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To: Planning Commission
From: Planning Staff
Date: September 7, 2021
RE: CA-21-03 (Citywide) – The City of Portsmouth proposes to amend *City Code Ch. 40.2 Zoning Ordinance* to exempt existing structures in the Downtown (D1) district from the minimum required density; to amend the maximum permitted height for new construction in HR, HLO, and HLB; to add the event space/banquet hall use; to remove the garage sales/residential sales accessory use; to amend the use designation of several uses in the Use Table; to amend *Table 40.2-304(2) Buffer Type Application* of the landscaping sub-section; to exempt townhouse residential development from the open space set-aside requirement; to allow ground signs in the UR and UR-M zoning districts; to remove the common ownership subdivision requirement in the nonconformities sub-section; and to correct scrivener’s errors throughout Zoning Ordinance.

Summary Dates:

Planning Commission Public Hearing:	September 7, 2021
City Council Reading and Public Hearing (tentative):	October 12, 2021

Summary Facts:

I. ACTION REQUESTED

To amend the City’s Zoning Ordinance to modify specific sections for clarity and function

II. APPLICANT

The City of Portsmouth by resolution of the Planning Commission

III. PROPERTY OWNER

Not Applicable

IV. LOCATION & LEGAL DESCRIPTION

City-wide

V. PURPOSE & RECOMMENDATION

Staff recommends approval of the proposed amendments in order to provide necessary modifications to specific zoning standards, outlined below, and facilitate harmonious redevelopment and development within the City.

Staff Contact: Ms. Julie Chop, MURP, CZA

757-393-8836, Ext. 4258

VI. FINDINGS OF FACT

a. Background and Reasoning

From time to time, public necessity, convenience, general welfare, and good zoning practice warrant the evaluation and consideration of modifications to the City of Portsmouth Zoning Ordinance. The Zoning Ordinance should be maintained as a living document, adjusting to the needs of the community as determined appropriate by the Planning Commission and City Council.

The City's Zoning Ordinance was comprehensively revised and the new Zoning Ordinance was adopted by City Council on December 8, 2020 as Chapter 40.2 of the City Code. The new Zoning Ordinance was effective city-wide February 1, 2021.

As with any new zoning ordinance, it is anticipated that many minor amendments will be necessary to address matters that arise as staff begins implementation. In June of 2021, City Council approved an initial set of minor amendments to the signage and parking provisions of the new Zoning Ordinance, as well as modifying the standards for City Council public hearings for Use Permit and Rezoning applications. Staff has identified several additional minor issues and Planning Commission deemed it appropriate for staff to prepare proposed amendments to the Zoning Ordinance to address issues that staff identified.

b. Proposed Amendments, Analysis, and Reasoning

The City of Portsmouth is proposing the following amendments to *City Code Ch. 40.2 Zoning Ordinance* for the following reasons and analysis.

- (1) **Amend Sec. 40.2-207 to exempt conversions of existing structures in the Downtown (D1) district from the minimum required density in Table 40.2-207.**
 - As the D1 zoning sub-districts are largely built out, it is desirable to retain existing buildings to the maximum extent possible and encourage their re-use. Therefore, it is appropriate for existing structures to be permitted to be redeveloped without meeting the density minimum for the sub-district.
- (2) **Revise the maximum height for new construction in historic districts to number of stories rather than feet in Table 40.2-206.**
 - The use of stories for computing the permitted maximum height in zoning districts was eliminated in the new Ch. 40.2 Zoning Ordinance. However, due to the unique characteristics of properties within the City's historic districts, staff is proposing to replace the maximum height for new construction in Truxtun and Cradock from twenty (20) feet to two (2) stories and in Port Norfolk, Park View, and Olde Towne from thirty (30) feet to three (3) stories.
- (3) **Add event space/banquet hall use definition within the Indoor Recreation/Entertainment sub-category of the Commercial Use definitions in Sec. 40.2-213, add use definition reference in Article VI. Definitions, and add event space/banquet hall with appropriate zoning designations to the Use Table in Table 40.2-216.**
 - Staff has determined that a use for an event space or banquet hall for holding events at an establishment is not present in the Zoning Ordinance. The entertainment establishment use was considered similar; however, in some instances the event space/banquet hall use was not similar enough to an

entertainment establishment to be deemed allowable in the same manner. Therefore, it is necessary to add the event space/banquet hall use definition and appropriate zoning designations to provide for this inadequacy; to include requirement of a Use Permit in NMU, GMU, MU-H, D1-T5, D1-T6, and HLB.

- (4) **Remove the garage sales/residential sales accessory use from Sec. 40.2-215 Accessory Uses, from Article VI. Definitions, and from Table 40.2-216 Use Table.**
 - *City Code Ch. 18 Article III* outlines the regulations for garage sales/residential sales and requires a permit from the Commissioner of the Revenue in most cases. It has been determined that the Zoning Ordinance should not include additional regulations for such sales and is, therefore, proposed to be removed from the Zoning Ordinance.
- (5) **Amend Table 40.2-216 Use Table to allow religious institutions in the GMU and HR zoning districts.**
 - Staff has determined that a religious institution is an appropriate use in the GMU zoning district and the HR historic sub-district.
- (6) **Revise the permitted by right, permitted with a Use Permit, and prohibited zoning districts for the crematory use in Table 40.2-216 Use Table.**
 - Staff has determined that a crematory use is similar in nature and function to a funeral home use and the Use Table should be amended to permit a crematory in zoning districts that more closely align with those for a funeral home; to include permitted by right in UR-M, NMU, GMU, IL, IN, D1-T5, and HLB; and permitted with a Use Permit in UR and MU-H.
- (7) **Allow broadcasting or communication towers with a Use Permit in the IN zoning district in Table 40.2-216 Use Table.**
 - Staff has determined that a broadcasting or communication tower is an appropriate use in the IN zoning district.
- (8) **Remove the density restriction for townhouse dwellings in Sec. 40.2-218(A)(1)(d).**
 - The standard stating “townhouse dwellings may be developed without complying with the minimum lot size standard provided the development does not exceed eight (8) units an acre and it complies with all other dimensional standards” is proposed to be removed to align with *Table 40.2-218(1): Area and Bulk Requirements*.
- (9) **Modify the minimum off-street parking standard in Table 40.2-301(1) for single-family detached dwellings from 1.5 to 2 off-street parking spaces per dwelling unit.**
 - To increase clarity of the provision for the minimum off-street parking requirement for single-family detached dwellings, staff proposes to revise the standard to require two (2) off-street parking spaces per dwelling unit.
- (10) **Amend the “existing zoning on abutting land” column headings in Table 40.2-304(2) from use types to applicable zoning districts.**
 - The column heading for the Buffer Type Application table references “existing zoning on abutting land” and currently lists use types. The single-family residential use type is proposed to be changed to include NR, GR, HR, and D1-T3; the all other residential use type is proposed to be changed to include UR-M, WF, C, and D1-T4; the mixed-use and public/institutional use type is proposed to be changed to include NMU and HLO; the commercial use type is proposed to be changed to include GMU, MU-H, HLB, D1-T5, and D1-T6; and the industrial use type is proposed to be changed to include IL, IN, and D1-SD.

- (11) **Revise *Table 40.2-307(2)* to allow ground signs in the UR and UR-M zoning districts.**
 - A ground sign has been determined to be an appropriate sign type in the UR and UR-M zoning districts.
- (12) **Exempt townhouse residential dwellings from the open space set-aside requirements in *Sec. 40.2-308*.**
 - Due to the requirement to subdivide individual lots for each dwelling unit in a townhouse development and the prohibition of private yards to fulfill the requirement for open space set-asides, it is necessary to remove townhouse residential development from the requirement to set aside ten (10) percent of the total development site area for open space.
- (13) **Remove the common ownership subdivision requirement in *Sec. 40.2-204 Nonconformities*.**
 - The current provision requires a subdivision of most nonconforming lots that have been in common ownership since April 25, 1961. Staff feels that this standard is antiquated, inappropriate for land within the City, and should be removed.
- (14) **Modify the definitions in *Article VI* for “lot, front of” and “yard, front” to accommodate commercial and industrial sites.**
 - The standards for determining the front yard or front of lot for commercial and industrial corner lots often requires consideration of different factors than residential lots. A statement to include this consideration is proposed for corner lots for commercial and industrial uses, the front of lot or front yard shall be the predominate frontage.
- (15) **Fix several section references and wording revisions throughout.**
 - Several section references and a few headings for use-specific standards in the Zoning Ordinance are listed incorrectly and need to be corrected. Business districts are referenced that no longer exist and need to be rectified to clarify which districts the standards apply. In a few cases, wording needs to be revised to accurately portray the provisions.

VII. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to *Zoning Ordinance Ch. 40.2 of the City Code* in order to improve the development process, as well as clarify and expand the function of certain zoning standards in order to reasonably and objectively meet the needs of the citizens and businesses while maintaining the health, safety, and welfare of the public.

VIII. ATTACHMENTS

- a. Proposed Amendments

CA-21-03 Proposed Code Amendments

Added language is shown by underlining. Deleted language is shown by strikethrough.

(1) Sec. 40.2-207 of the City Code is amended as follows:

- *Sec. 40.2-207 Downtown D1 Districts and Sub-Districts*

(D) Conversions of Existing Structures

- (1) If converting an existing structure in the D1 district, the lot is exempt from the minimum required density in Table 40.2-207.**

(2) Table 40.2-206 of the City Code is amended as follows:

- *Table 40.2-206 - Dimensional Requirements within Historic Districts*

Table 40.2-206(1): DIMENSIONAL REQUIREMENTS WITHIN HISTORIC DISTRICTS				
HISTORIC DISTRICT	USE TYPE	MINIMUM LOT SIZE (Square Feet)	MAXIMUM BUILDING COVERAGE (%)	MAXIMUM HEIGHT FOR NEW CONSTRUCTION (Feet) <u>(# of Stories)</u>
Truxtun	Single-family detached or two-family dwelling	2,500	70	20 <u>2</u>
	Three-family dwelling	2,500		
	Four-family dwelling	4,500		
	Nonresidential use	2,500		
Cradock	Single-family detached or two-family dwelling	4,500	70	20 <u>2</u>
	Three-family dwelling	13,500	35	
	Four-family dwelling	16,500		
	Nonresidential use	2,500	70	
Port Norfolk	Single-family detached or two-family dwelling	5,600	70	30 <u>3</u>

Table 40.2-206(1): DIMENSIONAL REQUIREMENTS WITHIN HISTORIC DISTRICTS

HISTORIC DISTRICT	USE TYPE	MINIMUM LOT SIZE (Square Feet)	MAXIMUM BUILDING COVERAGE (%)	MAXIMUM HEIGHT FOR NEW CONSTRUCTION (Feet) (# of Stories)
	Three-family dwelling	8,400		
	Four-family dwelling	11,200		
	Nonresidential use	2,500		
Olde Towne and Park View	Single-family detached or two-family dwelling	3,045	70	30- <u>3</u>
	Three-family dwelling	4,570		
	Four-family dwelling	6,090		
	Nonresidential use	2,500		

(3) Sec. 40.2-213, Table 40.2-216, and of the City Code is amended as follows:

- *Sec. 40.2-213 - Commercial Use Definitions - Recreation/Entertainment, Indoor EVENT SPACE/BANQUET HALL*

An establishment that is rented by individuals or groups to accommodate private functions. Such a use may include kitchen facilities for the preparation or catering of food; the sale or service of alcoholic beverages for on-premises consumption; and outdoor gardens or reception facilities.

- *Table 40.2-216 – Use Table – Commercial – Recreation/Entertainment, Indoor*

Table 40.2-216: USE TABLE																				
LIST OF USES	ZONING DISTRICT																		Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB	C		WF
COMMERCIAL																				

Table 40.2-216: USE TABLE																			
LIST OF USES	ZONING DISTRICT																	Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C
Recreation/Entertainment, Indoor																			
Event Space/Banquet Hall					U	U	U					U	U				U		

- *Article VI. Definitions (C)*
EVENT SPACE/BANQUET HALL
 See Sec. 40.2-213. [Add hyperlink]

(4) Sec. 40.2-215, Table 40.2-216, and of the City Code is amended as follows:

- *Sec. 40.2-215 – Accessory Use Definitions*

~~GARAGE SALES/RESIDENTIAL SALES~~

~~The sale of personal property in, at or upon any residentially zoned property. Garage sale shall include any sale which is commonly known as a garage, yard, attic, basement, porch, patio or room sale, or any other type of general sale involving the offering for sale of multiple items of personal property conducted on any premises located in a zoning district which does not permit retail or commercial sales, where goods or articles of any type are held out for sale to the public. Garage sale does not encompass the mere incidental sale of one (1) or two (2) items of personal property when such sale is not a part of a general sale of a number of items of personal property.~~

- *Table 40.2-216 – Use Table – Accessory Uses*

Table 40.2-216: USE TABLE																		
LIST OF USES	ZONING DISTRICT																	Additional Requirements
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB	
ACCESSORY USES																		

Table 40.2-216: USE TABLE																			
LIST OF USES	ZONING DISTRICT																	Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C
Garage Sales/Residential Sales	P	P	P	P	P					P	P	P	P		P	P	P		

- Article VI. Definitions (C)
~~GARAGE SALES/RESIDENTIAL SALES~~
 See [Sec. 40.2-215](#).

(5) Table 40.2-216 of the City Code is amended as follows:

- Table 40.2-216 – Use Table – Public and Institutional - Institutions

Table 40.2-216: USE TABLE																			
LIST OF USES	ZONING DISTRICT																	Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C
PUBLIC AND INSTITUTIONAL																			
Institutions																			
Religious Institution	U	P	P	P	P	P	P			P	P	P			P		P		

(6) Table 40.2-216 of the City Code is amended as follows:

- Table 40.2-216 – Use Table – Commercial – Retail Sales and Services

Table 40.2-216: USE TABLE																			
LIST OF USES	ZONING DISTRICT																	Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C
COMMERCIAL																			
Retail Sales and Services																			
Crematory			<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	U	P	P			<u>P</u>					<u>P</u>		

(7) Table 40.2-216 of the City Code is amended as follows:

- *Table 40.2-216 – Use Table – Public and Institutional – Utilities*

Table 40.2-216: USE TABLE																			
LIST OF USES	ZONING DISTRICT																	Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C
PUBLIC AND INSTITUTIONAL																			
Utilities																			
Broadcasting or Communication Tower					U	U	U	U	<u>U</u>					U					U

(8) Sec. 40.2-218 of the City Code is amended as follows:

- *Sec. 40.2-218(A)(1)(d)*

~~(d) Townhouse dwellings may be developed without complying with the minimum lot size standard provided the development does not exceed eight (8) units an acre and it complies with all other dimensional standards.~~

(9) Sec. 40.2-301 of the City Code is amended as follows:

- *Table 40.2-301(1): Minimum Off-Street Parking Standards*

TABLE 40.2-301(1): MINIMUM OFF-STREET PARKING STANDARDS		
“sf.” = square feet; “ft.” = feet; “DU” = dwelling unit; “AC” = acre		
USE TYPE	AUTO SPACES	BICYCLE SPACES
RESIDENTIAL		
Household Living		
Dwelling, Single-Family Detached	1.5 <u>2</u> per DU	None

(10) **Sec. 40.2-304 of the City Code is amended as follows:**

- *Table 40.2-304(2): Buffer Type Application*

Table 40.2-304(2): BUFFER TYPE APPLICATION					
Buffer A = “Type A” Buffer B = “Type B” Buffer C = “Type C” Buffer D = “Type D” Buffer N/A = “No Buffer Required/Not Applicable”					
PROPOSED USE TYPE	EXISTING ZONING ON ABUTTING LAND				
	<u>SINGLE-FAMILY RESIDENTIAL</u> NR, GR, HR, D1- T3	<u>ALL OTHER RESIDENTIAL</u> UR-M, WF, C, D1-T4	<u>MIXED-USE & PUBLIC/ INSTITUTIONAL</u> NMU, HLO	<u>COMMERCIAL</u> GMU, MU-H, HLB, D1-T5, D1-T6	<u>INDUSTRIAL</u> IL, IN, D1-SD
Single-Family Residential	N/A	N/A	N/A	N/A	N/A
All other Residential	A	N/A	N/A	N/A	N/A
Mixed-Use and Public/Institutional	B	A	N/A	N/A	N/A
Commercial	C	B	A	N/A	N/A
Industrial	D	D	D	C	N/A

(11) **Sec. 40.2-307 of the City Code is amended as follows:**

- *Table 40.2-307(2) Permanent Sign Types Allowed in Each Zoning District*

TABLE 40.2-307(2): PERMANENT SIGN TYPES ALLOWED IN EACH ZONING DISTRICT													
TYPE OF SIGN	ZONING DISTRICT											STANDARDS SPECIFIC TO SIGN TYPE	
	NR, GR	UR, UR-M	NMU	GMU	MU-H	IL, IN	DI	WF	C	HLO, HLB	HR		
FREESTANDING SIGNS													
Ground Sign	no	no <u>yes</u>	yes	yes	yes	yes	no	yes	yes	no	no	Sec. 40.2-307(J)(4)(b)	

(12) Sec. 40.2-308 of the City Code is amended as follows:

- *Sec. 40.2-308 Open Space Set-Asides*

- (1) Exemptions
 - (a) Single-family detached residential;
 - (b) Two-family residential;
 - (c) Townhouse residential;
 - (d) Commercial development; and
 - (e) Industrial development.

(C) Open Space Set-Aside Standards

- (1) The following developments shall set-aside 10 percent of the total development site area for open space:
 - (a) Three-to-four-family residential development;
 - ~~(b) Townhouse residential development;~~
 - (c) Multi-family residential development; and
 - (d) Mixed-use development.

(13) Sec. 40.2-404 of the City Code is amended as follows:

- *Sec. 40.2-404 Nonconforming Lots (B)*

(2) Nonconforming Lot Subdivision Requirements

A nonconforming lot may be subdivided as part of a subdivision provided that all of the resulting lots comply with the requirements of the zoning district in which they are located and all other applicable requirements of the City Code.

- ~~(a) If a nonconforming lot of record has continuously been in separate ownership from any contiguous lot on the same existing or proposed public right of way since April 25, 1961, the nonconforming lot may be developed in accordance with the applicable standards in this Ordinance.~~
- ~~(b) If a nonconforming lot of record has, at any time since April 25, 1961, been in common ownership with any contiguous lot on the same existing or proposed public right of way, such lots shall be consolidated with the following exceptions:~~
 - ~~(i) Lots within an historic district;~~

- ~~(ii) Preexisting adjacent nonconforming lots in common ownership and occupied by a detached single family dwelling where the principal building, associated accessory building(s), and related site improvements cross interior lot lines shall be deemed a single lot of record under this Ordinance. Such interior lot lines may be vacated at the option of the landowner. However, no such deemed lot of record shall be subdivided unless all lots so created are in conformity with the lot requirements of the district in which the subdivision is located; and~~
- ~~(iii) Preexisting nonconforming lots occupied by a detached single family residence that has been damaged or destroyed by fire, natural disaster or other act of God.~~

(14) Article VI. of the City Code is amended as follows:

- *Article VI. Definitions (C)*

LOT, FRONT OF

The front of a lot shall be considered to be that boundary of the lot which abuts on a public street. An alley shall never be considered the front of a lot. For a corner lot, the front shall be the shorter of the two (2) frontages OR for commercial and industrial uses, the front shall be the predominant frontage. For a corner lot with equal frontage on two (2) or more streets AND for a double frontage lot, the lot shall be considered to front on the street on which the greatest number of lots have been platted within the same block or the lot shall be considered to front on the lower volume street of the two frontages. See [Sec. 40.2-218\(D\)](#).

- *Article VI. Definitions (C)*

YARD, FRONT

An open space on the same lot as a building between the front façade and the front lot line, and extending across the full width of the lot. For a corner lot, the front shall be the narrower of the two (2) frontages OR for commercial and industrial uses, the front shall be the predominant frontage. For a corner lot with equal frontage on two (2) or more streets AND for a double frontage lot, the front yard shall be considered the frontage on the street on which the greatest number of lots have been platted within the same block or the frontage on the street with the lower volume street of the two (2) frontages.

(15) CA-21-03 Non-Substantial Proposed Code Amendments

(i) Table 40.2-216 of the City Code is amended as follows:

- Table 40.2-216 – Use Table - Visitor Accommodations

Table 40.2-216: USE TABLE																				
LIST OF USES	ZONING DISTRICT																		Additional Requirements	
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB	C		WF
Hotel or Motel, Full Service				P	P	P	U	P	P		U	P	P	U					U	Sec.40.2-217(G)(9)(e)(d)
Hotel or Motel, Extended Stay						U	U	U	U			U	U							Sec.40.2-217(G)(9)(c)

(ii) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(D)(d)(iv)f.3. Vacant land designated as a ~~single-family district on the Zoning Map~~ single-family on the Future Land Use Map of the comprehensive plan.

(iii) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(E)(3)(a) Telecommunication antennas and co-location of telecommunication equipment move to Sec. 40.2-217(E)(3)(e) Utility, Minor

(iv) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(E)(3)(b) Co-location of Small Cell Facilities MOVE TO Sec. 40.2-217(E)(3)(e), Utility, Minor

(v) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(H)(4)(c) ~~Recycling Center~~ Salvage Center

(vi) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(H)(4)(d) ~~Salvage Center~~ Recycling Center

(vii) Sec. 40.2-217 of the City Code is amended as follows:

- Sec. 40.2-217(I)(3)(m)(i)a.
 - It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on streets driveways and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods.

- (viii) **Sec. 40.2-217 of the City Code is amended as follows:**
- *Sec. 40.2-217(J)(6)(h)(ii)(e)* Food trucks operating in ~~all business districts or special districts~~ NMU, GMU, MU-H, IL, IN, WF, HR, HLO, HLB, and all D1 sub-districts...
- (ix) **Sec. 40.2-217 of the City Code is amended as follows:**
- *Sec. 40.2-217(J)(6)(h)(ii)(g)* Notwithstanding subsection (f) hereinabove, food trucks operating with City permission on City-owned or leased property in any zoning district shall be subject to the regulations governing food trucks operating in ~~business districts or special districts~~ NMU, GMU, MU-H, IL, IN, WF, HR, HLO, HLB, and all D1 sub-districts set forth in subsection (e) hereinabove.
- (x) **Sec. 40.2-304 of the City Code is amended as follows:**
- *Sec. 40.2-304(E)(9)(a)*
 - (a) Where a particular buffer type is required in [Table 40.2-304\(2\)](#) Buffer Type Application, the requirement may be met with the ~~combination of~~ minimum buffer width and minimum screening requirements specified under either Option 1 or Option 2.
- (xi) **Sec. 40.2-307 of the City Code is amended as follows:**
- *Sec. 40.2-307(J)(4)(b)(i)c.*
 - c.UR or ~~UR-H~~ UR-M District
- (xii) **Sec. 40.2-535 of the City Code is amended as follows:**
- *Sec. 40.2-535(D)(3)*
 - (3) Applications for a Special Exception need not prove that granting the Special Exception would alleviate a hardship due to a physical condition relating to the property or would alleviate a hardship by granting a reasonable modification to the property but must comply with all other applicable zoning regulations and any conditions for approval imposed by the BZA.