

**AN ORDINANCE TO AMEND AND REORDAIN APPENDIX B TO CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) BY AMENDING SECTIONS 202, 203, AND 802 FOR THE PURPOSE OF PROVIDING FLEXIBILITY IN THE PROVISIONS OF THE UPTOWN D2-FBC DISTRICT WHILE STILL ADHERING TO THE BASIC CONCEPTS AND PRINCIPLES OF THE DISTRICT.**

**BE IT ORDAINED** by the Council of the City of Portsmouth, Virginia:

1. That Appendix B to Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended and re-ordained by amending Section 202 (Uptown D2 Development Application), Section 203 (D2 Certificate of Compliance), and Section 802 (Use Table) as shown on Exhibit A hereto and made a part hereof.

2. That this Ordinance shall take effect on the date of its adoption.

**ADOPTED** by the Council of the City of Portsmouth, Virginia at a meeting held on May 23, 2017.

Teste:

City Clerk

## EXHIBIT A

1. Subsection 202(A) of Appendix B to Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) is amended as follows:

### 202. Uptown D2 Development Application

#### A. Types of Review

There are two types of development review processes within the Uptown D2 District: By-Right Development and Use Permit Development. The applicable process is dependent on the requirements of the Land Use Table in Section 802, the site and/or building size, and the need for deviations from the Code. Projects approved through the Use Permit Development process shall nonetheless meet the intent of the Code.

1. **Uptown D2 By-Right**

Single Family Detached, Two- to Four-Family, and Live/Work dwellings are permitted by right. Also, non-RESIDENTIAL projects with a floor area of less than or equal to 60,000 gross square feet and a footprint of less than or equal to 30,000 square feet shall be able to be built as a matter of right when they meet all of the standards of this Ordinance.

2. **Uptown D2 Use Permit**

A Use Permit will be required for all multi-family and townhouse dwellings. A Use Permit shall also be required for all non-RESIDENTIAL projects with over 60,000 gross square feet of floor area or with a footprint of over 30,000 square feet, ~~and for deviations from the requirements of this Code.~~

2. Subsection 203(D) of Appendix B to Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) is amended as follows:

### 203. D2 Certificate of Compliance

#### D. **Relief from ~~Unlisted~~ Requirements and Standards**

~~Any request for relief from a required standard other than those listed above, will be reviewed as a Variance by the Zoning Administrator.~~

1. Intent: The following provisions are to provide flexibility in the provisions and standards of the Uptown D2-FBC district, while still adhering to the basic concepts and principles of the district. Each application will be evaluated for its consistency with the overall purpose of the district as well as the Standards for Use Permits contained in Section 40.1-2.3(B)(4) of the Zoning Ordinance.

2. A Use Permit may be requested to modify any provisions of the D2-FBC district contained in Appendix B of the Zoning Ordinance. This includes

the following aspects of the Uptown D2-FBC district:

- a. All Building Envelope Standards (BES) cited in Part 4 of this Appendix B including Height, Siting, and Elements;
- b. All Urban Space Standards cited in Part 5 of this Appendix B;
- c. All Architectural Standards cited in Part 6 of this Appendix B;
- d. Uses (Building Function) which may be:
  - i. Permitted in the D2-FBC district but not by the Regulating Plan by Street Frontage; or
  - ii. Uses permitted by right or Use Permit in the Urban Residential (UR), General Mixed Use (GMU), or Light Industrial (IL) districts, as listed in Table 40.1-4.1(A) of the Zoning Ordinance.
- e. Uses, buildings and structures and other site aspects that are now or will become non-conforming; and/or
- f. Other provisions of the D2-FBC district and this Appendix B, as approved by the Code Administrator.

3. Section 802 of Appendix B to Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) is amended by adding the language shown below. The portion of Section 802 not shown below, including the Use Table, is not hereby amended.

**802. Use Table**

The Use Table identifies the uses allowed in the respective frontages (BUILDING ENVELOPE STANDARDS). See Section 203(D) Relief from Requirements and Standards to allow uses not otherwise allowed under the Use Table as well as to allow deviations from the standards and requirements contained in this Appendix B.

