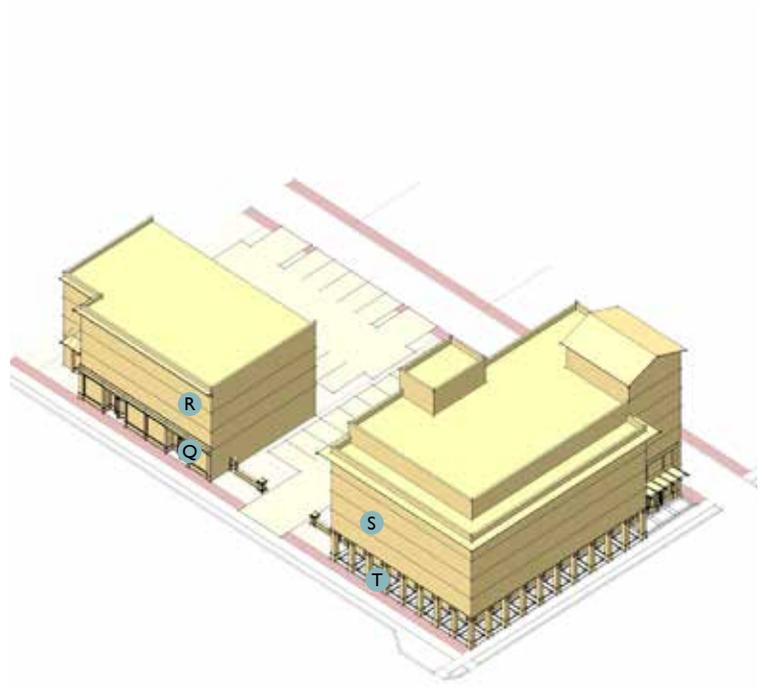
Height

Building Height

| | |
|--------------------------------|-----------------------|
| K Building height (max) | Varies, see Chapter 4 |
| L Building height (min) | 2 stories/25' |

Story Height

| | |
|------------------------------------------------------|-----|
| N Ground story finished floor elevation (min) | 0' |
| O Ground story height, floor to floor (min) | 14' |
| P Upper story height, floor to floor (min) | 10' |



Form

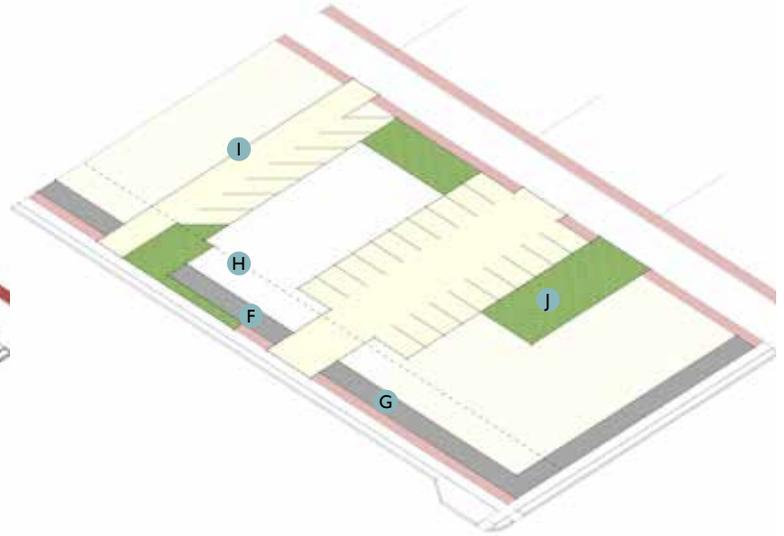
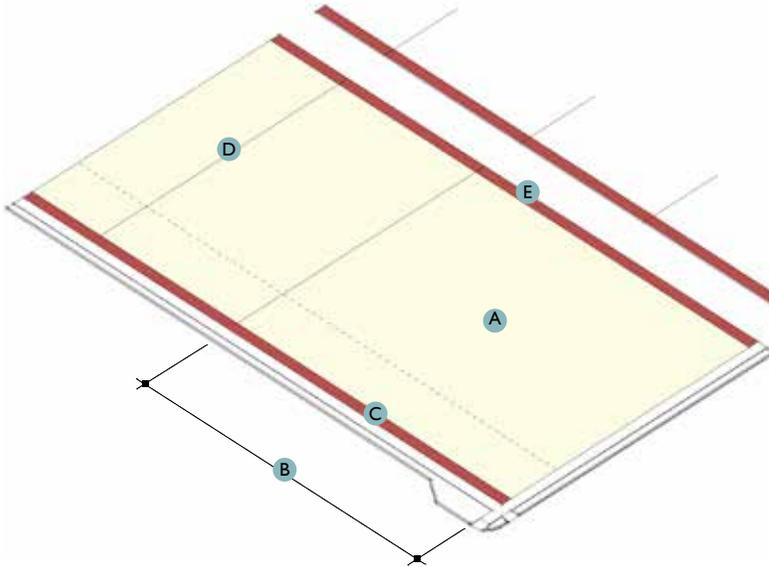
Transparency

| | |
|-----------------------------|-----|
| Q Ground story (min) | 30% |
| R Upper story (min) | 15% |
| S Blank wall (max) | 30' |

Entrances

| | |
|---------------------------------|-------------------------------|
| T Street-facing entrance | Required for primary entrance |
|---------------------------------|-------------------------------|

Sec. 2.6 Commercial Building



Lot Criteria

| Lot Dimensions | | |
|-------------------|-----------------------------------------------------------|---------------|
| A | Area (min) | 5,000 sq. ft. |
| B | Width (min) | 50' |
| Building Setbacks | | |
| C | *Building Setback, street (min) | 5' |
| D | Building Setback, side or rear - common lot line (min) | 5' |
| D | Building Setback, side or rear - protected district (min) | 10' |
| E | Building Setback, alley (min) | 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

**To meet street frontage landscaping requirements, ensure that surface parking lots and parking structures adjacent to a street are set back at least 10' from the ROW.

Placement

| Build-to Zone | | |
|----------------------------------------------------------------|--------------------------------------------------------------|-------------------------------|
| F | Build-to zone (min/max) | street setback plus 10' |
| G | Percentage of lot width on which build-to zone applies (min) | 60% |
| Parking Location | | |
| H | **Parking Setback, street (min) | street setback plus 20' |
| Percentage of lot width on which parking setback applies (min) | | |
| H | BW & CP Frontage..... | 100% |
| | SH Frontage..... | 70% |
| | GW Frontage..... | 60% |
| | BE Frontage..... | 0% Structured/ 60% Surface |
| I | Parking Setback, rear or side, common lot line (min) | 0' |
| I | Parking Setback, rear or side, protected district (min) | 10' |
| Outdoor Amenity Space | | |
| J | % of lot area (min) | 10% |



Height

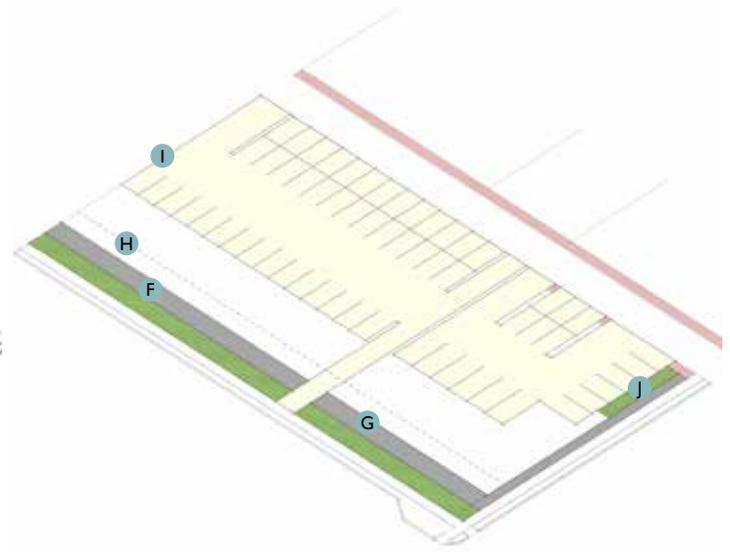
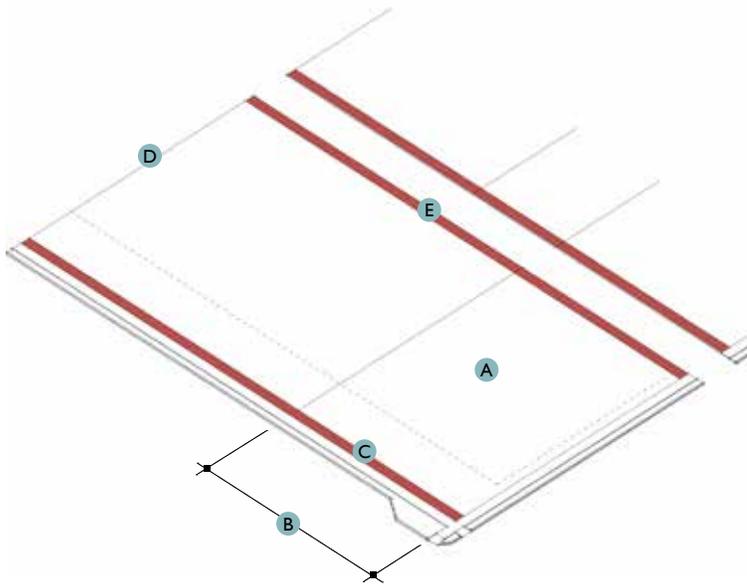
| Building Height | | |
|-----------------|---------------------------------------------|-------------|
| K | Building height (max) | 1 story/35' |
| L | Building height (min) | 16' |
| Story Height | | |
| N | Ground story finished floor elevation (min) | 0' |
| O | Ground story height, floor to floor (min) | 16' |
| P | Upper story height, floor to floor (min) | N/A |



Form

| Transparency | | |
|--------------|------------------------|-------------------------------|
| Q | Ground story (min) | 30% |
| R | Upper story (min) | N/A |
| S | Blank wall (max) | 30' |
| Entrances | | |
| T | Street-facing entrance | Required for primary entrance |

Sec. 2.7 Apartment Building



Lot Criteria

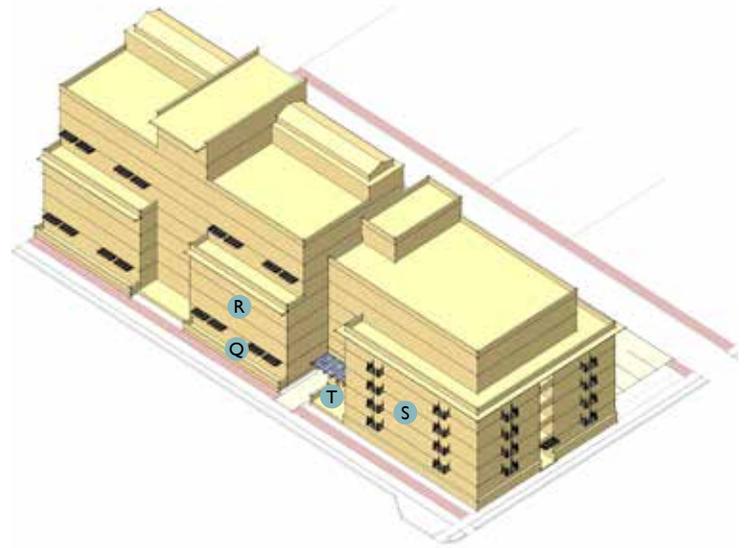
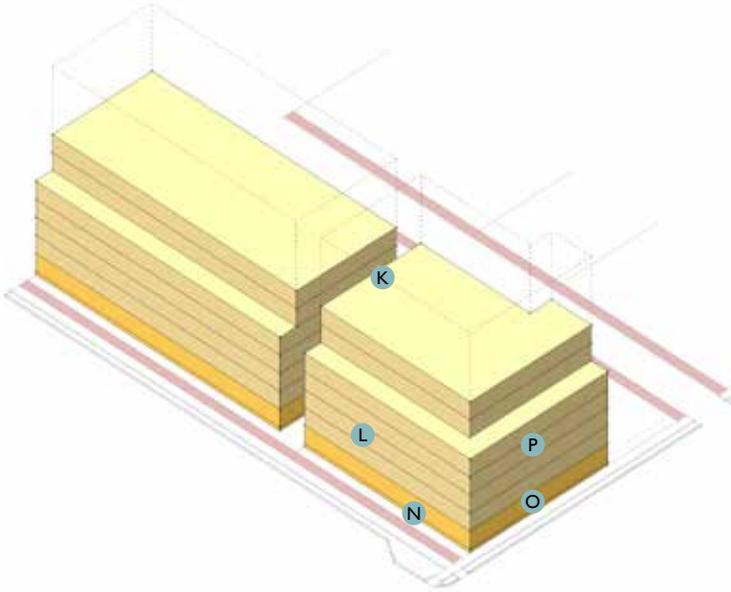
| Lot Dimensions | |
|--------------------------------------------------------------------|-----------------------|
| A Area (min) | 5,000 sq. ft. |
| B Width (min) | 50' |
| Building Setbacks | |
| C *Building Setback, street (min) | Varies, see Chapter 3 |
| D Building Setback, side or rear - common lot line (min) | 5' |
| D Building Setback, side or rear - protected district (min) | 10' |
| E Building Setback, alley (min) | 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

**To meet street frontage landscaping requirements, ensure that surface parking lots and parking structures adjacent to a street are set back at least 10' from the ROW.

Placement

| Build-to Zone | |
|-----------------------------------------------------------------------|-------------------------------|
| F Build-to zone (min/max) | street setback plus 15' |
| G Percentage of lot width on which build-to zone applies (min) | 60% |
| Parking Location | |
| H **Parking Setback, street (min) | street setback plus 20' |
| Percentage of lot width on which parking setback applies (min) | |
| H BW & CP Frontage..... | 100% |
| SH Frontage..... | 70% |
| GW Frontage..... | 60% |
| BE Frontage..... | 0% Structured/ 60% Surface |
| I Parking Setback, rear or side, common lot line (min) | 0' |
| I Parking Setback, rear or side, protected district (min) | 10' |
| Outdoor Amenity Space | |
| J % of lot area (min) | 20% |



Height

Building Height

| | |
|--------------------------------|---------------------------------------|
| K Building height (max) | Varies, see Chapter 4 |
| L Building height (min) | 25' |

Story Height

| | |
|------------------------------------------------------|------|
| N Ground story finished floor elevation (min) | 1.5' |
| O Ground story height, floor to floor (min) | 12' |
| P Upper story height, floor to floor (min) | 10' |

Form

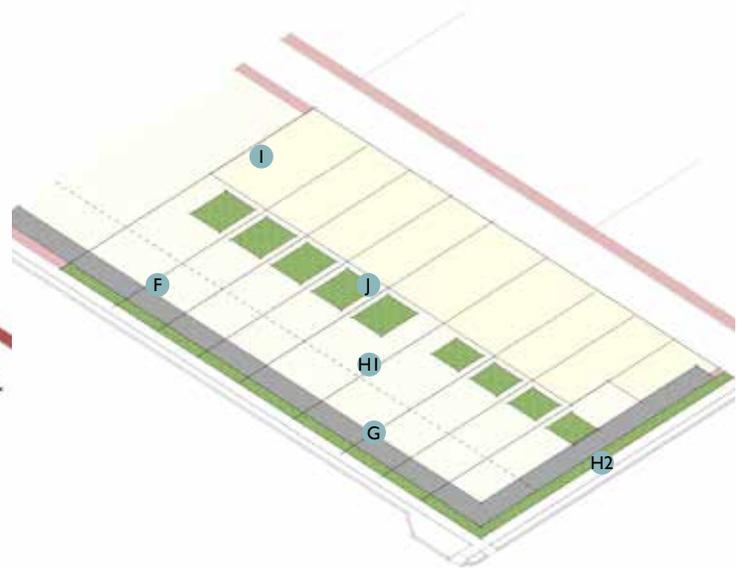
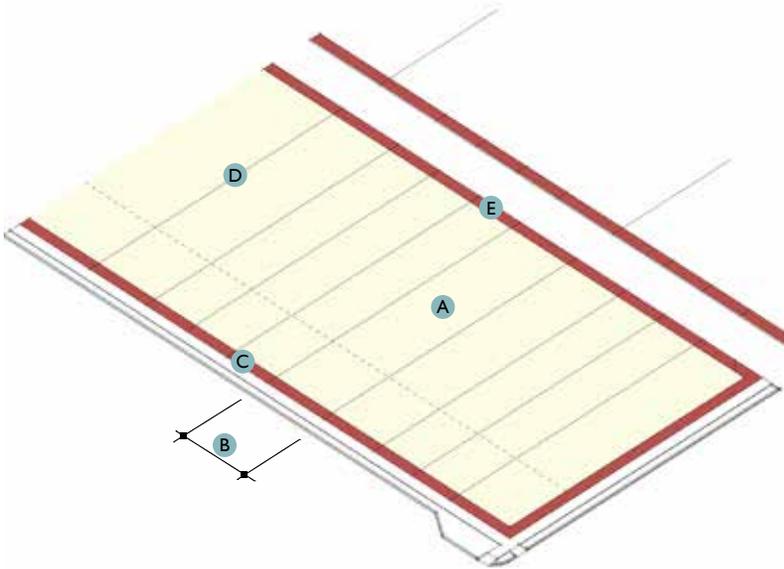
Transparency

| | |
|-----------------------------|-----|
| Q Ground story (min) | 15% |
| R Upper story (min) | 15% |
| S Blank wall (max) | 40' |

Entrances

| | |
|---------------------------------|-------------------------------|
| T Street-facing entrance | Required for primary entrance |
|---------------------------------|-------------------------------|

Sec. 2.8 Row House



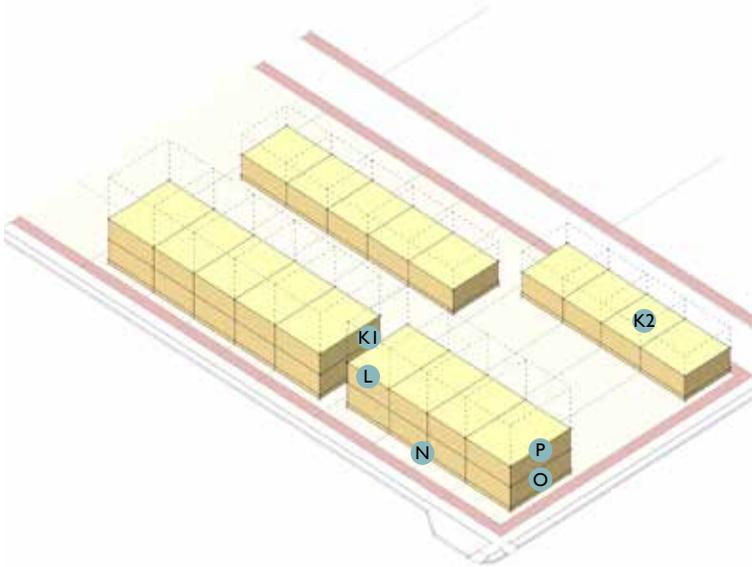
Lot Criteria

| Lot Dimensions | | |
|------------------------------------------------|-----------------------------------------------------------|---------------|
| A | Area (min) | 1,500 sq. ft. |
| B | Width (min) | 20' |
| Building Setbacks | | |
| C | *Building Setback, street (min) | 5' |
| Building Setback, side - common lot line (min) | | |
| D | Interior units..... | 0' |
| | End units..... | 5' |
| D | Building Setback, rear - common lot line (min) | 0' |
| D | Building Setback, side or rear - protected district (min) | 10' |
| E | Building Setback, alley (min) | 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

Placement

| Build-to Zone | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------|
| F | Build-to zone (min/max) | street setback plus 20' |
| G | Percentage of lot width on which build-to zone applies (min) | 70% |
| Parking Location | | |
| H1 | Parking Setback, primary street (min) | N/A |
| <i>No parking or driveways are permitted between the front of the building and the street.</i> | | |
| <i>For row houses that incorporate individual garages, the garage must be placed behind the unit and be rear-accessed. Front-loaded row houses are not allowed.</i> | | |
| H2 | Parking Setback, side street (min) | street setback plus 5' |
| I | Parking Setback, rear or side, common lot line (min) | 0' |
| I | Parking Setback, rear or side, protected district (min) | 10' |
| Outdoor Amenity Space | | |
| J | % of lot area (min) | 20% |



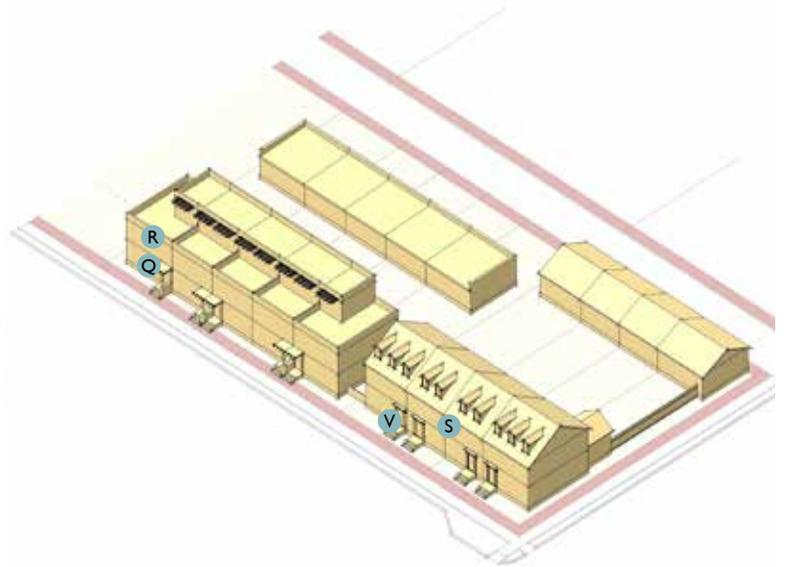
Height

Building Height

| | | |
|----|--------------------------------------------|---------------------------|
| K1 | Building height, principal structure (max) | 35' or 45', see Chapter 4 |
| K2 | Building height, accessory structure (max) | 25' |
| L | Building height (min) | 20' |

Story Height

| | | |
|---|---------------------------------------------|-----|
| N | Ground story finished floor elevation (min) | 2' |
| O | Ground story height, floor to floor (min) | 10' |
| P | Upper story height, floor to floor (min) | 9' |



Form

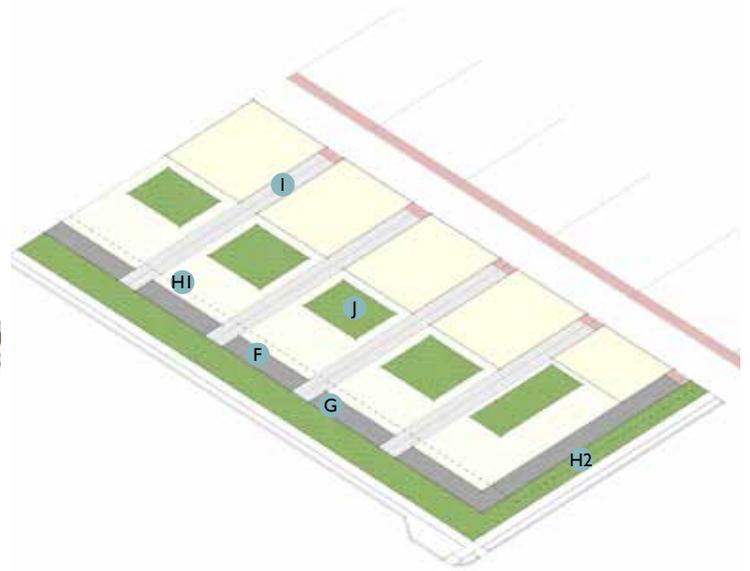
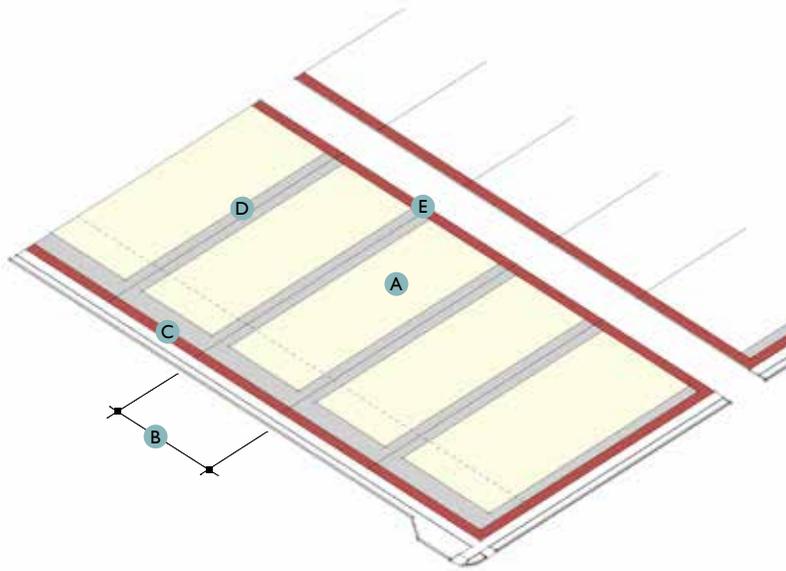
Transparency

| | | |
|---|--------------------|-----|
| Q | Ground story (min) | 15% |
| R | Upper story (min) | 15% |
| S | Blank wall (max) | N/A |

Entrances

| | | |
|---|------------------------|-------------------------------------------|
| T | Street-facing entrance | Required for each unit's primary entrance |
|---|------------------------|-------------------------------------------|

Sec. 2.9 Detached House



Lot Criteria

Lot Dimensions, 0-2 dwelling units

| | | |
|---|-------------|---------------|
| A | Area (min) | 3,000 sq. ft. |
| B | Width (min) | 30' |

Lot Dimensions, 3-4 dwelling units

| | | |
|---|-------------|---------------|
| A | Area (min) | 5,000 sq. ft. |
| B | Width (min) | 50' |

Building Setbacks

| | | |
|---|-----------------------------------------------------------|----|
| C | *Building Setback, street (min) | 5' |
| D | Building Setback, side or rear - common lot line (min) | 5' |
| D | Building Setback, side or rear - protected district (min) | 5' |
| E | Building Setback, alley (min) | 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

Placement

Build-to Zone

| | | |
|---|--------------------------------------------------------------|-------------------------|
| F | Build-to zone (min/max) | street setback plus 20' |
| G | Percentage of lot width on which build-to zone applies (min) | 50% |

Parking Location

| | | |
|----|---------------------------------------|-----|
| H1 | Parking Setback, primary street (min) | N/A |
|----|---------------------------------------|-----|

No parking or driveways are permitted between the front of the building and the street.

| | | |
|----|------------------------------------|------------------------|
| H2 | Parking Setback, side street (min) | street setback plus 5' |
|----|------------------------------------|------------------------|

| | | |
|---|------------------------------------------------------|----|
| I | Parking Setback, rear or side, common lot line (min) | 5' |
|---|------------------------------------------------------|----|

| | | |
|---|---------------------------------------------------------|----|
| I | Parking Setback, rear or side, protected district (min) | 5' |
|---|---------------------------------------------------------|----|

Outdoor Amenity Space

| | | |
|---|---------------------|-----|
| J | % of lot area (min) | 30% |
|---|---------------------|-----|



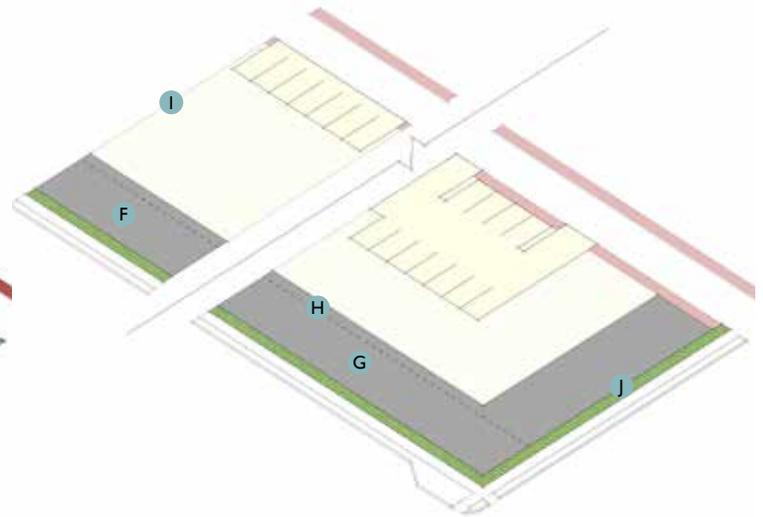
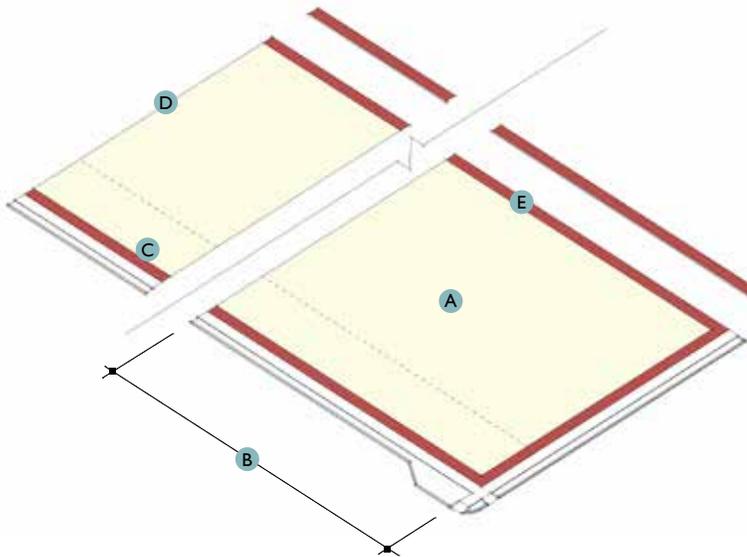
Height

| Building Height | |
|-----------------|------------------------------------------------|
| K1 | Building height, principal structure (max) 35' |
| K2 | Building height, accessory structure (max) 25' |
| L | Building height (min) N/A |
| Story Height | |
| N | Ground story finished floor elevation (min) 2' |
| O | Ground story height, floor to floor (min) 10' |
| P | Upper story height, floor to floor (min) 9' |

Form

| Transparency | |
|--------------|---------------------------------------------------------------------|
| Q | Ground story (min) 15% |
| R | Upper story (min) 15% |
| S | Blank wall (max) N/A |
| Entrances | |
| T | Street-facing entrance Required for each unit's primary entrance |

Sec. 2.10 Civic Building



Lot Criteria

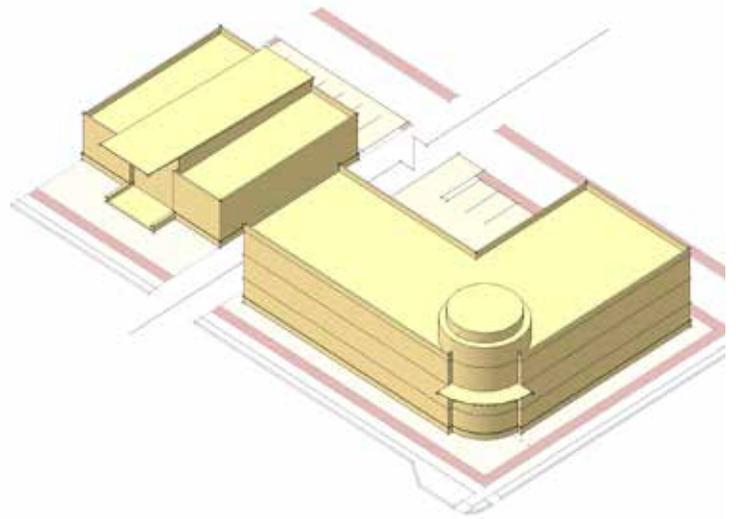
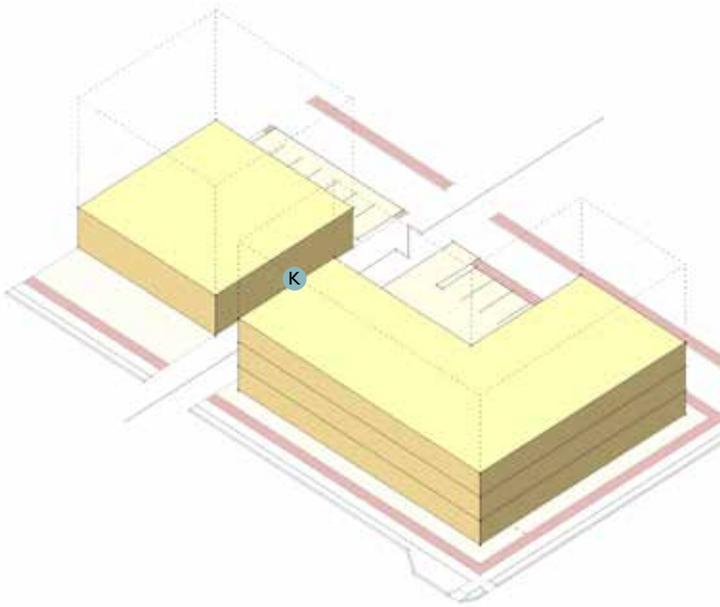
| Lot Dimensions | | |
|-------------------|-----------------------------------------------------------|-----------------------|
| A | Area (min) | 5,000 sq. ft. |
| B | Width (min) | 50' |
| Building Setbacks | | |
| C | *Building Setback, street (min) | Varies, see Chapter 3 |
| D | Building Setback, side or rear - common lot line (min) | 5' |
| D | Building Setback, side or rear - protected district (min) | 10' |
| E | Building Setback, alley (min) | 5' |

*To meet foundation landscaping requirements, ensure that at least 66% of the width of all building facades adjacent to a street is set back no less than 3' from the ROW.

**To meet street frontage landscaping requirements, ensure that surface parking lots and parking structures adjacent to a street are set back at least 10' from the ROW.

Placement

| Build-to Zone | | |
|----------------------------------------------------------------|---------------------------------------------------------|-------------------------------|
| Build-to zone (min/max) | | |
| F | BW & CP Frontage..... | N/A |
| | All other Frontages..... | street setback plus 30' |
| Percentage of lot width on which build-to zone applies (min) | | |
| G | BW & CP Frontage..... | N/A |
| | All other Frontages..... | 50% |
| Parking Location | | |
| H | **Parking Setback, street (min) | street setback plus 20' |
| Percentage of lot width on which parking setback applies (min) | | |
| H | BW & CP Frontage..... | 100% |
| | SH Frontage..... | 70% |
| | GW Frontage..... | 60% |
| | BE Frontage..... | 0% Structured/ 60% Surface |
| I | Parking Setback, rear or side, common lot line (min) | 0' |
| I | Parking Setback, rear or side, protected district (min) | 10' |
| Outdoor Amenity Space | | |
| J | % of lot area (min) | 15% |



Height

Building Height

| | |
|--------------------------------|-----------------------|
| K Building height (max) | Varies, see Chapter 4 |
| L Building height (min) | N/A |

Story Height

| | |
|------------------------------------------------------|-----|
| N Ground story finished floor elevation (min) | N/A |
| O Ground story height, floor to floor (min) | N/A |
| P Upper story height, floor to floor (min) | N/A |

Form

Transparency

| | |
|-----------------------------|-----|
| Q Ground story (min) | N/A |
| R Upper story (min) | N/A |
| S Blank wall (max) | N/A |

Entrances

| | |
|---------------------------------|-----|
| T Street-facing entrance | N/A |
|---------------------------------|-----|

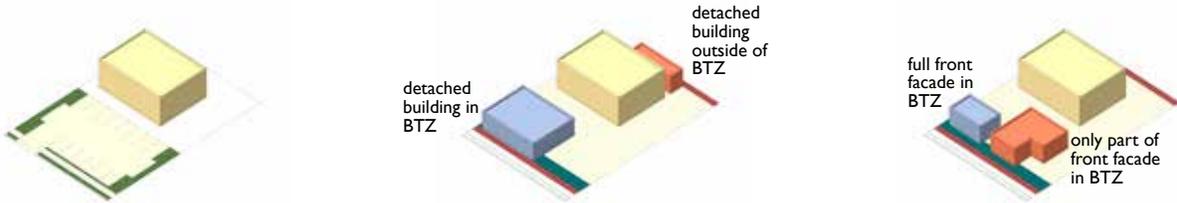
Sec. 2.11 Nonconformities

2.11.1 Build-to Requirements for Nonconforming Structures

The following examples demonstrate permitted and non-permitted new detached buildings and building additions on sites that do not currently meet the build-to requirements.

A. New Buildings (Detached)

Where a site does not meet the build-to requirement, all new (detached) buildings, regardless of size, must be placed within the build-to zone (BTZ) until the build-to zone has been met.

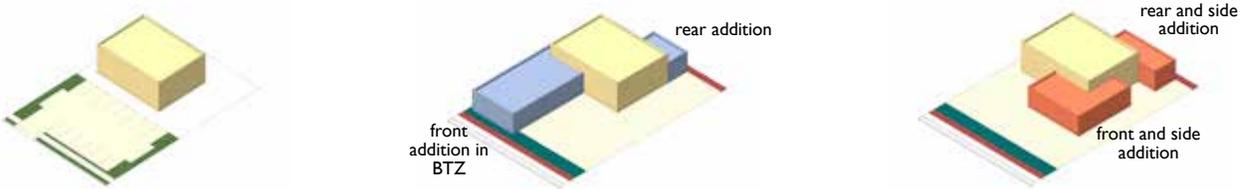


EXISTING SITE

EXAMPLES OF PERMITTED AND NON-PERMITTED NEW STRUCTURES
 All new buildings must be placed within the build-to zone until the build-to has been met. New buildings outside of the build-to zone are not allowed until the build-to for the entire site has been met.

B. Additions to an Existing Building

Where a site does not meet the build-to requirement, building additions to the front or side that are greater than 15% of the exterior footprint of the building or structure, including the floorplate of upper stories, are not allowed outside of the build-to-zone until the build-to has been met.



EXISTING SITE

EXAMPLES OF PERMITTED ADDITIONS

Any addition to the front must be placed within the build-to zone. Rear additions are allowed because the extension is not increasing the degree of the nonconformity.

EXAMPLES OF NON-PERMITTED ADDITIONS

Additions to the front or side that are outside of the build-to zone are not allowed until the build-to has been met.



EXISTING SITE

EXAMPLE OF A PERMITTED ADDITION

Any addition to the side of the building must be placed within the build-to zone.

KEY:

- EXISTING STRUCTURE
- PERMITTED ADDITION OR NEW STRUCTURE
- ADDITION OR NEW STRUCTURE NOT PERMITTED (UNTIL BUILD-TO ZONE REQUIREMENT IS MET)
- STREET AND ALLEY SETBACK
- BUILD-TO ZONE

2.11.2 Expansion of Nonconforming Structures

- A. Notwithstanding any other provision of the City Zoning Ordinance, the enlargement, substantial alteration, or reconstruction of any building or other structure rendered nonconforming by the adoption of this Code shall be allowed if:
1. Not more than 50% of the original building or structure has been demolished within one year prior to its enlargement or reconstruction;
 2. The exterior footprint of the building or structure, including the floor plate of upper stories, is not increased by more than 15%, provided that such exception may only be used once;
 3. The height of such building or structure, exclusive of height encroachments allowed under [Sec. 4.1.4](#), is not increased by more than 15%; provided that no structure shall be higher than otherwise allowed by this Code or [Sec. 202](#) of the City Zoning Ordinance;
 4. The use or uses of the building or structure conform to the provisions of this Code or are allowed by special exception pursuant to the Alternative Compliance provisions of [Sec. 7.3](#);
 5. The building or structure, as altered, reconstructed, or refurbished, will be compatible with surrounding properties and neighborhoods;
 6. The portions of the building or structure that are added, reconstructed, or substantially altered conform to the [Oceanfront Resort District Design Guidelines](#) to the maximum extent practicable; and
 7. The provisions of [Sec. 2.11.1](#) pertaining to build-to requirements are met.
- B. Enlargements, substantial alterations or reconstructions of nonconforming buildings and other structures not allowed pursuant to this section shall be subject to the provisions of [Sec. 7.3](#) (Alternative Compliance) of this Code or [Sec. 105 \(d\)](#) of the City Zoning Ordinance.

2.11.3 Expansion of Nonconforming Uses

Any expansion of a nonconforming use is not allowed unless approved as a special exception by City Council pursuant to the Alternative Compliance provisions of [Sec. 7.3](#).

2.11.4 Saving Provision

All other provisions of [Sec. 105](#) of the City Zoning Ordinance not inconsistent with this section shall govern nonconformities in the Oceanfront Resort District.





Chapter 3. Setbacks

SEC. 3.1 STREET SETBACK MAP 3 – 2

3.1.1 Street Setbacks Established..... 3 – 2

3.1.2 Street Setback Map Incorporated 3 – 2

SEC. 3.2 ENCROACHMENTS 3 – 4

3.2.1 Vehicular Zone 3 – 4

3.2.2 Planting Zone 3 – 4

3.2.3 Sidewalk Zone..... 3 – 5

3.2.4 Street Setback Zone..... 3 – 5

3.2.5 Build-To Zone 3 – 6

3.2.6 Easements..... 3 – 6

3.2.7 Side and Rear Setback Encroachments 3 – 7

Sec. 3.1 Street Setback Map

3.1.1 Street Setbacks Established

To provide consistency in building placement while ensuring room for public realm improvements, the following street setbacks have been established and are applied to property as set forth on the [Street Setback Map](#).

A.  0 Feet

No setback is required from the public right-of-way. Intended for areas where adequate sidewalk or open area currently exists and therefore buildings are allowed to be built up to the property line.

B.  5 Feet

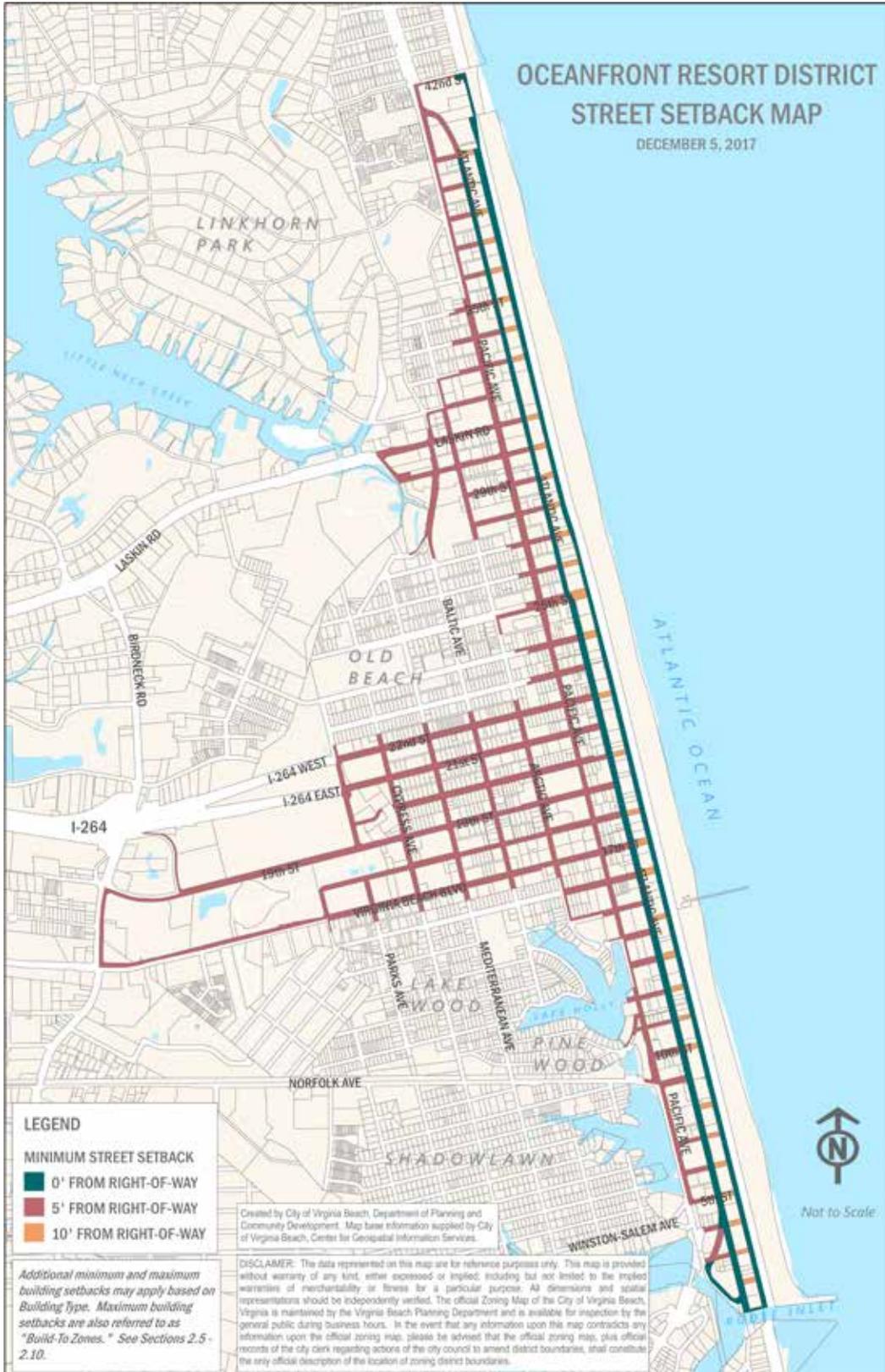
1. All buildings must set back at least five feet from the public right-of-way. Intended for areas where inadequate sidewalk width currently exists. The five foot setback can serve as an extension to the existing sidewalk and must meet all City and ADA specifications for the construction of sidewalks.
2. Sidewalk extensions are to be constructed and maintained by the developer/property owner and must be encumbered by an easement permanently dedicated to the City in accordance with [Sec. 3.2.6](#).

C.  10 Feet

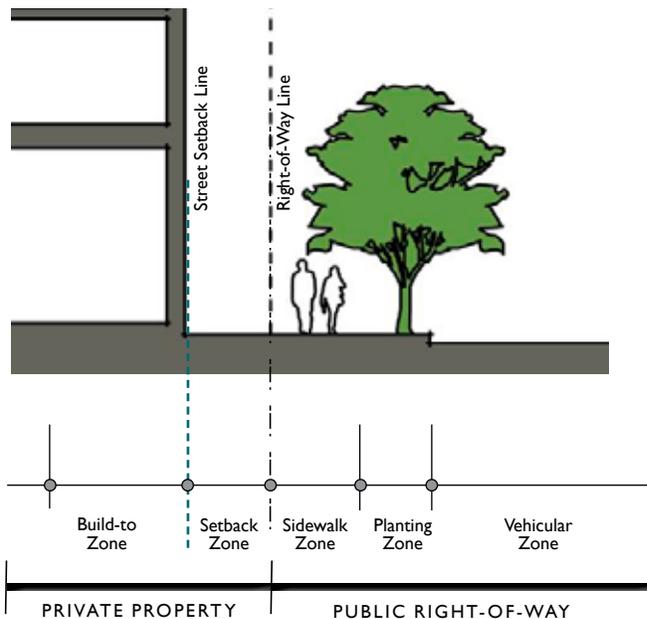
1. All buildings must be set back at least 10 feet from the public right-of-way. Intended for areas adjacent to Connector Parks to expand ocean vistas.
2. Improvements in this setback area must follow the [Oceanfront Resort District Connector Park Design Guidelines](#).

3.1.2 Street Setback Map Incorporated

- A. The Street Setback Map is hereby incorporated and made a part of the Official Zoning Map.
- B. A full-scale Street Setback Map is available for review at the Department of Planning.



Sec. 3.2 Encroachments



3.2.1 Vehicular Zone

- A. The vehicular zone accommodates transit, motor vehicles, and bicycles in a variety of possible lane configurations.
- B. The vehicular zone must remain clear of obstacles at all times except during temporary permitted events.
- C. Loading and unloading is only permitted in areas and during times designated by the City in the vehicular zone.

3.2.2 Planting Zone

- A. The planting zone is the area nearest to the curb within the public right-of-way.
- B. The planting zone must remain clear of obstacles at all times except as provided below. All private improvements in the public right-of-way are subject to approval by the City in accordance with [Ch. 33-114.3](#) of the City Code and must meet all applicable Design Guidelines.
 - 1. Benches, trash receptacles, and bicycle racks.
 - 2. Minor structures accessory to utility facilities such as hydrants, manholes, transformers, and fire suppression equipment.
 - 3. Public transit facilities.
 - 4. Street and pedestrian lighting.
 - 5. Landscaping, sidewalk, trees, tree grates, and planters.
 - 6. Permitted access drives.

3.2.3 Sidewalk Zone

- A. The sidewalk zone is the area between the planting zone and the public right-of-way line.
- B. The sidewalk zone must remain clear of obstacles at all times except as provided below. All private improvements in the public right-of-way are subject to approval by the City in accordance with [Ch. 33-114.3](#) of the City Code and must meet all applicable Design Guidelines.
 - 1. Awnings, canopies, light shelves, operable windows, and shutters may encroach up to three feet, provided there is at least eight feet in clearance above ground level.
 - 2. Signs in accordance with [Ch. 8](#).
 - 3. Building-mounted lights and security cameras may encroach up to one foot, provided there is at least eight feet in clearance above ground level.
 - 4. Galleries designed in accordance with applicable Design Guidelines.
 - 5. Handicapped ramps may encroach to the extent necessary to perform their proper function.
 - 6. Balconies designed in accordance with applicable Design Guidelines provided there is at least 24 feet in clearance above ground level.
 - 7. Cornices, belt courses, sills, or other similar decorative architectural features may encroach up to one foot provided there is at least eight feet in clearance above ground level.
 - 8. Permitted access drives.
- C. The sidewalk zone must meet City and ADA specifications at all times.

3.2.4 Street Setback Zone

- A. The street setback zone is the area between the public right-of-way line and the street setback line as established on the [Setback Map](#) in Sec. 3.1.
- B. All buildings and structures must be located behind the street setback line, except as listed below:
 - 1. Awnings, canopies, light shelves, operable windows, and shutters provided there is at least eight feet in clearance above ground level.
 - 2. Galleries and porte cocheres designed in accordance with applicable Design Guidelines.
 - 3. Outdoor seating and cafes.
 - 4. Outdoor display areas in accordance with [Sec. 6.5](#).
 - 5. Signs in accordance with [Ch. 8](#).
 - 6. Benches, trash receptacles, public art, water features, bicycle racks, and bollards.

7. Pedestrian lighting and security cameras, provided building-mounted fixtures are placed at least eight feet from ground level.
8. Minor structures accessory to utility facilities such as hydrants, manholes, transformers, backflow preventers, generators, utility boxes, meters, and fire suppression equipment, provided such structures greater than four feet in height are not placed between the building and the street and all such structures are positioned to be screened from the street without obstructing access and venting requirements.
9. Handicapped ramps to the extent necessary to perform their proper function.
10. Balconies, building eaves, and roof overhangs provided there is at least 12 feet in clearance above ground level.
11. Cornices, belt courses, pilasters, or other similar decorative architectural features may encroach up to one foot into the required street setback.
12. Bay windows, oriels, sills, and vestibules that are less than 10 feet wide may encroach up to three feet, provided that such extension is at least two feet from the vertical plane of the front lot line.
13. Stoops and porches designed in accordance with applicable Design Guidelines provided that such extension is at least two feet from the vertical plane of the front lot line.
14. Chimneys or flues may encroach up to two feet, provided that such extension is at least five feet from the vertical plane of the front lot line.
15. Landscaping, sidewalks, trees, tree grates, and planters.
16. Permitted access drives.
17. A wall or fence not more than four feet in height. All walls and fences must meet the criteria set forth in [Sec. 6.3.5](#).
18. Subgrade foundation.

3.2.5 Build-To Zone

- A. The build-to zone is the area located between a minimum and maximum setback range measured from the street setback line.
- B. Unless otherwise indicated, all structures and uses customarily allowed on the lot are allowed in the build-to zone.

3.2.6 Easements

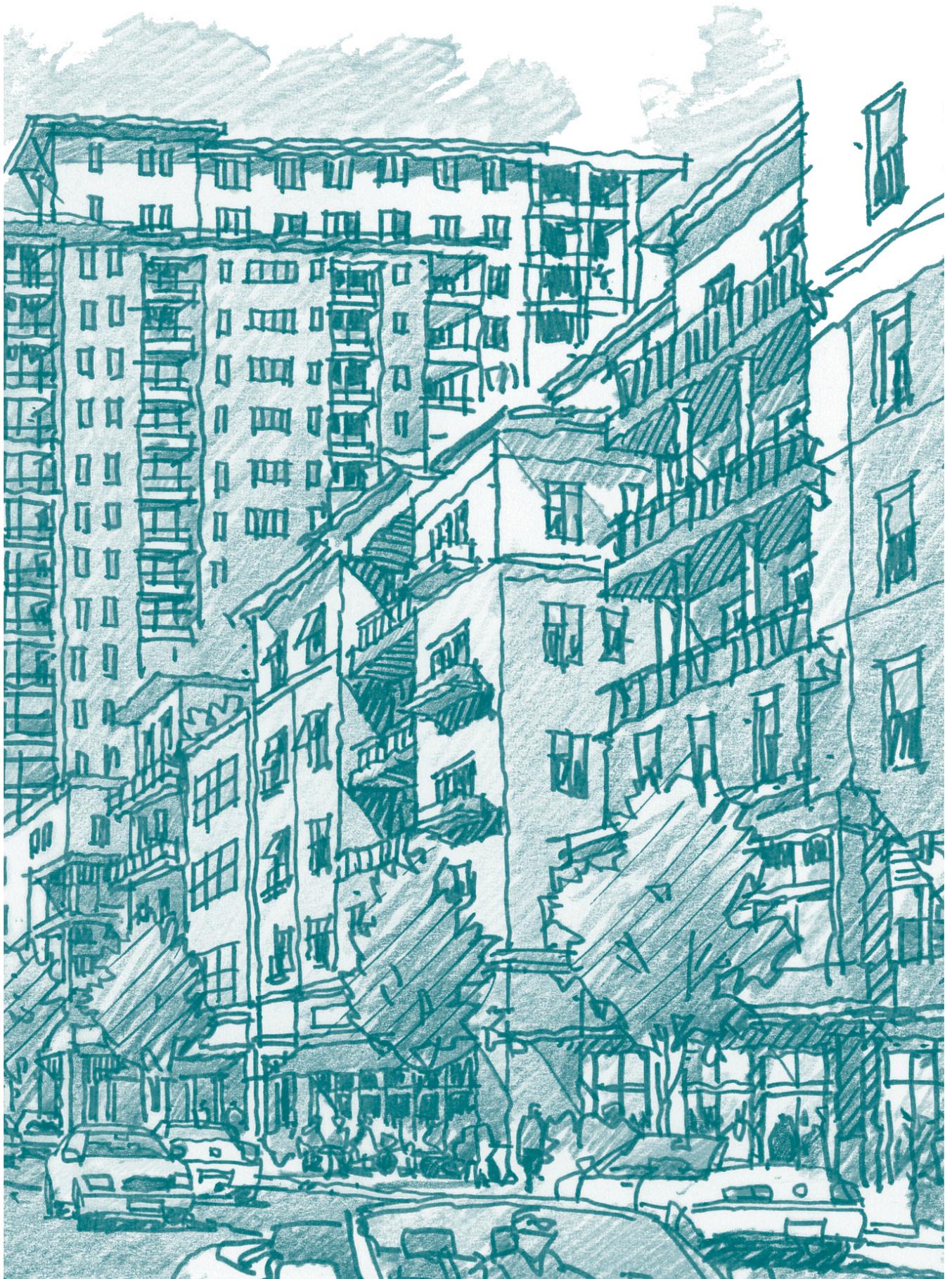
- A. The sidewalk zone and planting zone may be provided on private property (outside of the public right-of-way) provided the sidewalk zone and planting zone are located within an easement permanently dedicated to the City.

- B. The dedicated easement must provide the City with perpetual access to allow for customary public use including but not limited to the provision of public signs, street lighting, parking meters, and public utilities.
- C. The easement cannot be used for underground structures of any kind except those associated with underground utilities.

3.2.7 Side and Rear Setback Encroachments

All buildings and structures must be located at or behind the side or rear setback, except as listed below:

- A. Fences and walls may encroach into a required rear or side setback provided that they meet the criteria set forth in [Sec. 6.3.5](#).
- B. Chimneys or flues may encroach up to two feet, provided that such extension is at least five feet from the vertical plane of any side or rear lot line.
- C. Building eaves, roof overhangs, light shelves, operable windows, and shutters may encroach up to three feet, provided that such extension is at least two feet from the vertical plane of any side or rear lot line.
- D. Bay windows, oriels, sills, and vestibules that are less than 10 feet wide may encroach up to three feet, provided that such extension is at least two feet from the vertical plane of any side or rear lot line.
- E. Unenclosed fire escapes or stairways may encroach up to four feet, provided that such extension is at least five feet from the vertical plane of any side or rear lot line.
- F. Unenclosed stoops, porches, patios, decks, or terraces may encroach up to four feet, provided that such extension is at least five feet from the vertical plane of any side or rear lot line.
- G. Cornices, belt courses, pilasters, or other similar decorative architectural features may encroach up to one foot into a required side or rear setback.
- H. Minor structures accessory to utility facilities such as hydrants, manholes, transformers, backflow preventers, generators, utility boxes, meters, and fire suppression equipment may encroach into a required rear or side setback.
- I. Handicapped ramps may encroach into a required rear or side setback to the extent necessary to perform their proper function.
- J. Rainwater collection or harvesting systems may encroach into a required rear or side setback, provided that such extension is at least three feet from the vertical plane of any side or rear lot line.
- K. Subgrade foundation may encroach into a required rear or side setback.





Chapter 4. Height

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Sec. 4.1 Height Map

4.1.1 Height Zones Established

The following height zones have been established and are applied to property as set forth on the [Height Map](#).

A.  Public and Open Space

Established to provide for and maintain public open spaces. Buildings and structures must be used for public purposes only.

B.  35 Feet

Established to provide a transition to adjacent established residential neighborhoods. No building or structure may exceed 35 feet in height.

C.  45 Feet

Established to provide a transition between the 35-foot and 75-foot height zones. No building or structure may exceed 45 feet in height.

D.  75 Feet

Established as the predominant height zone for areas west of Pacific, particularly in the Laskin Gateway and Central Beach corridors. No building or structure may exceed 75 feet in height.

E.  75-Foot Podium+35-Foot Tower/110 Feet

Established to provide an opportunity for mid-rise towers on blocks between Atlantic and Pacific and on blocks surrounding the Convention Center. Height restrictions are set forth in [Sec. 4.2.1](#).

F.  75-Foot Podium+125-Foot Tower/200 Feet

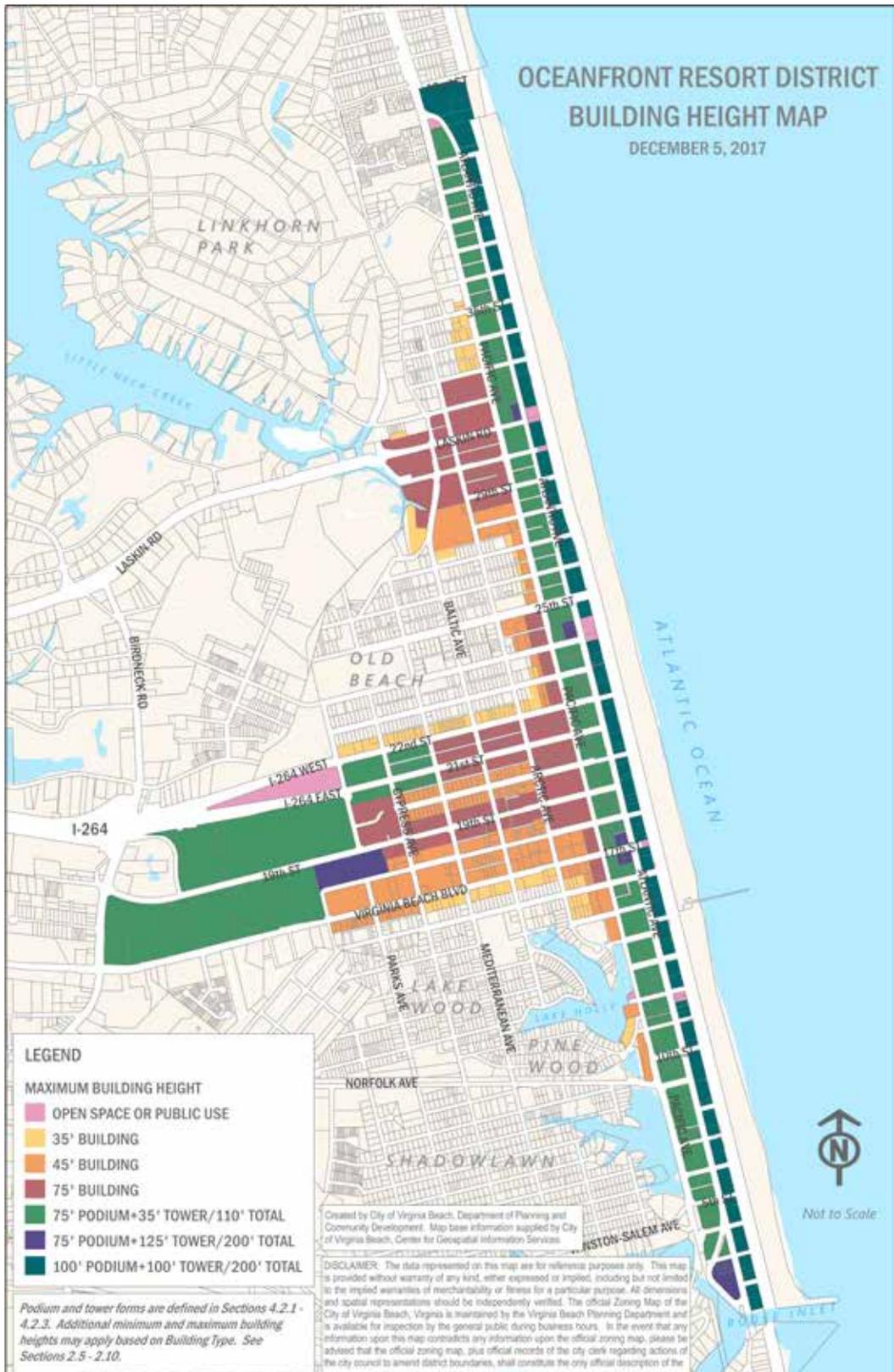
Established to provide an opportunity for high-rise towers at key sites near the Convention Center and on the west side of Atlantic directly across from Public and Open Space sites on the east side of Atlantic. Tower provisions are set forth in [Sec. 4.2.2](#).

G.  100-Foot Podium+100-Foot Tower/200 Feet

Established to provide an opportunity for high-rise towers along the ocean. Tower provisions are set forth in [Sec. 4.2.3](#).

4.1.2 Height Map Incorporated

- A. The Height Map is hereby incorporated and made a part of the Official Zoning Map.
- B. A full-scale Height Map is available for review at the Department of Planning and Community Development.



4.1.3 General Standards

- A. A row house and detached house may have maximum building height limits that are lower than the maximum height limit established on the Height Map (see [Sec. 2.8, Row House](#) or [Sec. 2.9, Detached House](#)).
- B. A commercial building cannot exceed one story or 35 feet in height (see [Sec. 2.6, Commercial Building](#)).
- C. No artificial structure or tree or other natural growth that on the basis of its height would constitute an obstruction to air navigation pursuant to Part 77 of the Federal Aviation Administration Regulations, 14 C.F.R. §§ 77.21 et seq. or any successor regulation, or which would cause an adjustment to an airfield's established straight-in, circling, alternate, takeoff, and safety minima, or which would adversely affect radio reception or radar coverage for any airfield or FAA facility shall be allowed in any district.

4.1.4 Height Encroachments

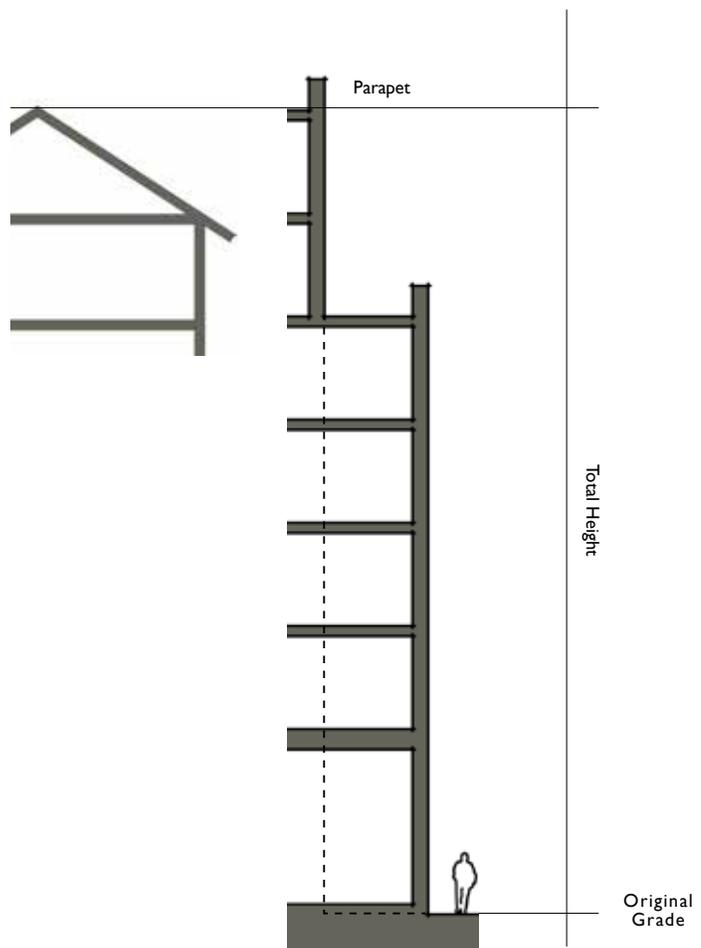
Any height encroachment not specifically listed is expressly prohibited except where the Zoning Administrator determines that the encroachment is similar to a permitted encroachment listed below.

- A. The maximum height limits of the height zone do not apply to spires, belfries, cupolas, domes not intended for human occupancy, monuments, or other similar structures that, by design or function, must exceed the established height limits.
- B. The following items may exceed the established height limits, provided they do not exceed the maximum building height by more than 12 feet:
 - 1. Chimney, flue, or vent stack;
 - 2. Deck, patio, shade structure;
 - 3. Flagpole;
 - 4. Garden, landscaping;
 - 5. Parapet wall, limited to a height of four feet;
 - 6. Rainwater collection or harvesting systems; and
 - 7. Sustainable energy systems, such as solar panels and wind turbines.
- C. The following items may exceed the established height limits, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:
 - 1. Cooling tower;
 - 2. Elevator penthouse or bulkhead;
 - 3. Greenhouse;
 - 4. HVAC units;

5. Mechanical equipment;
 6. Skylights;
 7. Small wireless facility; and
 8. Stairway or elevator access to roof.
- D. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

4.1.5 Measurement of Height

Height is measured from the lowest point of original grade at the street setback line to the highest point of a building or structure.



4.1.6 Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the height requirements prescribed above are set forth in [Sec. 7.2.2 \(D\)](#).

Sec. 4.2 Tower Provisions

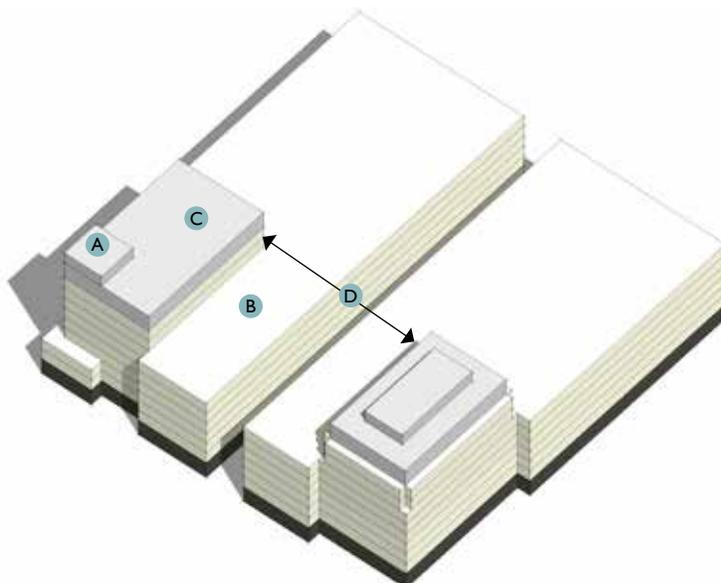
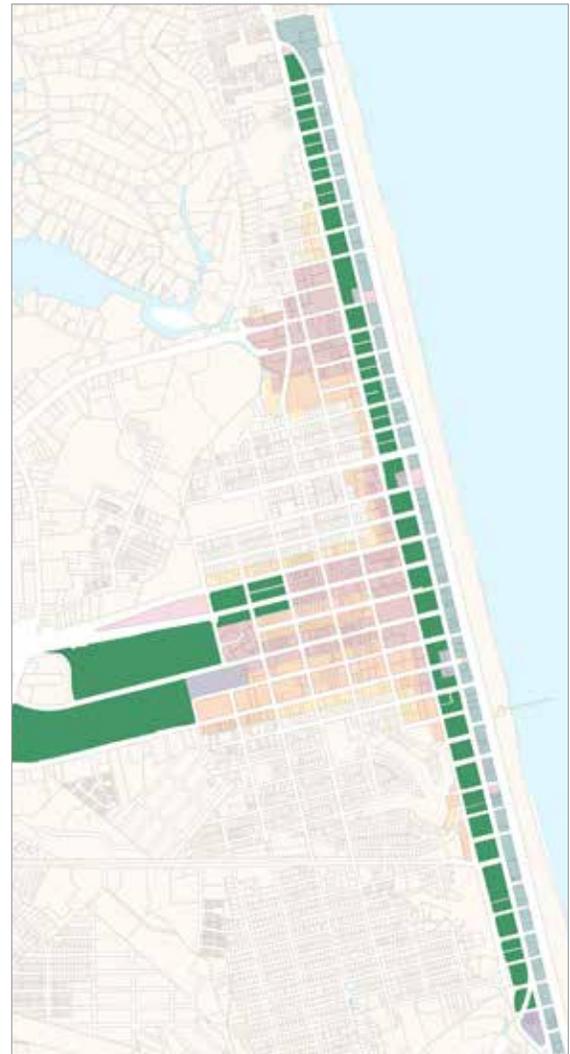
4.2.1 75-Foot Podium+35-Foot Tower/110-Foot Height Zone

- A. Any building or structure (except a permitted height encroachment) in a 110-foot height zone must meet the following requirements:

75' Podium+35' Tower

| Height | |
|----------------------------------------------------|---------------|
| A Tower height (max from ground level) | 110' |
| B Podium height (max) | 75' |
| Massing | |
| C Tower floor plate, above 75' (max) | 7,500 sq. ft. |
| D Spacing between towers on the same project (min) | 50' |

- B. Provisions allowing the use of optional forms of development in place of the tower requirements prescribed above are set forth in [Sec. 7.2.2 \(F\)](#).



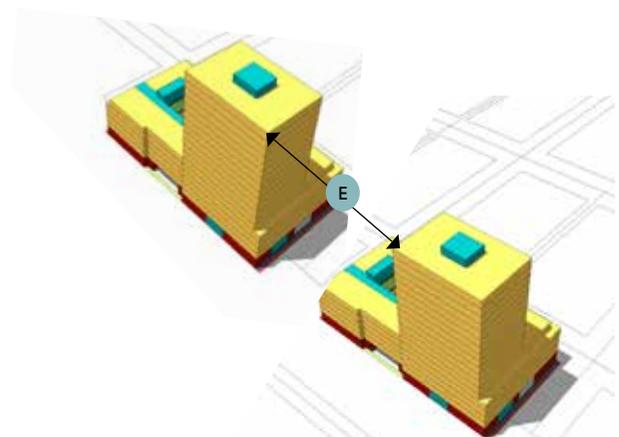
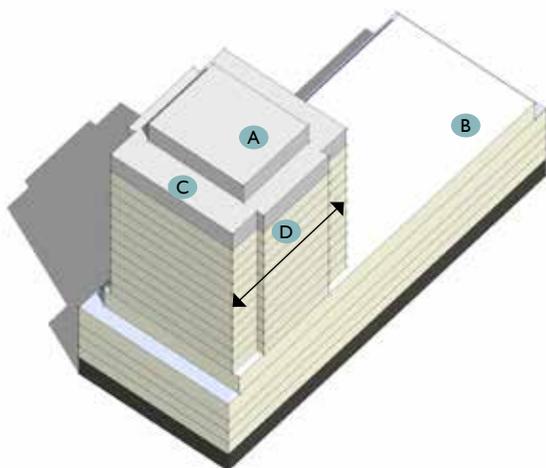
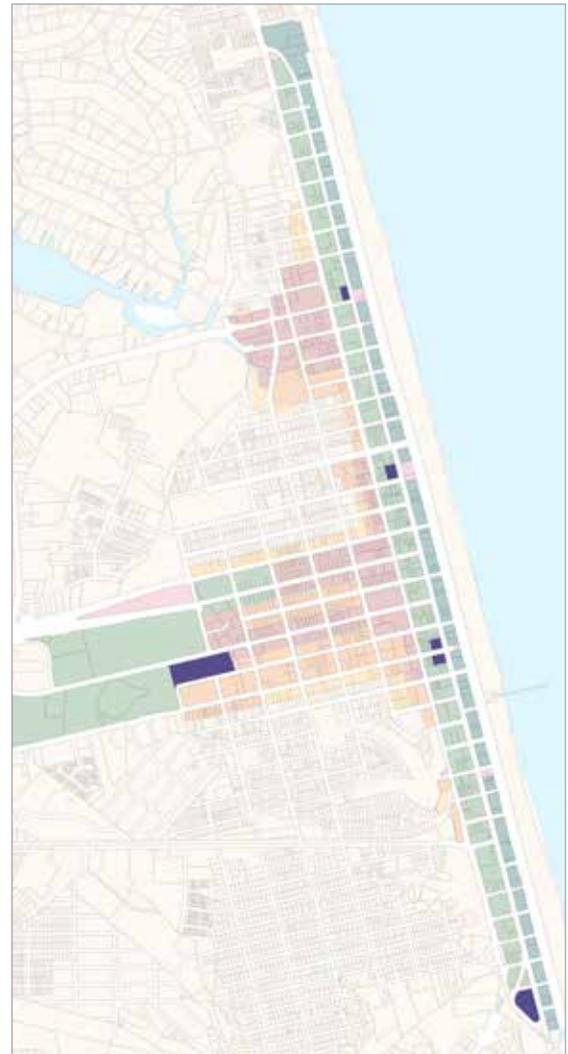
4.2.2 West of Atlantic/75-Foot Podium+125-Foot Tower/200-Foot Height Zone

A. Any building or structure (except a permitted height encroachment) in a 200-foot height zone west of Atlantic Avenue must meet the following requirements:

75' Podium+125' Tower West of Atlantic Avenue

| Height | |
|---------------------------------------------------|-----------------------------|
| A Tower height (max from ground level) | 200' |
| B Podium height (max) | 75' |
| Massing | |
| C Tower floor plate, above 75' (max) | 15,000 sq. ft. |
| D Tower facade width parallel to Oceanfront (max) | 80% of lot width up to 120' |
| E Spacing between towers on the same project | 70' |

B. Provisions allowing the use of optional forms of development in place of the tower requirements prescribed above are set forth in [Sec. 7.2.2 \(F\)](#).



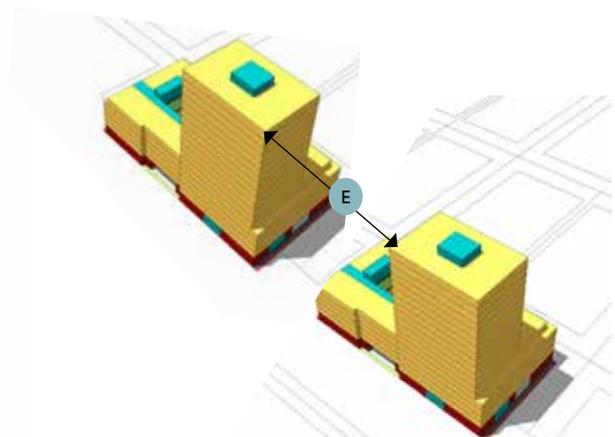
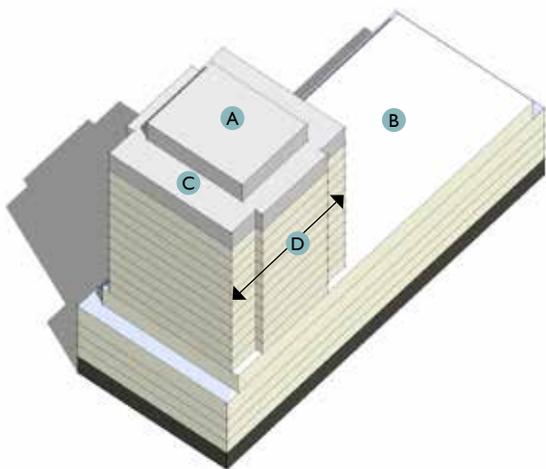
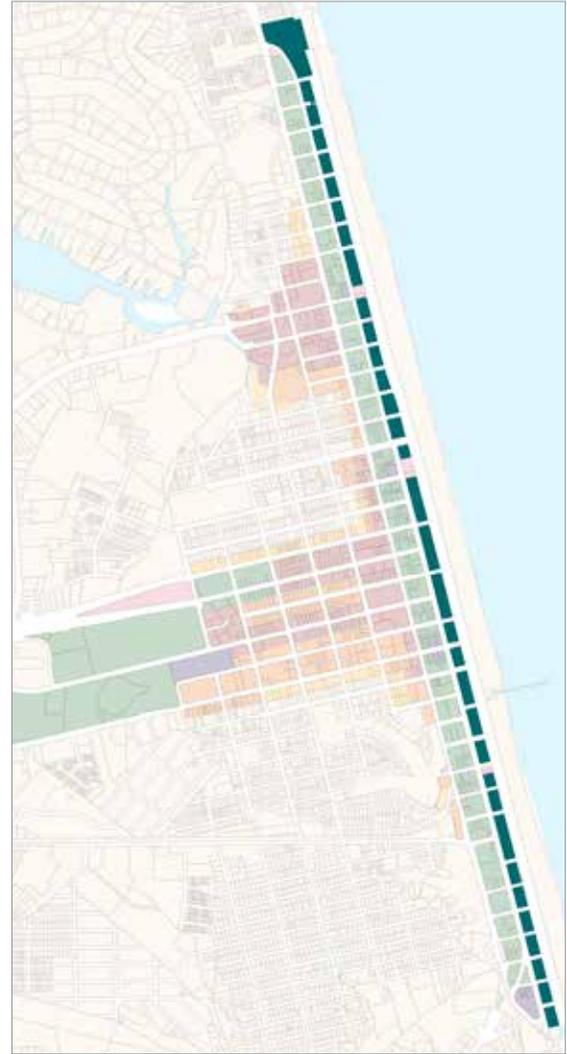
4.2.3 East of Atlantic/100-Foot Podium+100-Foot Tower/200-Foot Height Zone

A. Any building or structure (except a permitted height encroachment) in a 200-foot height zone east of Atlantic Avenue must meet the following requirements:

100' Podium+100' Tower East of Atlantic Avenue

| Height | |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| A Tower height (max from ground level) | 160' plus an additional 1.5 feet for each foot west of the easternmost property line, up to a maximum height of 200' |
| B Podium height (max) | 100' |
| Massing | |
| C Tower floor plate, above 100' (max) | 15,000 sq. ft. |
| D Tower facade width parallel to Oceanfront (max) | 80% of lot width up to 120' |
| E Spacing between towers on the same project (min) | 70' |

B. Provisions allowing the use of optional forms of development in place of the tower requirements prescribed above are set forth in [Sec. 7.2.2 \(F\)](#).



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Chapter 5. Use

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Sec. 5.1 General Provisions

5.1.1 Permitted Uses

The permitted use table identifies uses allowed by building type. The key for the use table is set forth below.

- A. Permitted Use (P)
Indicates that the use is permitted by right.
- B. Limited Use (L)
Indicates that the use, while permitted by right or as a conditional use if so indicated in Sec. 5.3, must meet the applicable use standard.
- C. Conditional Use (C)
Indicates that the use requires approval as a conditional use before it is allowed. Use standards may also apply.
- D. "--"
Indicates that a use is not permitted.
- E. Uses not specifically listed, other than those allowed pursuant to Sec. 5.1.3 or by Special Exception allowed pursuant to Sec. 7.3, shall not be permitted.

5.1.2 Certificate of Occupancy

No certificate of occupancy may be issued for a use that is not allowed in the Oceanfront Resort District. Existing nonconforming uses may continue in accordance with Sec. 105.

5.1.3 Uses Not Specifically Listed

If a proposed use is not listed in the permitted use table, but is similar to a listed use, the Zoning Administrator may allow the proposed use. When determining whether a proposed use is similar to a listed use, the Zoning Administrator will consider the following criteria:

- A. The actual or projected characteristics of the proposed use.
- B. The relative amount of site area or floor area and equipment devoted to the proposed use.
- C. Relative amounts of sales.
- D. The customer type.
- E. The relative number of employees.
- F. Hours of operation.
- G. Building and site arrangement.
- H. Types of vehicles used and their parking requirements.
- I. The number of vehicle trips generated.
- J. Signs.
- K. How the proposed use is advertised.
- L. The likely impact on surrounding properties.
- M. Whether the activity is likely to be independent of the other activities on the site.

Sec. 5.2 Permitted Use Table

| USE | MIXED-USE BUILDING | | COMMERCIAL BUILDING | APARTMENT BUILDING | ROW HOUSE | | DETACHED HOUSE | CIVIC BUILDING | Use Standard /Notes |
|----------------------------------------------------------------------------------------------------|--------------------|--------------|---------------------|--------------------|--------------|--------------|----------------|----------------|-----------------------------|
| | Ground Floor | Upper Floors | Ground Floor | All Floors | Ground Floor | Upper Floors | All Floors | All Floors | |
| RESIDENTIAL | | | | | | | | | |
| Backyard Cottage | -- | -- | -- | -- | -- | -- | L | -- | See Sec. 5.3.1 |
| Dwelling, single-family, detached or attached | -- | -- | -- | -- | P | P | P | -- | |
| Dwelling, multi-family | -- | L | -- | P | -- | -- | -- | -- | See Sec. 5.3.2 |
| Family day-care home | -- | -- | -- | -- | -- | -- | C | -- | |
| Group home | -- | -- | -- | -- | C | C | C | -- | |
| Home Occupation | -- | L | -- | L | L | L | L | -- | See Sec. 234 |
| Housing for seniors, disabled persons | -- | L | -- | L | L | L | L | -- | See Sec. 235 |
| Live-work units | L | L | L | -- | -- | -- | L | -- | See Sec. 209.3 |
| Single room occupancy (SRO) facility | -- | C | -- | C | -- | -- | -- | -- | See Sec. 241.1 |
| LODGING | | | | | | | | | |
| Bed & breakfast inn | -- | -- | -- | -- | C | C | C | -- | See Sec. 225.1 |
| Home sharing | -- | L | -- | -- | L | L | L | -- | See Sec. 209.6 |
| Hotel, motel | L | L | -- | -- | -- | -- | -- | -- | See Sec. 5.3.3 |
| Short term rental | -- | C | -- | -- | C | C | C | -- | See Sec. 241.2 |
| COMMERCIAL | | | | | | | | | |
| Bar, nightclub | C | C | C | -- | -- | -- | -- | -- | See Sec. 5.3.4 |
| Bicycle rental establishment | C | | C | -- | -- | -- | -- | -- | See Sec. 5.3.5 |
| Business studio, office | P | P | P | -- | P | -- | P | P | |
| Child care, child care education centers | P | P | P | -- | -- | -- | C | -- | |
| Cinema, theater | P | P | P | -- | -- | -- | -- | -- | |
| Commercial parking lot | -- | -- | -- | -- | -- | -- | -- | -- | See Sec. 5.3.6 & Sec. 23-58 |
| Commercial parking lot, temporary | -- | -- | -- | -- | -- | -- | -- | -- | See Sec. 5.3.7 |
| Craft breweries, distilleries, wineries | C | C | C | -- | -- | -- | C | -- | See Sec. 230 |
| Drive-through facility | L | -- | L | -- | --- | -- | -- | -- | See Sec. 5.3.8 |
| Eating and drinking establishment | L | L | L | -- | C | -- | C | -- | See Sec. 5.3.9 |
| Financial institution | P | -- | P | -- | -- | -- | C | -- | |
| Funeral home | P | -- | P | -- | -- | -- | P | -- | |
| Hospital | C | C | -- | -- | -- | -- | -- | C | |
| Medical clinic, office | P | P | P | -- | P | -- | P | -- | |
| Off-site parking facilities | -- | -- | -- | -- | -- | -- | -- | -- | L, See Sec. 23-59 |
| KEY: P = Permitted L = Use Standard Applies C = Conditional Use Permit Required -- = Not Permitted | | | | | | | | | |

| USE | MIXED-USE BUILDING | | COMMERCIAL BUILDING | APARTMENT BUILDING | ROW HOUSE | | DETACHED HOUSE | CIVIC BUILDING | Use Standard /Notes |
|----------------------------------------------------------------------------------------------------|--------------------|--------------|---------------------|--------------------|--------------|--------------|----------------|----------------|-----------------------------|
| | Ground Floor | Upper Floors | Ground Floor | All Floors | Ground Floor | Upper Floors | All Floors | All Floors | |
| Open air market | -- | -- | -- | -- | -- | -- | -- | -- | C, See Sec. 239.03 |
| Parking structure, parking garage | L | L | -- | L | L | -- | -- | L | See Sec. 2.4.3 (B) |
| Passenger transportation terminal | C | -- | C | -- | -- | -- | -- | C | |
| Personal service | P | P | P | -- | P | -- | P | -- | |
| Radio, television broadcasting station | -- | -- | P | -- | -- | -- | -- | P | |
| Recreation facility, indoor | P | P | P | -- | -- | -- | -- | P | |
| Recreation facility, outdoor | -- | -- | -- | -- | -- | -- | -- | -- | C |
| Retail establishment | L | L | L | -- | L | -- | L | -- | See Sec. 5.3.13 |
| Satellite wagering facility | C | C | C | -- | -- | -- | -- | -- | |
| Repair establishment (other than motor vehicle) | P | -- | P | -- | -- | -- | -- | -- | |
| Specialty shop | L | L | L | -- | L | -- | L | -- | See Sec. 5.3.13 |
| INSTITUTIONAL | | | | | | | | | |
| Assembly use | C | C | C | -- | -- | -- | -- | C | |
| Museums, art gallery | L | L | L | -- | L | -- | L | L | See Sec. 223.1 |
| Religious use | C | C | C | -- | -- | -- | C | C | |
| OTHER | | | | | | | | | |
| Art studio | P | P | P | -- | P | P | P | -- | |
| Building-mounted antenna | -- | L | L | L | L | L | L | L | See Sec. 207 & Sec. 5.3.16 |
| Communication tower | -- | -- | -- | -- | -- | -- | -- | -- | C; see Sec. 232 |
| Communication tower, temporary, meeting the requirements of Sec. 207 | -- | -- | -- | -- | -- | -- | -- | -- | L; see Sec. 207 |
| Communication tower, temporary, other than those meeting the requirements of Sec. 207 | -- | -- | -- | -- | -- | -- | -- | -- | C; see Sec. 207 |
| Craft industry | L | L | L | -- | L | L | L | -- | See Sec. 5.3.18 |
| Creative event | -- | -- | -- | -- | -- | -- | -- | -- | L; See Sec. 9-10 |
| Helipport, helistop | -- | C | -- | -- | -- | -- | -- | C | |
| Public utilities, public utility storage, maintenance | -- | -- | -- | -- | -- | -- | -- | -- | See Sec. 5.3.14 |
| Small wireless facility | L | L | L | L | L | L | L | L | See Sec. 207, 232, & 5.3.17 |
| Wind energy conversion systems | -- | L | L | L | L | L | L | L | See Sec. 5.3.15 |
| KEY: P = Permitted L = Use Standard Applies C = Conditional Use Permit Required -- = Not Permitted | | | | | | | | | |

Sec. 5.3 Use Standards

5.3.1 Backyard Cottage

Where a backyard cottage is permitted as a limited use in accordance with the use table in Sec. 5.2, it must meet the following:

- A. Only one backyard cottage is allowed per detached house.
- B. The floor area of the backyard cottage may not exceed 700 square feet.
- C. Neither the height nor the floor area of the backyard cottage may exceed the height or floor area of the detached house.
- D. Each building is limited to one dwelling unit. Nonresidential uses, excluding home occupations, are not permitted in the backyard cottage.
- E. Provisions allowing the use of Optional Forms of Development in place of the floor area maximum prescribed above are set forth in Sec. 7.2.2 (G).

5.3.2 Dwelling, Multi-Family

Where a multi-family dwelling is permitted as a limited use in accordance with the use table in Sec. 5.2, the number of multi-family dwelling units located east of Atlantic Avenue shall not exceed 15% of the total number of hotel units within any project. A “project” shall be determined by the severability of the individual structures, both on a legal and practical basis, considering, but not limited to the following issues: legal ownership, physical connection of the project, equitable ownership, location, and similar issues.

5.3.3 Hotel, Motel

Where a hotel or motel is permitted as a limited use in accordance with the use table in Sec. 5.2, it may have in conjunction with it any combination of restaurants, outdoor cafes, retail, commercial, art galleries, and convention facilities.

5.3.4 Bar, Nightclub

Where a bar or nightclub may be permitted as a conditional use in accordance with the use table in Sec. 5.2, it is subject to the findings established in Sec. 225.01, and is not allowed in the following locations:

- A. North of 32nd Street and west of Pacific Avenue;
- B. South of Virginia Beach Boulevard/17th Street, west of Pacific Avenue, and north of 14th Street; and
- C. North of 22nd Street, west of Pacific Avenue, and south of 28th Street (as extended to Baltic Avenue).

BARS & NIGHTCLUBS



Bars and nightclubs are not permitted in the red areas shown above and require a Conditional Use Permit in the remainder of the OR District (green).

5.3.5 Bicycle Rental Establishment

Where a bicycle rental establishment may be permitted as a conditional use in accordance with the use table in Sec. 5.2, it is subject to the findings established in Sec. 226 and the following:

- A. Bicycle rental establishments are only allowed east of Atlantic Avenue.
- B. The bicycle rental establishment can be no less than 200 feet in area and must have minimum dimensions of 10 feet by 20 feet.
- C. The area upon which bicycles are displayed shall be paved with all weather surfaces and the perimeter delineated by curbing, except at the point of ingress and egress.
- D. No more than 20 bicycles may be stored or displayed in the rental area at any one time. Repairs shall not be conducted in the rental area, and no rental activity shall be conducted on public property.
- E. No more than one sign identifying the establishment is permitted, and no sign shall exceed four square feet per face in surface area, be illuminated, or encroach into any portion of the public right-of-way.
- F. Points of ingress of any bicycle rental establishment located adjacent to public property shall be directly connected to the bicycle path by means of an existing sidewalk, street, or Connector Park.

5.3.6 Commercial Parking Lot

A commercial parking lot may be permitted as a conditional use subject to the findings established in Sec. 221 and the following conditions:

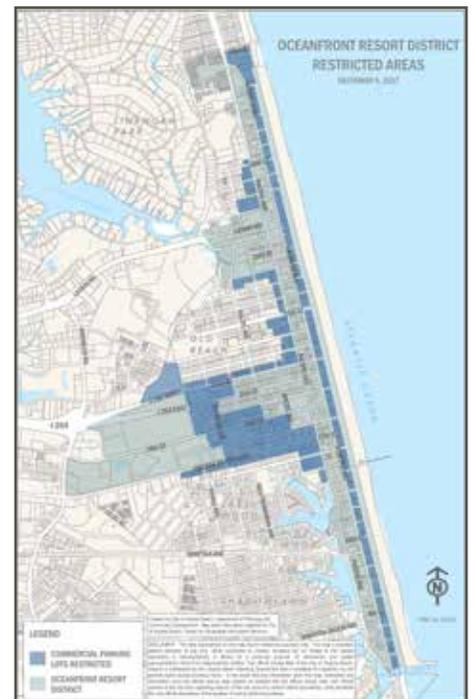
- A. Commercial parking lots are not permitted:
 1. North of 32nd Street and west of Pacific Avenue;
 2. South of Virginia Beach Boulevard/17th Street, west of Pacific Avenue, and north of 14th Street;
 3. North of 22nd Street, west of Pacific Avenue, and south of 28th Street (as extended to Baltic Avenue);
 4. East of Atlantic Avenue; and
 5. In the ViBe Creative District, the area of which is defined in Sec. 9-2 of the City Code.
- B. Such parking lots shall conform to the provisions of Sec. 23-58 of the City Code, unless otherwise specified in the conditional use permit.

5.3.7 Commercial Parking Lot, Temporary

A temporary commercial parking lot is permitted as a limited use in accordance with the following:

- A. Temporary commercial parking lots are not permitted:
 1. North of Pinewood Road/32nd Street and west of Pacific Avenue;

COMMERCIAL PARKING LOTS



Commercial parking lots are not permitted in the blue areas shown above and require a Conditional Use Permit in the remainder of the OR District (green).

2. South of Virginia Beach Boulevard/17th Street, west of Pacific Avenue, and north of 14th Street;
 3. North of 22nd Street, west of Pacific Avenue, and south of 28th Street (as extended to Baltic Avenue); and
 4. East of Atlantic Avenue.
- B. Perimeter landscaping meeting the requirements of Sec. 5A of the Site Plan Ordinance and the Public Works Standards Manual must be installed, and temporary surface treatment in accordance with the standards for temporary parking lots in the Public Works Standards Manual must be provided.
- C. Where allowed and approved, a temporary commercial parking lot may only be permitted for one calendar year. No extensions are allowed.

5.3.8 Drive-Through Facility

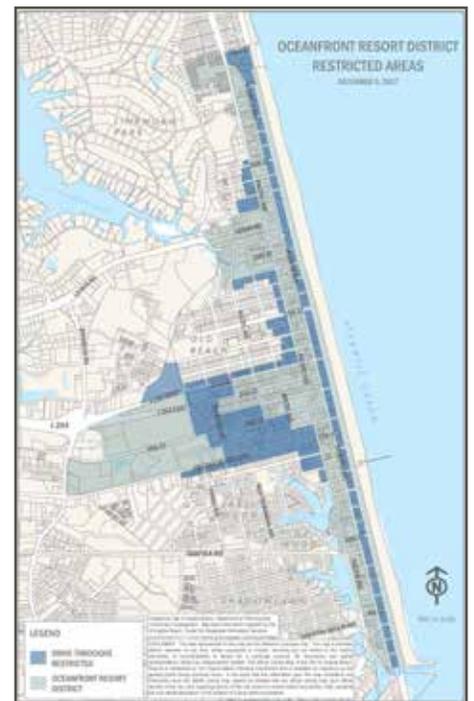
Where a drive-through facility is permitted as limited use in accordance with the use table in Sec. 5.2, it must meet the following:

- A. Drive-through facilities are not permitted:
1. North of 32nd Street and west of Pacific Avenue;
 2. South of Virginia Beach Boulevard/17th Street, west of Pacific Avenue, and north of 14th Street;
 3. North of 22nd Street, west of Pacific Avenue, and south of 28th Street (as extended to Baltic Avenue);
 4. East of Atlantic Avenue; and
 5. In the ViBe Creative District, the area of which is defined in Sec. 9-2 of the City Code.
- B. Where allowed, drive-through facilities must be located on the block interior or in the ground floor of a parking structure such that they are not visible from the public right-of-way.
- C. See Sec. 6.2.6 (B) for dimensional specifications for drive-through facilities.

5.3.9 Eating and Drinking Establishment

Where an eating and drinking establishment is permitted as a limited use in accordance with the use table in Sec. 5.2, an eating and drinking establishment that is located within 100 feet of a protected district and that sells alcoholic beverages, except establishments in which the service of alcoholic beverages is incidental to a wedding, banquet, or similar function not open to the general public, shall require a conditional use permit.

DRIVE-THROUGH FACILITIES



Drive-through facilities are not permitted in the blue areas shown above and are only permitted on the block interior or ground floor of a parking structure in the remainder of the OR District (green).

5.3.10 [RESERVED]

5.3.11 [RESERVED]

5.3.12 [RESERVED]

5.3.13 Retail Establishment, Specialty Shop

Where a retail establishment is permitted as a limited use in accordance with the use table in Sec. 5.2, it must also meet the following:

- A. Adult bookstores are prohibited from locating within 500 feet of any protected district, single- or multi-family dwelling, religious use, park, or school.
- B. Sales of alcoholic beverages within 100 feet of any protected district, as measured from the nearest point of the lot on which sales are conducted, shall require a conditional use permit.

5.3.14 Public Utilities, Public Utility Storage, Maintenance

A public utility (including office) is permitted provided storage or maintenance facilities are not located within 100 feet of any protected district; and provided further that utility substations, storage, or maintenance other than individual transformers must be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge at least six feet in height; and provided also transformer vaults for underground utilities shall require only a landscaped screening hedge, solid except for access opening.

5.3.15 Wind Energy Conversion System

Where a wind energy conversion system is permitted as a limited use in accordance with the use table in Sec. 5.2, only one wind energy conversion system is allowed per principal structure, unless the City Council approves a conditional use permit. Such systems shall be roof-mounted.

5.3.16 Building-Mounted Antenna

Building-mounted antennas meeting the requirements of Sec. 207 are allowed as principal uses; building-mounted antennas not meeting the requirements of Sec. 207 are allowed as conditional uses.

5.3.17 Small Wireless Facility

Small wireless facilities meeting the requirements of Sec. 207 are allowed as principal uses, and small wireless facilities not placed on existing structures are allowed as conditional uses, on the building types designated in Sec. 5.2 or on utility poles other than those in the public right-of-way unless allowed pursuant to franchise agreement.

5.3.18 Craft Industry

A craft industry includes fabricating, wholesaling, or distribution of a hand-crafted item produced at a limited scale. Where a craft industry is permitted as a limited use in accordance with the use table in Sec. 5.2, it must meet the following:

- A. A craft industry shall not occupy more than 2,000 square feet of enclosed area.
- B. A craft industry is only permitted in the ViBe Creative District, the area of which is defined by Sec. 9-2 of the City Code.
- C. The operation of the craft industry shall not disturb the tranquility of the areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive light, noise, odor, traffic, or overflow parking in any greater volume than would normally be expected in the ViBe Creative District.

Sec. 5.4 Accessory Uses & Structures

5.4.1 General Provisions

- A. Unless otherwise expressly stated, accessory uses and structures are permitted in conjunction with an allowed principal use. Accessory uses and structures shall be as defined in Sec. III.
- B. No accessory use or structure may be established prior to the establishment of a permitted principal use or structure.
- C. All accessory structures shall meet the setback and height requirements of Chapter 2.





Chapter 6. Site Development

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Sec. 6.1 Site Access

6.1.1 Applicability

This section applies to any site that is required to or chooses to accommodate on-site parking for automobiles. The following language is provided as general guidance. Final determination on access requirements will be made by Public Works.

6.1.2 Vehicular Access

- A. Any vehicular ingress or egress to and from a street or alley must be in accordance with Public Works Standards.
- B. When an alley is provided or can feasibly be improved to City standards, vehicular access shall take place from the alley, unless otherwise approved by Public Works.
- C. When an alley is abutted by a protected district, vehicular access is not permitted from the alley for customers or deliveries for non-residential uses.
- D. New vehicular access to the public right-of-way between Atlantic Avenue and the Boardwalk (Connector Parks) is permitted only by City Council approval and must conform to the [Connector Park Design Guidelines](#).
- E. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion, unless otherwise approved by Public Works. An alley may be used as maneuvering space for access to on-site parking areas.
- F. The total number of vehicular access points shall be limited to the minimum number permitted by Public Works.

6.1.3 Driveway Width

- A. Driveway width shall be the minimum width permitted by Public Works.
- B. The width of a detached house driveway at the property line may be no less than nine feet and no more than 20 feet in width.
- C. The maximum width of all other driveways at the property line is 24 feet.

Sec. 6.2 Parking

6.2.1 Applicability

A. General

No building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this section.

B. Renovations and Additions

1. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
2. When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.

C. Change in Use

A change in use must comply with the parking requirements unless the use has the same or a lesser parking requirement than the previous use.

6.2.2 Required Parking

A. Calculation of Required Parking

1. For the purposes of calculating required parking spaces, ratios are provided in [Sec. 6.2.2 \(B\)](#).
2. In determining the required number of parking spaces, fractional spaces are counted to the nearest whole number, with one-half or more counted as an additional space.

B. Parking Requirements by Use

1. Minimum Parking

The following minimum parking spaces are required:

| USE | WEST OF PACIFIC | EAST OF PACIFIC |
|-----------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------|
| Single-family or duplex | 2/unit | 2/unit |
| Multi-family | 2/unit for first 50 units and 1.75/unit for all units in excess of 50 | 2/unit for first 50 units and 1.75/unit for all units in excess of 50 |
| Lodging | 1/unit | 1/unit |
| Office | 1/330 sf | no requirement |
| Retail | 1/250 sf | no requirement |
| Office/Retail/ Mixed-Use | 3/1000 sf; 1.7/dwelling unit | no requirement for nonresidential; 1.7/dwelling unit |
| Restaurant | 1/100 sf | no requirement |
| Live-work units | 2/unit | 1/unit |

See [Sec. 6.2.5](#) for *Special Provisions that may affect minimum parking requirements.*

2. Maximum Parking

Unless otherwise authorized by the Planning Director per [Sec. 203](#) (b) (9), surface parking lots other than those considered commercial or off-site parking lots as defined in [Sec. 23-58](#) and [23-59](#) may not exceed the required number of parking spaces by more than 25%.

6.2.3 [RESERVED]

6.2.4 Location of Parking

A. On-Site Parking Setback

Also shown in [Sec. 2.4.3 \(B\)](#).

1. A 20' parking setback, measured from the street setback line, applies to surface and ground-story structured parking, including vehicular entrances, exits, and drive aisles, as a minimum percentage of the street frontage as listed below:

| | STRUCTURED PARKING (GROUND STORY) | SURFACE PARKING |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Boardwalk | 100% min <i>Parking setback applies to full street frontage.</i> | |
| Connector Park | 100% min <i>Parking setback applies to full street frontage.</i> | |
| Shopping | 70% min <i>Parking setback applies to 70% of street frontage; *30% of street frontage may include structured and/or surface parking.</i> | |
| Gateway | 60% min <i>Parking setback applies to 60% of street frontage; *40% of street frontage may include structured and/or surface parking.</i> | |
| Beach | 0% min <i>*100% of street frontage may include structured parking.</i> | 60% min <i>Parking setback applies to 60% of street frontage; *40% of street frontage may include surface parking.</i> |
| <i>*Landscaping requirements must also be met even where parking setbacks do not apply. Surface parking lots and structured parking located adjacent to the street must be lined with a 10' landscape strip. Landscaping is permitted in the building setback. See Sec. 6.3 for details on landscaping requirements.</i> | | |

2. However, surface parking, including vehicular entrances, exits, and drive aisles, is not permitted within 15 feet of a block corner, measured from the intersection of the two street setback lines.

3. Structured and surface parking, including drive aisles but excluding vehicular entrances and exits, must also be located behind the side and rear parking setbacks, measured from the side or rear (common) property line, as listed by building type in [Sec. 2.5 through 2.10](#). The setback applies to 100% of the side and rear property lines.
4. Other than a building setback that would be applicable for a parking structure, there is no parking setback from alleys.
5. The parking setback does not apply to the upper stories of structured parking facilities.
6. The ground story of structured parking must have active uses located between the parking structure and any public sidewalk.
7. Provisions allowing the use of optional forms of development in place of the parking setback requirements prescribed above are set forth in [Sec. 7.2.2 \(C\)](#).

B. Remote (Off-Site) Parking

1. All required vehicle parking spaces may be located off site in a remote facility, except for handicapped parking spaces.
2. Remote parking used to fulfill a parking requirement must be located within the [boundaries of the Oceanfront Resort District](#).
3. A written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, and a certified copy of such agreement shall be recorded with the Clerk of the Court. Such agreement shall stipulate that, if such space is not maintained or space acceptable to the Planning Director substituted, the use or such portion of the use as is deficient in number of parking spaces shall be discontinued. The agreement shall be subject to the approval of the City Attorney.
4. Off-site parking facilities used principally for the parking of motor vehicles must comply with [Sec. 23-59](#).

6.2.5 Special Vehicle Parking Provisions

A. Reduced Parking

1. For multi-family residential uses, the minimum parking requirement may be reduced to 1.3 spaces per dwelling unit if no parking permits for the Residential Parking Permit Program are issued for any residents, guests, or employees of any multi-family establishment requesting the reduced parking.

2. For nonresidential uses, the minimum required parking may be reduced in accordance with [Sec. 203\(b\)\(11\)](#) of the City Zoning Ordinance provided no parking permits for the Residential Parking Permit Program are issued for the establishment or entity requesting reduced parking.

B. Shared Parking

An applicant may request shared parking to meet the minimum parking requirements for mixed-use projects, or for multiple uses, including commercial uses, that are located near one another, which have different peak parking demands or operating hours. Shared parking shall be subject to the requirements specified in [Sec. 203\(b\)\(10\)](#).

C. Credit for On-Street Parking

1. A parking space located on a public street may be included in the calculation of parking requirements if it is directly adjacent to the site where the use is located and was created as a direct result of such development or redevelopment.
2. Each on-street parking space may only be credited for one use.
3. The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

D. Credit for Un-Striped (Valet) Parking

Un-striped parking (massed parking for use by a valet service) may be used where the following standards are met:

1. The passenger loading and unloading area must have adequate means of ingress to and egress from a street or an alley. All maneuvering, parking, and loading must be accomplished on private property.
2. The area of each parking space must be no less than 145 square feet.
3. An access lane that is no less than 22 feet wide must be provided through the un-striped parking area.
4. An attendant must be provided to park vehicles during all business hours of the principal use.

E. Reserved Parking

Surface parking spaces may only be reserved for a specific residential unit, provided that no more than one space per unit may be reserved. No surface parking spaces shall be reserved for any other use.

F. Historic Parking Exemption

Any building certified or eligible for certification as historic on the National Register of Historic Places, Virginia Register of Historic Places or Virginia Beach Historical Register shall be exempt from the parking ratio requirements provided no parking permits for the Residential Parking Permit Program are issued for the establishment or entity requesting reduced parking.

6.2.6 Parking Design Standards

A. Stall and Aisle Dimensions

Parking shall meet the standards specified in [Sec. 203\(b\)](#).

B. Vehicle Stacking

1. Vehicles using drop-off, drive-up, or drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
2. Adequate space, as determined by Public Works, must be made available on site for the stacking and queuing of vehicles. Unless otherwise approved by Public Works, drive-through facilities must accommodate 10 stacked vehicles, on site, as measured from the drive-through window.
3. Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by Public Works for traffic movement and safety.

C. Specifications

All spaces shall comply with the Public Works Design Standards Manual, and where such specifications and standards do not apply, parking surfaces shall be provided and maintained with an all weather surface.

D. Requirements for Access by Disabled Persons

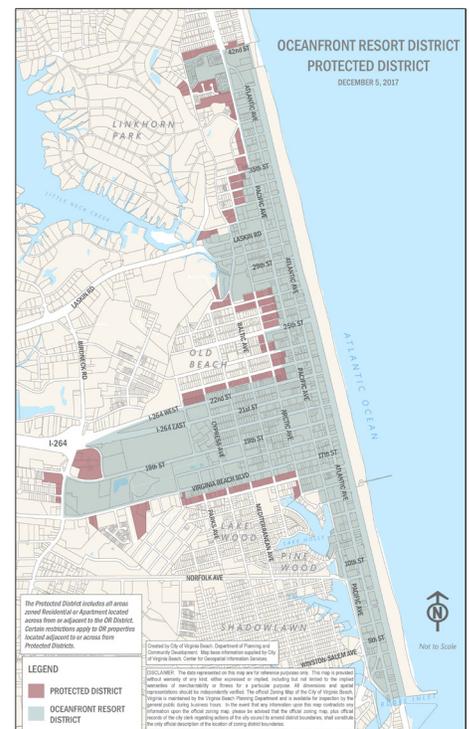
Off-street parking for disabled persons shall meet the standards established by the Americans With Disabilities Act and the Uniform Statewide Building Code.

E. Protected Districts

1. Any parking adjacent to a protected district must include a Category IV buffer as defined in the [Landscaping Guide: Landscaping, Screening and Buffering Specifications and Standards](#).
2. Any nonresidential parking lot within 100 feet of a protected district shall be secured at all points of vehicular ingress and egress by a gate, consisting of materials, such as black vinyl-coated chain link, white vinyl picket, or black wrought iron, which are generally recognized within the industry as maintenance-free, except during hours of operation.

F. Design of Parking Structures

1. Where structured parking is located at the perimeter of a building, it must be screened so that cars on all parking levels are not visible from adjacent streets. Sloped ramps cannot be located along the perimeter of the parking structure. Architectural or vegetative screens must be used to articulate the facade, hide parked vehicles, and shield lighting. In addition, the ground floor facade treatment (building materials, windows, and architectural detailing) shall be continued on upper stories.



2. Upper stories of parking structure facades shall be designed with both vertical (facade rhythm of 20 feet to 30 feet) and horizontal articulation (aligning with horizontal elements along the block).
3. Signage and light sources internal to parking structures shall not be visible from outside the structure.
4. Examples of these requirements and additional guidelines for parking structures can be found in the [Oceanfront Resort District Design Guidelines](#).

6.2.7 Off-Street Loading

A. Off-Street Loading Not Required

Off-street loading is not required, however, loading and unloading activity is not permitted in the public right-of-way, unless conducted in a specifically designated loading and unloading area or otherwise approved by Public Works.

B. Location and Design Standards

If off-street loading is provided, it must meet the following standards:

1. Loading and unloading activities may not encroach on or interfere with the use of the public right-of-way, sidewalks, drive aisles, queuing areas, or parking areas by vehicles or pedestrians.
2. Loading areas must be located to the interior or rear of buildings.
3. Loading areas visible from a protected district or a public right-of-way (not including an alley) must provide a 100% year-round screen consisting of walls and plant material totaling eight feet in height at installation or completion of construction. Wall materials must be compatible with the primary structure.
4. Loading areas must be a minimum of 50 feet away from a [protected district](#).

6.2.8 Dumpsters

If dumpsters are located on site, they must meet the following standards:

1. Dumpsters visible from a protected district or a public right-of-way (not including an alley) must provide a 100% year-round screen consisting of walls and plant material totaling eight feet in height at installation or completion of construction. Wall materials must be compatible with the primary structure.
2. Dumpsters must be located a minimum of 50 feet away from a [protected district](#).

Sec. 6.3 Landscaping, Fencing & Tree Planting

6.3.1 Application

- A. This section shall apply to proposed developments within the boundaries of the Oceanfront Resort District that require the review and approval of the Development Services Center. The prescribed criteria of this section shall supersede the requirements of the Virginia Beach City Code where there are any conflicts.
- B. Any trees or landscaping criteria prescribed by Sections [6.3.3](#), [6.3.4](#), and [6.3.6](#) may contribute to meeting the prescribed Outdoor Amenity Space criteria, provided the areas in which these trees, shrubs, or plants are placed also meet the definition of Outdoor Amenity Space.

6.3.2 Parking Lot Interior Coverage

- A. Except as otherwise provided below, all parking lots with 15 or more parking spaces shall meet the parking lot interior coverage requirements of [Sec. 5A.4](#) of the Virginia Beach Site Plan Ordinance.
- B. Parking lots with fewer than 50 spaces that are less than 60' in width and are located adjacent to a building such that the parking lot is substantially shaded may be exempt from these requirements if the building facade substantially conforms to the [Oceanfront Resort District Design Guidelines](#).

6.3.3 Parking Lot Street Frontage Landscaping

In addition to parking lot interior coverage requirements, a minimum 10-foot landscape strip is required where any parking area, surface or structured, abuts a street. Additional requirements for street frontage landscaping are found in [Sec. 5A.5](#) of the Virginia Beach Site Plan Ordinance.

6.3.4 Foundation Landscaping

Foundation landscaping is required for any building façade adjacent to a street. The landscaped area shall have a minimum depth of three feet and minimum width of 66% of the width of the building facade. Within this area, shrubs or trees shall be provided in the proportion of at least one shrub or tree per 12 square feet of total required foundation landscaping. Additional requirements for foundation landscaping are found in [Sec. 5A.6](#) of the Virginia Beach Site Plan Ordinance.

6.3.5 Fences and Walls

- A. A side or rear fence or wall may not exceed six feet in height provided, however, that fences or walls used to screen dumpsters, loading areas, or mechanical or similar equipment may extend up to eight feet in height.
- B. Any fence or wall located between a street and the extended plane of the front building facade shall be maintenance free, shall not exceed four feet in height, and shall be no more than 50% opaque.

- C. Fences and walls located within 30 feet of any public right-of-way must comply with the [Virginia Beach Landscaping, Screening and Buffering Specifications and Standards](#).
- D. Electrified, barbed wire, concertina wire, or chain-link fences are not allowed.

6.3.6 On-Site Tree Planting

The tree planting criteria table below identifies the minimum amount of tree canopy coverage required for all building types in which residential uses are permitted: *Mixed-Use, Apartment, **Row House, and **Detached House.

| TREE CANOPY COVERAGE REQUIREMENTS | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| LOT SIZE | TREE CANOPY COVERAGE (MIN) |
| 1 - 4,999 sq. ft. | 200 sq. ft. |
| 5,000 - 7,499 sq. ft. | 300 sq. ft. |
| 7,500 - 9,999 sq. ft. | 400 sq. ft. |
| 10,000 - 14,999 sq. ft. | 600 sq. ft. |
| 15,000 - 19,999 sq. ft. | 750 sq. ft. |
| 20,000 - 29,000 sq. ft. | 900 sq. ft. |
| 30,000 - 65,339 sq. ft. | 1,000 sq. ft. |
| 65,340 - 87,119 sq. ft. | 1,500 sq. ft. |
| 87,120 sq. ft. and greater | 2,000 sq. ft. |
| <i>*Mixed-Use building types that do not contain residential uses may be exempt.</i> | |
| <i>**Detached House and Row House building types shall provide no less than 150 sq. ft. of tree canopy per dwelling unit or the amount shown above based on total lot size, whichever is greater.</i> | |

6.3.7 Street Trees

Unless otherwise approved by the City Arborist or Designee, street trees shall be planted or replaced within the public rights-of-way in conjunction with all development, redevelopment, or substantial alterations that require review by the Development Services Center. Additional requirements for tree planting, preservation, and replacement are found in [Appendix E](#) of the City Code of Virginia Beach.

6.3.8 Optional Forms of Development

Provisions allowing the use of optional forms of development in place of the landscaping requirements prescribed above are set forth in [Sec. 7.2.2 \(G\)](#).

Sec. 6.4 Site Lighting

6.4.1 Applicability

The following on-site light fixtures and sources may not be used where the direct light emitted is visible from adjacent areas:

- A. The installation of on-site outdoor lighting, replacement of on-site outdoor lighting, and changes to existing on-site light fixture wattage, type of fixture, mounting, or fixture location shall be made in compliance with this section.
- B. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components, is permitted for all existing fixtures without coming into full compliance with this section.
- C. On-site lighting must be coordinated with the street and pedestrian lights in the right-of-way, as determined by Public Works.

6.4.2 Prohibited Light Sources

The following on-site light fixtures and sources may not be used where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

6.4.3 Lighting Design Requirements

Outdoor site lighting must primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures must be designed as an integral design element that complements the design of the project. This may be accomplished through style, material, or color. All lighting fixtures designed or placed to illuminate any portion of a site must meet the following requirements:

- A. Fixture (Luminaire)
 1. The light source must be concealed and must not be visible from any street right-of-way, not including an alley, or adjacent properties.
 2. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures.
- B. Fixture Height
 1. Lighting fixtures may not exceed 30 feet in height in parking areas.
 2. Lighting fixtures may not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas.
 3. Light fixtures located within 50 feet of a [protected district](#) may not exceed 15 feet in height.

C. Light Source (Lamp)

1. Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used.
2. The same light source type must be used for the same or similar types of lighting throughout the development.

D. Mounting

Fixtures must be mounted in such a manner that the cone of light is contained on site and does not cross any property line of the site.

E. Limit Lighting to Periods of Activity

The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety, and promote compatibility.

6.4.4 Specific Lighting Standards

A. Security Lighting

1. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the public right-of-way.
2. Building-mounted security light fixtures such as wall packs, flood lights, and flood lamps may not project above the fascia or roof line of the building and must be shielded. No security fixture lighting may be installed or oriented to face a ground floor residential use.

B. Accent Lighting

Only lighting used to accent architectural features, landscaping, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

C. Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, automated teller machines, or similar installations must use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

D. Commercial Parking Area Lighting

All commercial parking areas must provide lighting during nighttime hours of operation.

E. Excessive Illumination

1. Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates if it exceeds the requirements of this section.
2. Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers or pedestrians.

Sec. 6.5 Outdoor Display & Storage

6.5.1 Outdoor Display

- A. Outdoor display is the outdoor display of products actively available for sale.
- B. Outdoor display is permitted in association with any permitted nonresidential use in accordance with the following provisions:
 - 1. Outdoor display must be placed within eight feet of a facade that contains the principal customer entrance for the building. Outdoor display may occupy no more than 30% of the horizontal length of that facade.
 - 2. Outdoor display may encroach into the build-to zone and setback zone, but may not encroach into the public right-of-way or other public property.
 - 3. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
 - 4. Outdoor display may not impair the ability of pedestrians to use the sidewalk.

6.5.2 Outdoor Storage

- A. Outdoor storage is the overnight storage of products or materials outside of a building.
- B. Outdoor storage includes merchandise or material in boxes, in crates, on pallets, or in shipping containers.
- C. Outdoor storage includes the overnight outdoor storage of vehicles awaiting repair, RV's and boats, shopping carts, garden supplies, building supplies, plants, fleet vehicles, and other similar merchandise, material, vehicles, or equipment.
- D. Outdoor storage also includes salvage yards, vehicle storage yards, and overnight outdoor storage of shipping containers, lumber, pipe, steel, junk, and other similar merchandise, material, or equipment.
- E. Outdoor storage is not permitted, except that portable storage containers shall be allowed as provided in [Sec. 208](#) of the City Zoning Ordinance.

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Chapter 7. Optional Forms of Development & Alternative Compliance

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Sec. 7.1 Optional Forms of Development & Alternative Compliance

7.1.1 Introduction

The purpose of this chapter is to allow a high degree of flexibility in the forms of development that may be utilized in the Oceanfront Resort District. In addition to the specific building and site design forms (i.e., build-to, transparency, height, setbacks, etc.) that are prescribed by this Code, there are two other sets of provisions under which property may be developed. The first of these (“Optional Forms of Development”) is a by-right option under which one or more of the prescribed forms may be altered or even eliminated if certain building and/or site features are provided and design guidelines are followed. This option is intended to provide a different, but equally desirable, means of accomplishing the purposes of a prescribed form.

Example: The objective of the prescribed build-to requirements (see Sections [2.4.3 \(A\)](#) and [2.5 through 2.10](#)) is to create visual interest for the pedestrian by locating building facades close to the street, thereby activating the area and enhancing the pedestrian-oriented nature of the streetscape by creating an area of immediate visual interest to passers-by. Optional Forms of Development recognize that this objective may be accomplished in ways other than by strict compliance with the prescribed form of development for build-to requirements and allow an area to be activated by another means. For example, providing an outdoor amenity area, such as a plaza, or outdoor café, where the building facade would otherwise have been located, creates an equally activated and pedestrian-oriented streetscape thereby fulfilling the same purpose as the prescribed form. Creativity and flexibility in building and site design is thus encouraged within the framework of the purposes of the build-to requirement.

The second set of provisions under which a departure from a prescribed building or site design element is allowed (“Alternative Compliance”) requires approval by the City Council in the form of a Special Exception. As the granting of a Special Exception by the City Council is a legislative act, it allows for an even higher degree of flexibility than the Optional Forms of Development. The Alternative Compliance option may be sought when a proposed development would not conform to the uses or forms of development otherwise permitted under this Code, including the Optional Forms of Development allowed under this Chapter.

Sec. 7.2 Optional Forms of Development

7.2.1 Applicability

Optional Forms of Development may be used in place of the specific requirements prescribed by this Code if the applicable conditions set forth in this Section are met. Generally, these conditions include: (1) usage of a form of development or amenity that is different from the specific form prescribed by this Code, where the different form or amenity serves the same or a closely-related purpose or purposes as the prescribed form of development; and (2) conformity to the applicable provisions of the design guidelines and documents referenced in this Code (Design Guidelines).

There are six building or design elements that are specifically provided for in this Chapter:

| ELEMENT | SECTION |
|------------------|---------------------------|
| Setbacks | 7.2.2 (A) |
| Build-to | 7.2.2 (B) |
| Parking Setbacks | 7.2.2 (C) |
| Height | 7.2.2 (D) |
| Transparency | 7.2.2 (E) |
| Towers | 7.2.2 (F) |

In addition to the specific building forms listed above, almost any other prescribed design or building element may be substituted by an optional form ([Sec. 7.2.2 \(G\)](#)). Exceptions include signage, outdoor display and storage, and allowed building types. In addition, density of residential, lodging, and similar uses may not be increased by utilization of Optional Forms of Development. The Planning Director may require that any proposal for use of Optional Forms of Development include such a demonstration.

7.2.2 Optional Forms of Development Provisions

The requirements of this Code may be satisfied by compliance with either the prescribed building rules set forth in Chapters 2 through 6 of this Code or the provisions of the following sections, as applicable. The provisions allowing the use of optional design elements are intended to encourage creativity by providing a flexible, by-right development option that will achieve the goals and objectives of this Code equally as well as the prescribed build-to requirements. The following provisions set forth the purposes of the forms of development prescribed by Chapters 2 through 6 of this Code and examples of the optional means of fulfilling those purposes through the use of optional building and site design features.

A. Building Setbacks

See [Sec. 2.4.2 \(B\)](#), [Sec. 2.5 through 2.10](#) and [Sec. 3.2.4](#) for prescribed form.

1. Purpose: To avoid overmassing of buildings and provide additional space for improvements that contribute to the public realm and a comfortable pedestrian environment, such as wider sidewalks, outdoor amenity areas, and landscaping.
2. Optional Form of Development: Provide features that contribute to the public realm without crowding the sidewalk. For example, where sidewalk space is sufficient, consolidate the prescribed setback area into a consolidated, high quality outdoor amenity space that is visible from the street. The optional form shall be in reasonable proportion to the degree of difference between the prescribed requirement and the actual form provided.
3. Design Guidelines: The building facade and any other portion of the building encroaching in the setback shall not obstruct the continuity of the sidewalk. The building facade and any improvements to public sidewalks or other public spaces shall substantially conform to the applicable Design Guidelines.

B. Build-To

See [Sec. 2.4.3 \(A\)](#) and [Sec. 2.5 through 2.10](#) for prescribed form.

1. Purpose: To activate the street frontage by locating building facades close to the street, thereby providing an interesting, pedestrian-oriented streetscape.
2. Optional Form of Development: Provide a design feature such as public art or outdoor amenity space that creates pedestrian interest in the area of the prescribed build-to zone lacking a building facade. Examples include an outdoor café, swimming pool, fountain, plaza, garden, or similar area, or a combination thereof.
3. Design Guidelines: The design feature and building facade shall substantially conform to the applicable Design Guidelines.

C. Parking Setbacks

See [Sec. 2.4.3 \(B\)](#) and [Sec. 2.5 through 2.10](#) for prescribed form.

1. Purpose: To avoid “dead” space along the street frontage that does not contribute to an active street presence.
2. Optional Form of Development: Enliven the street frontage and screen the parking area by the creative use of landscaping, public art, water features, or other pedestrian amenities that provide visual interest. Where surface parking within the parking setback is desired, locate parking lots at the interior of the block, rather than at corner locations. Reserve corner locations for buildings. For structured and surface parking, maintain continuity of the sidewalk by minimizing the number and width of curb cuts for driveways.

3. Design Guidelines: Substantial conformity with the applicable Design Guidelines pertaining to structured parking, landscape screening, public art, and other amenities provided in place of meeting prescribed parking setbacks is required.

D. Height

See [Sec. 2.4.4](#), [Sec. 2.5 through 2.10](#) and [Sec. 4.1](#) for prescribed form.

1. Purpose:

- a. Maximum Building Height: To provide an organized form throughout the Oceanfront Resort District; provide gradual transitions in building height for the neighboring protected districts; minimize overbulking of streets; and ensure that the maximum overall density in the District does not exceed that which was permitted under the pre-Form-Based Code zoning.
- b. Minimum Building Height and Minimum Number of Stories: To provide a consistent street wall and demonstrate a lasting investment, especially on Shopping Frontages, with multi-story buildings.
- c. Minimum Ground and Upper-Story Height: To enhance pedestrian-scale by emphasizing ground stories (up to third story) with greater heights than the stories above and ensure that the maximum overall density in the District does not exceed that which was permitted under the pre-Form-Based Code zoning.

2. Optional Form of Development:

- a. An increase in building height not exceeding the maximum allowable increase shown in the table below is permitted for any building that fulfills the purpose of the prescribed form and complies with the conditions set forth in items 3 through 6 below.

| MAXIMUM HEIGHT (ON HEIGHT MAP) | MAXIMUM ALLOWABLE INCREASE VIA OPTIONAL FORM |
|-------------------------------------------|-------------------------------------------------------------|
| 200 feet | 5% (210') |
| 110 feet | 10% (121') |
| 75 feet | 20% (80') |
| 45 feet | 20% (54') |
| 35 feet | 20% (42') |

- b. A decrease in minimum building height or number of stories as prescribed by building type is permitted for any building that fulfills the purpose of the prescribed form and substantially complies with the conditions set forth in items 3 through 6 below.

- c. A decrease in minimum floor height is permitted for any building that fulfills the purpose of the prescribed form and substantially complies with the conditions set forth in items 3 through 6 below.
3. The optional form shall be in reasonable proportion to the degree of difference between the prescribed requirement and the actual form provided.
4. Design Guidelines: Buildings must substantially conform to the applicable Design Guidelines.
5. Density: The total number of residential and lodging units (and similar uses) shall not exceed the number that could be obtained without the optional form.
6. Height: In no event shall a height in excess of that allowed by [Sec. 202 \(b\)](#) of the City Zoning Ordinance be allowed.

E. Transparency

See [Sec. 2.4.5 \(A\)](#) and [Sec. 2.5 through 2.10](#) for prescribed form.

1. Purpose: To contribute to an interesting and safe pedestrian environment by providing views to and from the street.
2. Optional Form of Development: Transfer an equal or greater amount of transparency to an adjacent floor or provide a design feature or outdoor amenity space that adds interest to a blank or windowless wall or otherwise creates a space for views to and from the street. Examples include outdoor cafés, swimming pools, balconies, and galleries. The optional form shall be in reasonable proportion to the degree of difference between the prescribed transparency requirements and the actual transparency provided.
3. Design Guidelines: Building facades and any design features or amenities serving as an optional form shall be in substantial conformity with applicable Design Guidelines.

F. Tower Provisions

See [Sec. 4.2](#) for prescribed form.

1. Purpose: (1) To provide opportunities for increased heights and ocean views while preserving the feeling of openness, access to light and air, and upper and ground-level views of the ocean and the eastern sky for properties to the west; (2) to minimize beach shading; and (3) to maintain a maximum density commensurate with that specified in pre-Form-Based Code zoning.

2. **Optional Form of Development:** (l) Redistribute facade area parallel to the ocean to an equal or lesser area. This can be accomplished by use of decreased heights and widths to the podium and tower in exchange for increased heights and widths resulting in an equal or lesser facade area parallel to the ocean. Larger tower floorplates or decreased setbacks from the eastern property line must be offset to result in an equal or lesser total floor area or degree of beach shading.
3. **Design Guidelines:** Substantial conformity with the applicable Design Guidelines pertaining to building facades and amenities provided is required.
4. **Density:** The total number of residential and lodging units (and similar uses) shall not exceed the number that could be obtained without the optional form.
5. **Height:** In no event shall a height in excess of that allowed by [Sec. 202 \(b\)](#) of the City Zoning Ordinance be allowed.

G. Other Building/Design Elements

With the exception of signage, outdoor display and storage, and allowed building types, optional forms of development for any of the prescribed building or site design criteria set forth in Chapters 2 through 6 that are not specifically provided for in this section shall be allowed under the following conditions:

1. Building or site design features in excess of that required, that serve the same or a closely-related purpose or purposes as the prescribed form of development are provided in reasonable proportion to the amount by which the building or design element actually provided differs from the applicable requirement prescribed in Chapters 2 through 6;
2. Where optional building or design elements are used for the building facade, the facade substantially conforms to the applicable Design Guidelines;
3. Where optional building or design elements are used for areas other than the building facade, such areas substantially conform to the applicable Design Guidelines; and
4. Density of residential, lodging, or similar uses may not be increased by utilization of Optional Forms of Development.

Sec. 7.3 Alternative Compliance

7.3.1 Applicability; Exceptions

- A. This section sets forth the procedures and standards for Alternative Compliance under which the City Council may grant special exceptions to allow the development of new uses or structures, or additions to or alterations of existing structures, that do not conform to the uses or forms of development otherwise permitted under this Code, including the optional forms of development allowed by this Code.
- B. Alternative Compliance shall apply to signage only to the extent that the City Council may determine that signage qualifies for Bonus Signage under [Chapter 8](#) notwithstanding that such signage does not conform to the applicable Design Guidelines if such signage is of a design and quality that are demonstrably equal to or better than signage that conforms to the Design Guidelines.
- C. The height of any building or structure shall not be increased through the Alternative Compliance process except as follows: (1) the City Council may allow an increase in height greater than the maximum allowable increase permitted under the Optional Form set forth in [Sec. 7.2.2 \(D\)](#) if the applicant demonstrates to the satisfaction of the City Council that no increase in density will result from the additional height in excess of the maximum shown on the Height Map; and (2) in no event shall an increase to a height in excess of that allowed by [Sec. 202 \(b\)](#) of the City Zoning Ordinance be allowed.
- D. Nothing in this section shall be construed to limit or otherwise impair the right of any proper party to apply to the Board of Zoning Appeals for a variance from any of the regulations set forth in this Code, to the extent permitted by law.

7.3.2 Review Procedures

- A. All applications for Alternative Compliance shall be filed with the Planning Director on forms provided by the Department of Planning and Community Development. There shall be a fee in the amount prescribed by [Sec. 107.1](#) of the City Zoning Ordinance. The Planning Director shall review an application for Alternative Compliance in light of the applicable standards set forth in this section and may solicit the comments of the Resort Advisory Commission or a committee thereof in connection with such review. Upon completion of the review, the Planning Director shall report findings and recommendations concerning the application, in writing, to the Planning Commission.
- B. Applications for Alternative Compliance shall be heard by the Planning Commission and the City Council in accordance with the procedures prescribed in subsections (d) and (e) of [Sec. 221](#) of the City Zoning Ordinance.

7.3.3 Alternative Compliance Review Standards

- A. Applications for Alternative Compliance shall be evaluated for consistency with the following standards, and the City Council, in deciding whether to allow Alternative Compliance, shall consider the extent to which the proposed development, taken as a whole:
1. Advances the stated goals and objectives of the [Resort Area Strategic Action Plan](#) and this Code, and specifically, the extent to which the proposed development:
 - a. Promotes modes of transportation other than the automobile, including walking, biking, and transit;
 - b. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and
 - c. Contributes to a mix of uses in the area that are compatible with each other and work together to create a memorable and successful place;
 2. Is consistent with the intent of the regulations applicable to the street frontage in which it is located, as set forth in [Sec. 2.1](#) of this code;
 3. Is physically and functionally integrated with the built environment in which it is located; and
 4. Advances the goals and objectives of the parking strategy for the District.
- B. The City Council shall also consider the potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.

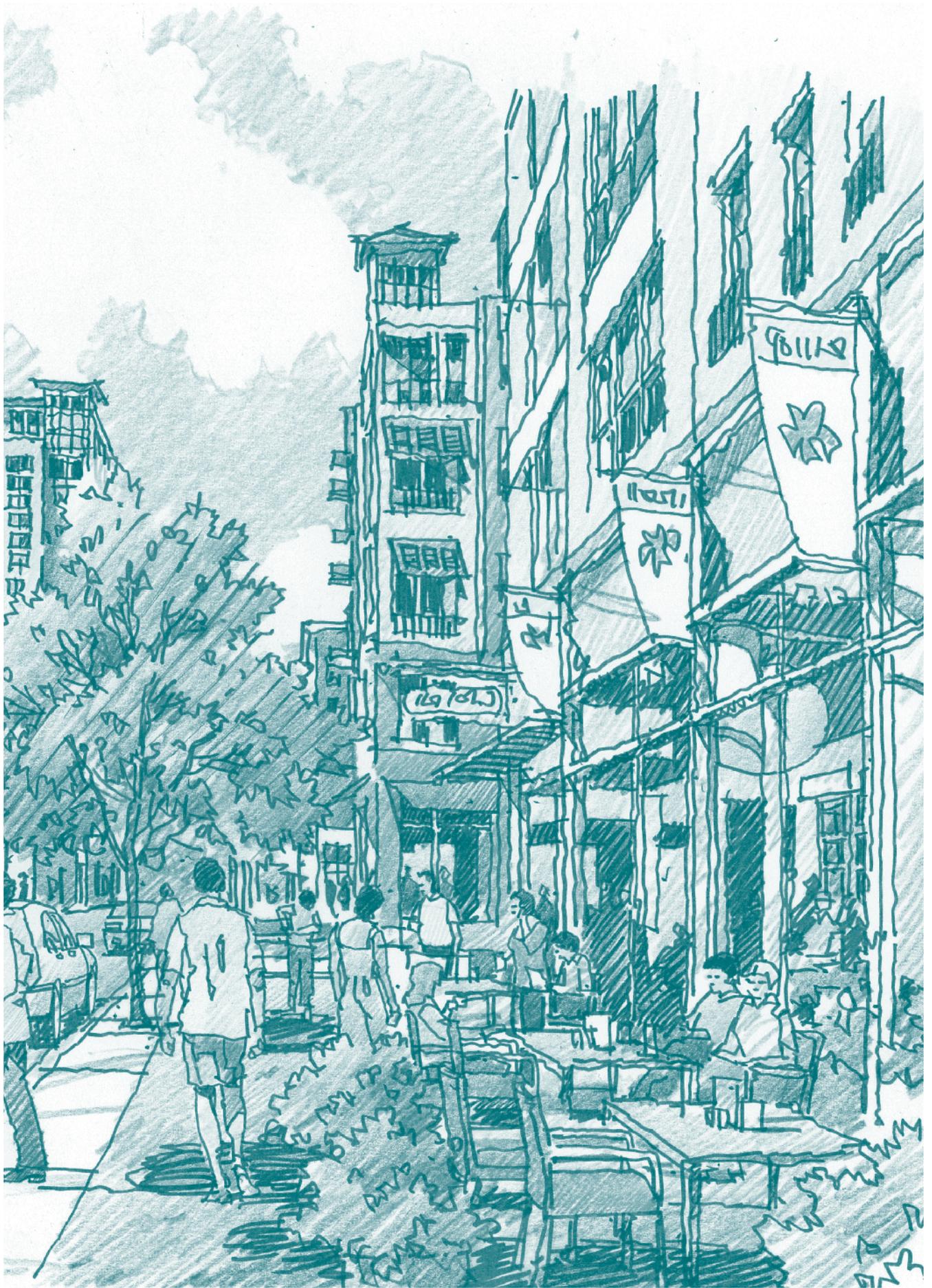
7.3.4 Conditions of Approval

The City Council may attach reasonable conditions of approval to an application for Alternative Compliance. Such conditions shall be limited to those intended to mitigate any adverse visual, functional, or other impacts of the deviation from the provisions of this Code or to promote compliance with the goals and objectives of the [Resort Area Strategic Action Plan](#) and this Code.

Sec. 7.4 Miscellaneous

Optional Forms of Development and Alternative Compliance shall not be deemed to be mutually exclusive, and approval as an Optional Form of Development shall not preclude any application for a Special Exception under the Alternative Compliance provisions of this Code; provided, however, that if any condition of approval pursuant to a Special Exception for Alternative Compliance conflicts with an approved building or design element approved as an Optional Form of Development, the condition contained in the Special Exception shall control.

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Chapter 8. Signs

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Sec. 8.1 Sign Standards

8.1.1 Intent; Findings, Establishment of Special Sign District

- A. The intent of the Oceanfront Resort District sign regulations is to:
1. Encourage signage that enhances the overall aesthetics of the District by presenting an appearance that is both harmonious with, and integrated into, the settings in which it is located so as to preserve and improve the ambience of the District as a place in which to live and to work and as an attraction to residents and nonresidents who come to the Resort Area;
 2. Ensure that the public benefits derived from past and future expenditures of public funds for the improvement and beautification of the beach, the streets, and public spaces are protected by preventing visual clutter caused by excessive or poorly placed signage; and
 3. Provide a reasonable, flexible, fair, comprehensive, and enforceable set of rules that will foster a high quality visual environment to enhance the appearance of the Resort Area, while protecting the ability of business owners to identify their establishments.
- B. The City Council finds that:
1. Signs have a strong visual impact on the character and quality of a community. They are an integral part of the cityscape and, as such, can enhance or detract from the Resort Area's image and character. As a prominent part of the cityscape, they can attract or repel the viewer, affect the safety of vehicular traffic, and their suitability or appropriateness helps to define the way in which a community is perceived. Because the City of Virginia Beach relies on the attractiveness of the Resort Area to attract tourists and commerce, aesthetic considerations are directly related to economic value. Apart from economic considerations, however, a community in which signage is orderly and attractive, while at the same time serving the needs of businesses to clearly identify their location and the goods and services they offer to the public, is itself perceived as orderly and attractive.
 2. The appearance of the Resort Area was greatly enhanced through the adoption, in 1987, of sign regulations that largely eliminated signs that were too big, too numerous and competed with one another to attract attention, thereby resulting in unsightly sign clutter. The signage currently in the Resort Area is a great improvement over the signage in place prior to 1987, and the Resort Area and the City as a whole are a more attractive place for it.

3. The City's former sign regulations addressed characteristics such as the size and number of signs, but did not address other characteristics, such as design and location, that are equally important to promoting an attractive Resort Area. Design standards for signage are used in many other localities that are known for their attractiveness and appeal to residents and visitors alike and have been well-accepted by both businesses and the general public as a means of enhancing the overall appearance and prosperity of the community. Providing incentives for businesses to display signage that conforms to voluntary design guidelines is an appropriate means of encouraging those businesses to use well-designed, highly attractive signs that harmonize with the buildings on which they are displayed, the surrounding neighborhood, and other signage in the area.
- C. The Oceanfront Resort District is hereby declared a special sign district, in which the provisions of this section apply.

8.1.2 General Regulations Applicable to all Frontages

The following regulations shall apply to signage in the Oceanfront Resort District. In the event of a conflict between the provisions of this section and any other provision of the City Zoning Ordinance or this Code, the more restrictive provision shall apply unless expressly otherwise provided in this, or the conflicting, section.

A. In General

All signage shall comply with the provisions of [Article 2, Part B](#) of the City Zoning Ordinance, except as otherwise expressly provided in this section. Definitions of sign types shall be as set forth in [Sec. 210.2](#) of the City Zoning Ordinance.

B. Signs Permitted In All Districts

Sign types specified in [Sec. 211](#) of the City Zoning Ordinance are permitted unless specified otherwise.

C. Sign Placement

1. Except as expressly allowed, all signs shall be located on that portion of a building wall occupied exclusively by the establishment that is associated with the sign.
2. Except as expressly allowed, no sign shall be located above the second story of any building.

D. [Oceanfront Resort District Sign Design Guidelines](#)

The Planning Director shall determine whether or not signage conforms to the Design Guidelines and may, in making such determination, seek the advice of the Resort Advisory Commission or a designated committee thereof.

E. Encroaching Signs

All signs that are allowed to encroach into or over a public street, sidewalk, or other public property shall conform to the Design Guidelines, unless authorized by resolution of the City Council pursuant to [Article VI](#) of Chapter 33 of the City Code.

F. Nonconforming Building Types

1. Signage for any building that existed on the date of adoption of this Code and that is not classifiable as a building type permitted in the frontage in which it is located shall be governed by the regulations pertaining to the building type closest in form to such building, as determined by the Planning Director.
2. Such determination shall be appealable to the Board of Zoning Appeals in accordance with the provisions of [Sec. 106](#) of the City Zoning Ordinance.

Sec. 8.2 Allowed Sign Types by Frontage & Building Type

8.2.1 Table of Allowed Sign Types

The following table identifies the frontages and building types on which different sign types are permitted.

| SIGN TYPE | PERMITTED FRONTAGE TYPES | PERMITTED BUILDING TYPES |
|-------------------|--------------------------|-------------------------------|
| Awning | BW, CP, SH, BE | MU, Apt, DH, Civic |
| Banner | CP, SH, GW, BE | MU, Apt, Civic |
| Building Crown | CP, SH, GW, BE | MU, Apt, Civic |
| Canopy | CP, SH, BE | MU, Apt, Civic |
| Freestanding | SH, GW, BE | MU, Comm, Apt, Civic |
| Hanging | CP, SH, BE | MU, Apt, DH, Civic |
| Information Board | BW, CP, SH, GW, BE | MU, Comm, Apt, DH, Civic |
| Projecting | CP, SH, BE | MU, Apt, DH, Civic |
| Sidewalk | BW, CP, SH, GW, BE | MU, Comm, Apt, DH, Civic, |
| Table Umbrella | BW, CP, SH, GW, BE | MU, Comm, Apt, DH, Civic, |
| Wall | BW, CP, SH, GW, BE | MU, Comm, Apt, DH, Civic, |
| Window | BW, CP, SH, GW, BE | MU, Comm, Apt, Row, DH, Civic |

| KEY TO FRONTAGE TYPES | KEY TO BUILDING TYPES |
|-----------------------|-----------------------|
| BW = Boardwalk | MU = Mixed-Use |
| CP = Connector Park | Comm = Commercial |
| SH = Shopping | Apt = Apartment |
| GW = Gateway | Row = Row House |
| BE = Beach | DH = Detached House |
| | Civic = Civic |

8.2.2 Boardwalk Frontage

- A. Only establishments with direct egress to the exterior portion of the building adjacent to the Boardwalk/Greenbelt are allowed signage.
- B. Such signs are limited to one wall or one window sign up to 10 square feet in area.
- C. Establishments with franchise agreements may have additional awning, information board, sidewalk, or table umbrella signs if such signs are permitted in the franchise agreement.

8.2.3 Row House Building Type

Row houses used principally for commercial purposes may have one wall sign not to exceed 12 square feet in area for each unit containing a principal commercial use.

8.2.4 Detached House Building Type

- A. Detached houses used principally for commercial purposes may have one sign for each 50 linear feet of building wall on which the sign is located, not to exceed a total of two signs.
- B. Such signs shall not exceed 12 square feet in area.
- C. One sign may be replaced by a freestanding sign if the principal frontage is at least 100 feet.

Sec. 8.3 Rules for Each Sign Type

8.3.1 Awning Signs

- A. Awning signs shall be limited to one such sign per awning.
- B. Such signs shall not exceed a maximum of two square feet in area, provided, however, that an establishment with no wall signs may apply its wall signage allowance, if any, to one awning, in addition to the maximum two square-foot signs permitted on the remaining awnings. In such cases, the awning and sign must conform to the Design Guidelines.
- C. Awning signs shall be uniform in font, color, size, and style and shall not be internally illuminated.
- D. Awnings, with or without signs, shall have a minimum vertical clearance of eight feet above ground level and shall not encroach over the public street, sidewalk, or other public property more than three feet.
- E. Awning signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.2 Banners and Banner Signs

- A. Banners, with or without signs, are permitted on buildings no less than 32 feet in height and must conform to the Design Guidelines.
- B. The dimensions, number, and spacing of banners shall be based on the Design Guidelines.
- C. Banners shall not be internally illuminated.
- D. Banners shall have a minimum vertical clearance of 15 feet.
- E. Banners shall be securely mounted by means of mounting hardware perpendicular to a vertical building wall and shall be affixed only to the facade of the building and not on, or extending above, the roof.
- F. The maximum encroachment over a public street, sidewalk, or other public property shall not exceed five feet.

8.3.3 Building Crown Signs

- A. Buildings no less than 32 feet in height may have up to four building crown signs not to exceed the area and horizontal extension set forth in the table below.

| BUILDING HEIGHT | MAXIMUM SIGN AREA | MAXIMUM EXTENSION FROM BUILDING |
|-----------------|-------------------|---------------------------------|
| 32' - 75' | 75 sq. ft. | 1' |
| 75' - 99' | 100 sq. ft. | 2' |
| 100' - 149' | 125 sq. ft. | 2' |
| 150' or more | 175 sq. ft. | 3' |

- B. Building crown signs shall be mounted on the top 25% of the building facade but no higher than the roofline, provided that buildings on which all signs conform to the Design Guidelines may mount building crown signs on the upper 50% of the building facade.
- C. No more than one building crown sign shall be placed on each building facade, provided that buildings on which all signs conform to the Design Guidelines may place two signs on the same facade.
- D. Building crown signs are not permitted on facades facing the Boardwalk Frontage.
- E. Building crown signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.4 Canopy Signs

- A. Canopy signs shall be limited to one such sign per canopy.
- B. Such signs shall not exceed a maximum of two square feet in area, provided, however, that an establishment with no wall signs may apply its wall signage allowance, if any, to one canopy, in addition to the maximum two square-foot signs permitted on the remaining canopies. In such cases, the canopy and sign must conform to the Design Guidelines.
- C. No canopy sign shall exceed two feet in height or one foot in depth or extend outside of the width of the canopy on which it is located.
- D. Canopies, with or without signs, shall have a minimum vertical clearance of eight feet above ground level and shall not encroach over the public street, sidewalk, or other public property more than three feet.
- E. Canopy signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.5 Freestanding Signs

- A. Lots with at least 100' of street frontage may have a maximum of one freestanding sign.
- B. The maximum sign area for lots with 100' to 200' of street frontage is 32 square feet.
The maximum sign area for lots with more than 200' of street frontage is 64 square feet.
Where more than one lot line abuts a street, the frontage on which the sign is placed shall determine its size.
- C. Freestanding signs shall meet the criteria for monument-style signs as provided in [Sec. 210.2](#). However, non-monument-style freestanding signs, also limited to eight feet in height, may be permitted if they conform to the Design Guidelines.

- D. Freestanding signs are not eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.6 Hanging Signs

- A. Hanging signs shall have a maximum of two faces, which shall be parallel to each other, and shall not exceed nine square feet per face in sign area.
- B. Only one hanging or projecting sign is permitted for each facade of each establishment.
- C. No hanging sign shall be internally illuminated. Hanging signs shall not horizontally encroach over any public street, sidewalk, or other public property by more than three feet and shall maintain a minimum vertical clearance of eight feet above ground level.
- D. Hanging signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.7 Information Board Signs

- A. Information board signs shall be placed within a weather-resistant closed display cabinet no greater than eight square feet in area and permanently mounted to the building wall.
- B. The maximum height of the lettering on such signs shall not exceed two inches.
- C. Information board signs are not eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.8 Projecting Signs

- A. Projecting signs shall have a maximum of two faces, which shall be parallel to each other, and shall not exceed nine square feet per face in sign area.
- B. Only one hanging or projecting sign is permitted for each facade of each establishment.
- C. No projecting sign shall be internally illuminated with the exception of projecting signs on parking structures.
- D. Projecting signs shall not horizontally encroach over any public street, sidewalk, or other public property by more than three feet and shall maintain a minimum vertical clearance of eight feet above ground level.
- E. Projecting signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.9 Sidewalk Signs

- A. Sidewalk signs shall be made primarily of wood, wood composite, or metal and have a professional finish.

- B. Incorporated inserts must contain a fixed message or be made out of chalkboard, dry eraser board, or similar material.
- C. Such signs shall be placed within three feet of the facade of the building in which the establishment that is the subject of the sign is located, and a travel width of at least eight feet shall be maintained on public sidewalks.
- D. Such signs shall not be artificially illuminated or left out overnight.
- E. Only one sidewalk sign, not to exceed six square feet per side, shall be permitted per establishment.
- F. No merchandise or other material shall be placed on or hang from any such sign.
- G. Sidewalk signs other than sandwich board, A-frame style (not hinged at the top) are permitted if they conform to the Design Guidelines.
- H. Sidewalk signs are not eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.10 Table Umbrella Signs

- A. Table umbrella signs shall be limited to no more than two signs on each umbrella, and each sign shall be no more than two square feet in area.
- B. Table umbrella signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.11 Wall Signs

- A. Establishments located on the ground or second story shall be permitted one wall sign for each building wall adjacent to a public street.
- B. Wall signs shall not exceed the size shown in the table below.

| FRONTAGE TYPE | MAXIMUM WALL SIGN AREA |
|---------------------------------------------------------------------------------------------|---------------------------------------|
| BW | 10 sq. ft. |
| CP, BE | 0.5' per linear foot up to 32 sq. ft. |
| SH, GW | 0.5' per linear foot up to 75 sq. ft. |
| <i>Wall signs for Row House and Detached House building types are limited to 12 sq. ft.</i> | |

- C. Wall signs shall not extend above the building wall to which they are affixed, and no wall sign shall horizontally extend from the building wall or encroach over the public street, sidewalk, or other public property by more than 12 inches.
- D. Wall signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

8.3.12 Window Signs

- A. Window signs shall not exceed the size shown in the table below, provided however that an establishment with no wall signs may apply its wall sign allowance to any window. In such cases, window signs must conform to the Design Guidelines.

| FRONTAGE TYPE | MAXIMUM WINDOW SIGN AREA |
|---------------------------------------------------------------------------------|-------------------------------------|
| BW | 10 sq. ft. |
| CP, SH, GW, BE | 20% of window area up to 16 sq. ft. |
| <i>Window signs for Detached House building types are limited to 12 sq. ft.</i> | |
| <i>Window signs are not permitted on Row House building types.</i> | |

- C. Window signs shall not consist of or contain oscillating lights, rope lighting, low-voltage strip lighting, electronic displays, televisions, computer monitors, or backlit or internally illuminated displays or graphics.
- D. Window signs conforming to the Design Guidelines are eligible for a bonus 25% size increase pursuant to [Sec. 8.5](#).

Sec. 8.4 Special Regulations

8.4.1 Changeable Copy

Changeable copy shall be allowed only on freestanding, wall, or marquee signs where they are permitted. Each establishment is allowed one sign with changeable copy, where the changeable copy portion of such signs is no greater in area than 30% of the total sign area. Skewed or missing lettering shall be promptly replaced. Signs with changeable copy do not comply with the Design Guidelines and therefore are not eligible for a bonus size increase.

8.4.2 Electronic Displays

Electronic displays shall be allowed only for major entertainment venues and municipal oceanfront entertainment venues and shall require the approval of the City Council.

8.4.3 Establishments with No Street Frontage

Buildings with interior establishments that do not have frontage on a street may have one additional wall sign not to exceed 20 square feet.

8.4.4 Major Entertainment Venue and Municipal Oceanfront Entertainment Venue Signs

Signage for major entertainment and municipal oceanfront entertainment venues, other than signage allowed by regulations of the applicable frontage, shall be allowed only with the approval of the City Council and shall be subject to the requirements of [Sec. 218](#). Major entertainment venue and municipal oceanfront entertainment venue signage allowed by the City Council shall not be subject to the Alternative Compliance provisions of this Ordinance.

8.4.5 Marquee Signs

- A. Marquee signs shall be allowed only on buildings occupied by theaters, cinemas, performing arts facilities, or similar venues.
- B. The number and dimensions of marquee signs shall be based on the Design Guidelines.
- C. The top of a marquee sign shall be at a height no greater than 18 feet above the ground immediately adjacent to the sign, and there shall be a minimum clearance of nine feet above ground level.
- D. Marquee signs may encroach over a public street, sidewalk, or other public property by a maximum horizontal distance of 10 feet.

8.4.6 Neon Signs

Neon signs include any type of gas-filled tubing and shall be allowed only as window signs as specified in [Sec. 8.3.12](#). Such signs shall maintain a steady light of constant intensity at all times.

8.4.7 Parking Structures

- A. Public or private parking structures may have signage identifying the parking structure as well as vehicle and pedestrian entrances.
- B. Parking structures used exclusively by one establishment may have one additional wall sign.
- C. The number and dimensions of parking structure signs shall be based on the Design Guidelines.

8.4.8 Signs Located on Property for Sale, Lease, or Rent

- A. Signs located on buildings or property for sale, lease, or rent shall be permitted in all frontages and on all building types, provided, however, that no such sign shall exceed 16 square feet in surface area.
- B. Not more than one sign shall be permitted for each leasable space or property less than 100 feet in width, and a maximum of two signs shall be permitted for each leasable space or property 100 feet or greater in width.

8.4.9 Vending Machine Signs

Vending machine signs shall conform to the provisions of City Code [Sec. 23-60](#).

Sec. 8.5 Bonus Signage

Where all signage displayed by an establishment conforms to the [Design Guidelines](#), the sign area allowance of each individual sign, with the exception of freestanding, information board, and sidewalk signs and signs with changeable copy, may be increased by 25% of the area otherwise allowed by this chapter.

