



## **Code Amendments**

### **Zoning Ordinance**

Julie Chop, Planner I

City of Portsmouth— 801 Crawford St. Portsmouth, VA 23704

**T:** (757) 393-8836 **Ext:** 4258 **E:** chopj@portsmouthva.gov

## *Executive Summary*

The City of Portsmouth adopted its current Zoning Ordinance on May 1<sup>st</sup>, 2010. Due to various land use and development dynamics, the Zoning Ordinance was revised December 9<sup>th</sup>, 2014. The City Council has approved several text amendments to the zoning code since 2014. This report chronicles the text amendments to the City of Portsmouth Zoning Ordinance beginning in January of 2015 through October of 2018. The code amendments were gathered from the records of the City Attorney's Office, which are enumerated in Laserfiche WebLink. Recorded below are the adopted ordinance amendments from 2015 to October, 2018. Each Ordinance Number has a corresponding tab with the complete ordinance following.

## *Contents*

<b>Ord. No. 2015-83</b> <i>Adopted 12/8/15</i> .....	<b>Tab I</b>
Pertaining to the requirement to obtain a use permit for development of multifamily housing	
<b>Ord. No. 2016-07</b> <i>Adopted 1/26/16</i> .....	<b>Tab II</b>
Pertaining to authorizing and regulating food trucks	
<b>Ord. No. 2016-09</b> <i>Adopted 1/26/16</i> .....	<b>Tab III</b>
Pertaining to the Uptown D2 District Form-Based Code	
<b>Ord. No. 2016-70</b> <i>Adopted 9/27/16</i> .....	<b>Tab IV</b>
Pertaining to authorizing and regulating construction/demolition/debris landfills and transfer stations	
<b>Ord. No. 2017-38</b> <i>Adopted 5/23/17</i> .....	<b>Tab V</b>
Pertaining to amending Sections 202, 203, and 802 of the Uptown D2 FBC District	
<b>Ord. No. 2017-96</b> <i>Adopted 10/24/17</i> .....	<b>Tab VI</b>
Pertaining to parking regulations and establishing a special exception process	
<b>Ord. No. 2018-01</b> <i>Adopted 1/9/18</i> .....	<b>Tab VII</b>
Pertaining to amending self-serv ice storage regulations	
<b>Ord. No. 2018-02</b> <i>Adopted 1/9/18</i> .....	<b>Tab VIII</b>
Pertaining to amending signage regulations	
<b>Ord. No. 2018-39</b> <i>Adopted 6/12/18</i> .....	<b>Tab IX</b>
Pertaining to amending lot size and lot width requirements for new subdivisions or resubdivisions	
<b>Ord. No. 2018-59</b> <i>Adopted 7/24/18</i> .....	<b>Tab X</b>
Pertaining to the operation of food trucks in conjunction with a microbrewery or microdistillery	
<b>Ord. No. 2018-112</b> <i>Adopted 11/27/18</i> .....	<b>Tab XI</b>
Pertaining to including real estate offices within the definition of professional services offices	
<b>Ord. No. 2018-115</b> <i>Adopted 12/11/18</i> .....	<b>Tab XII</b>
Pertaining to exempting existing single family residences from certain lot consolidation requirements	

# Tab I

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING AND SPECIFICALLY THE REQUIREMENT TO OBTAIN A USE PERMIT FOR THE DEVELOPMENT OF MULTIFAMILY HOUSING, INCLUDING THROUGH THE AMENDMENT OF SECTIONS 40.1-4.3, 8.3, AND 9.6, TABLES 40.1-4.1(A) AND 40.1-9.2.1, AND SECTIONS 204 AND 802 OF APPENDIX B, AS WELL AS TECHNICAL CONFORMING AMENDMENTS TO OTHER SECTIONS OF THE ZONING ORDINANCE.**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 December 8, 2015.

Teste:

City Clerk



## EXHIBIT A

### AMENDMENTS TO THE CITY OF PORTSMOUTH ZONING ORDINANCE DECEMBER 8, 2015

INTERPRETATION: In the amendments listed below, instructions are provided in *blue italics*. Provisions to be deleted are indicated with a **double strikethrough**. New language to be added is indicated in **red and underlined**.

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**AMENDMENT #: 1**

**SECTION #: 40.1-2.3(C)(3)(a)**

- (a) Single-family or two-family detached dwellings, unless such review is required by the Chesapeake Bay Preservation Act and any regulations or ordinances adopted under that authority;

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**AMENDMENT #: 2**

**SECTION #: 40.1-3.3(A)(2)**

- (2) Ensure adequate light, air, privacy, and recreational and open space areas for each Dwelling Unit, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;

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**AMENDMENT #: 3**

**SECTION #: 40.1-3.6(E)(8)**

- (8) **Conversion of Single-Family Detached Dwellings**  
The conversion of existing Single-Family Detached Dwellings into Two-to-Four Family Dwellings or Multi-Family Dwellings is permitted within the Olde Towne, Port Norfolk, and Park View Historic Districts subject to a use permit (See Section 40.1-2.3(B), Use Permit), and compliance with the following standards:
- (a) **Construction Date**  
Existing Single-Family Detached Dwellings may be converted in accordance with this section provided the original building existed prior to:
- (i) October 24, 1967 in the Olde Towne Historic District;
  - (ii) April 26, 1983 in the Port Norfolk Historic District; and
  - (iii) April 1, 1984 in the Park View Historic District.

Subsections 40.1-3.6(E)(8)(b) through (f) are not hereby amended.

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**AMENDMENT #: 4**

**SECTION #: 40.1-4.1(A)(2)(c)**

**(c) Use Types**

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, Live/Work Dwellings, Single-Family Detached Dwellings, Two-to-Four Family Dwellings, Townhouse Dwellings, and Multi-Family Dwellings are use types in the Household Living Use Category.

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**AMENDMENT #: 5**

**SECTION #:40.1-4.2(B)(1)(b)**

**(b) Examples**

Example use types include Detached Single-Family Dwellings, Two-to-Four Family Dwellings, Townhouse Dwellings, Multi-Family Dwellings, and Live/Work Dwellings.

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**AMENDMENT #: 6**

**SECTION #:40.1-4.3(A)(1)(b)(vii)**

- (vii)** Any nonresidential off-street parking shall be located as far as practicable from existing adjacent Detached Single-Family Dwellings.

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**AMENDMENT #: 7**

**SECTION #:40.1-4.3(A)(1)(c)**

Add a new subsection 40.1-4.3(A)(1)(c)(v) as follows. Subsections 40.1-4.1(A)(1)(c)(i)-(iv) are not amended.

- (v)** Development of a Two-to-Four Family Dwelling located on a lot adjacent to a lot containing or proposed to contain a Two-to-Four Family Dwelling shall be classified as, and shall comply with all requirements for, a Multi-Family Dwelling. This will require obtaining a Use Permit in accordance with Section 40.1-2.3(B).

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**AMENDMENT #: 8**

**SECTION #:40.1-4.4(C)(1)(a)**

- (a)** Accessory dwelling units are permitted only on lots with Single-Family Detached Dwellings, and are not permitted on lots with Multi-Family, Townhouse, or Two-to-Four Family Dwellings.

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**AMENDMENT #: 9**

**SECTION #:40.1-5.1(D)(5)(b)**

**(b) Backing onto Streets Prohibited**

Except for parking areas serving Single-Family Detached, Townhouse, and Two-to-Four Family Dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back from such areas directly onto a street.

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**AMENDMENT #: 10**

**SECTION #:40.1-5.1(D)(8)**

**(8) Landscaping**

Except for off-street parking areas serving Single-Family Detached Dwellings, as well as Two-to-Four Family Dwellings and Townhouse Dwellings of 5,000 square feet in building size or less, all off-street parking and loading areas shall comply with the standards of Section 40.1-5.2(D), Vehicular Use Area Landscaping.

**AMENDMENT #: 11**

**TABLE 40.1-5.1(E)(2)**

*Table 40.1-5.1(E)(2): Minimum Off-Street Parking Standards is amended by deleting Use Type “Dwelling, single-family attached” from the Use Category “Household Living” as shown below. Table 40.1-5.1(E)(2) (including categories not shown below) is not otherwise amended.*

TABLE 40.1-5.1(E)(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1]
<b>RESIDENTIAL USE CLASSIFICATION</b>		
Household Living	Dwelling, live/work	1 per DU
	Dwelling, multi-family	1.5 per DU
	Dwelling, single-family detached	2 per DU
	Dwelling, townhouse	1.5 per DU
	Dwelling, two-to four-family	2 per DU
	Dwelling, upper story	1 per DU

**AMENDMENT #: 12**

**SECTION #: 40.1-5.1(F)(7)**

**(7) Driveways Used to Satisfy Requirements**

For Single-Family Detached, Townhouse, and Two-to-Four Family Dwellings, driveways may be used to satisfy minimum off-street parking standards, provided sufficient space is available to satisfy the standards of this section and this Ordinance.

**AMENDMENT #: 13**

**SECTION #: 40.1-5.1(G)**

*Section 40.1-5.1(G) is amended as follows. Subsections 40.1-5.1(G)(1)-(4) are not hereby amended.*

**(G) Off-Street Parking within Residential Districts**

Off-street parking serving Single-Family Detached or Two-to-Four Family Dwellings and located within front yard and/or corner side yard areas shall comply with the following standards:

**AMENDMENT #: 14**

**SECTION #: 40.1-5.2(D)(1)(a)**

**(a) Single-Family Detached Dwellings;**

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**AMENDMENT #: 15**

**SECTION #: 40.1-5.2(F)(5)**

*Section 40.1-5.2(F)(5) is amended as follows. Subsections 40.1-5.2(F)(5)(a)-(e) are not hereby amended.*

- (5) Large Waste Receptacles and Refuse Collection Area**  
Except for facilities serving individual Single-Family Detached or Two-to-Four Family Dwellings, or un-manned uses that do not generate any waste, all large waste receptacle and refuse collection areas shall be subject to the following standards.

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**AMENDMENT #: 16**

**SECTION #: 40.1-5.2(G)(3)**

*Section 40.1-5.2(G)(3) is amended as follows. Tale 40.1-5.2(G)(3) is not hereby amended.*

- (3) Site Landscaping Standards**  
Except for Single-Family Detached and Two-to Four-Family Dwellings, site landscaping shall be required for all development, and shall be supplied in the amounts identified in Table 40.1-5.2(G)(3), Required Site Landscaping Plantings. Site landscaping shall meet the minimum size standards for new planting specified in Section 40.1-5.2(C)(2), Planting Standards.

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**AMENDMENT #: 17**

**SECTION #: 40.1-5.3(A)(1)(b)(ii)**

- (ii)** Existing Single-Family Detached Dwellings on lots of record established prior to May 1, 2010.

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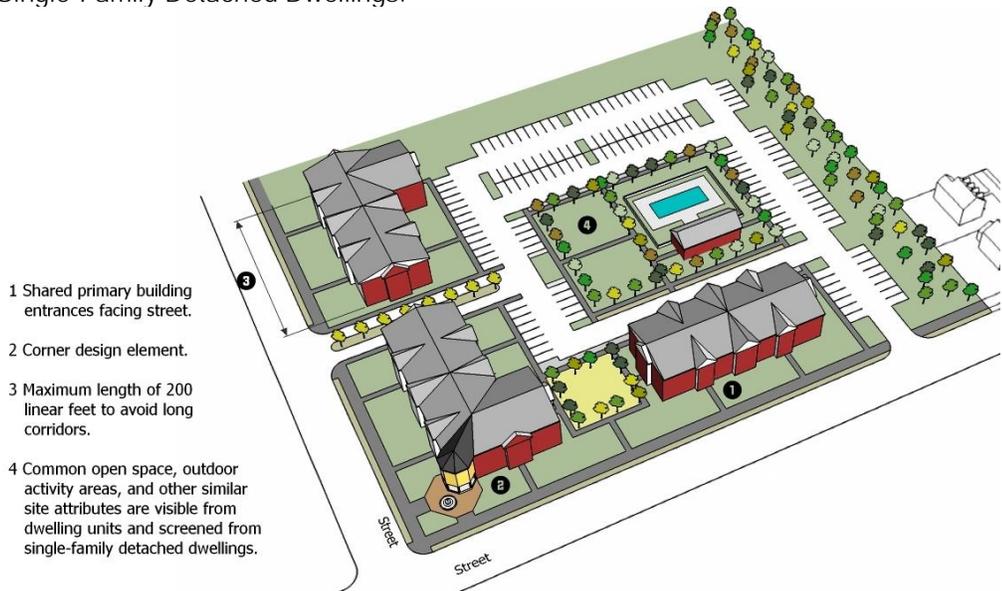
**AMENDMENT #: 18**

**FIGURE #: 40.1-5.5(D)(3)**

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**Figure 40.1-5.5(D)(3) : Multi-family Building Orientation**

Multi-family buildings should be oriented to streets, and well-screened from adjacent Single-Family Detached Dwellings.



**AMENDMENT #: 19**

**SECTION #:40.1-5.5(D)(3)(b)**

*Section 40.1-5.5(D)(3)(b) is amended as follows. Table 40.1-5.5(D)(3)(B) is not hereby amended.*

**(b) Building Size**

- (i) Individual building floorplates for Townhouse and Multi-Family Dwellings shall be in accordance with Table 40.1-5.5(D)(3)(b), Maximum Building Size.
- (ii) The maximum length of any Townhouse or Multi-Family Dwelling shall be 200 linear feet, regardless of the number of units. In no instance shall provision of a firewall between differing building sections constitute two separate structures.

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**AMENDMENT #: 20**

**SECTION #:40.1-5.5(D)(3)(c)**

**(c) Maximum Height**

Buildings subject to the standards of this section shall have a maximum height of three stories within 100 feet of a lot with an existing Single-Family Detached Dwelling, without an intervening public street. This standard shall apply regardless of any incentives, administrative adjustments, or master plans.

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**AMENDMENT #: 21**

**SECTION #:40.1-5.7(I)(1)**

**(1) Location of Open Space**

Buildings subject to these standards and the standards in Section 40.1-5.4 Open Space Set Asides, shall locate the open space set-aside adjacent to existing Single-Family Detached Dwellings, if reasonably possible.

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**AMENDMENT #: 22**

**SECTION #: 40.1-7.5(D)(2)**

*Section 40.1-7.5(D)(2) is hereby amended as shown below. Existing footnote "3" within said section is not set out below, but is not amended or deleted hereby,*

- (2)** When the Zoning Administrator has reasonable cause to believe that a violation of this Ordinance that limits occupancy in a Dwelling Unit has or is taking place, and the Zoning Administrator has been unable to obtain necessary information from the owner concerning the violation, the Zoning Administrator may petition the general district court for a subpoena against anyone refusing to provide data or information. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

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**AMENDMENT #: 23**

**SECTION #:40.1-7.6(A)(6)**

- (6)** Any conviction resulting from a violation of provisions regulating the number of unrelated persons in a Dwelling Unit shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a Dwelling Unit during the pendency of any legal action commenced by such owner or managing agent of such Dwelling Unit against a tenant to eliminate an overcrowding condition. A conviction resulting from a violation of provisions regulating the number of unrelated persons in Dwelling Units shall not be punishable by a jail term.

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**AMENDMENT #: 24**

**SECTION #:40.1-8.2(B)(3)**

*Section 40.1-8.2(B)(3), including subsection 40.1-8.2(B)(3)(a), is amended as set forth hereinbelow. Subsections 40.1-8.2(B)(3)(b)-(g) are not hereby amended.*

**(3) Zero Side Lot Line Development**

For Townhouse Dwellings, one side yard otherwise required hereunder shall be reduced to zero, provided that:

- (a)** A subdivision plat approved in accordance with Chapter 33.1 of the City Code authorizes the placement of the Townhouse Dwelling on one side of the lot line;

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**AMENDMENT #: 25****SECTION #:40.1-8.2(C)(1)(i)(vi)****(vi) Zero Side Lot Line**

A condition where no side yard is provided between two or more distinct Dwelling Units sharing a party wall (e.g., Townhouse Dwellings).

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**AMENDMENT #: 26****SECTION #:40.1-8.3**

*The following Defined Terms in Section 40.1-8.3 are amended. Defined Terms in Section 40.1-8.3 not set forth below are not hereby amended.*

**ADULT DAY CARE CENTER.**

A program operated in a structure other than a Single-Family Detached Dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of abode, to four or more adults 18 years or older who may be physically or mentally disabled.

**BED AND BREAKFAST INN.**

A private residence, generally a Single-Family Detached Dwelling, engaged in renting one or more bedrooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to guests only.

**DWELLING UNIT**

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, LIVE/WORK**

A building or portion of a building combining one residential Dwelling Unit for one or more persons with an integrated work space principally used by one or more of the residents.

**DWELLING, MULTI-FAMILY**

A building or portion of a building or multiple buildings containing five or more Dwelling Units on an individual lot. This use is also referred to as multifamily.

**DWELLING, SINGLE-FAMILY, DETACHED**

A building containing not more than one Dwelling Unit on an individual lot to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing.

**DWELLING, TOWNHOUSE**

A building or group of buildings in which two or more Dwelling Units are each located on individual lots, but attached by one or more common party walls which are shared by one or more units. The habitable spaces of different dwelling units

are typically arranged on a side-by-side basis rather than a stacked configuration. This use is also referred to as a townhome.

A building containing two, three, or four individual Dwelling Units located on an individual lot. Development of a Two-to-Four Family Dwelling located on a lot adjacent to a lot containing or proposed to contain a Two-to-Four Family Dwelling shall be classified as, and shall comply with all requirements for, a Multi-Family Dwelling (See Section 40.1-4.3(A)(1)(c)), including obtaining a Use Permit in accordance with Section 40.1-2.3(B).

**DWELLING, UPPER STORY**

One Dwelling Unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level. Where more than one Dwelling Unit is proposed with a nonresidential use on the ground floor, it shall be defined as a Two-to-Four Family Dwelling, or Multi-Family Dwelling, depending upon the number of Dwelling Units on a single lot.

**HOME OCCUPATION**

A business, profession, occupation, or trade which is conducted within a Dwelling Unit for the economic gain or support of a resident of the Dwelling Unit, and is incidental and secondary to the residential use of the lot and which does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physicians' offices and the like; any licenses or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

**MEDICAL TREATMENT FACILITY**

A small-scale facility which may or may not be located in a converted residence for the short term care and treatment of up to 20 chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patients' families.

**ROOMING HOUSE OR BOARDING HOUSE**

Any building or portion thereof for providing lodging, either with meals (boarding house) or without meals (rooming house), to not more than two guests, where rent is paid to the owner or proprietor. This definition does not include the incidental provision of lodging within a Dwelling Unit by a resident owner, provided no more than 25 percent of the total floor area of the Dwelling Unit's living space is devoted to such lodging use.

**TOURIST HOME**

An establishment in a private Dwelling Unit that supplies temporary lodging accommodations to not more than five overnight guests for a fee.



**AMENDMENT #: 27**

**SECTION #:40.1-9.4(E)**

*Section 40.1-9.4(E) is amended as follows. Subsections 40.1-9.4(E)(1)-(5) are not hereby amended.*

**(E) Residential Densities.**

New development projects that include Dwelling Units, other than subdivisions substantially consisting of Single Family Detached Dwellings, shall be developed in accordance with the following density limit ranges:

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**AMENDMENT #: 28**

**SECTION 40.1-9.6(A)**

**(A) General.**

There are two review processes: By-Right (administrative review) and Use Permit. The Use Permit process is dependent upon project size. Projects approved through the Use Permit process should nonetheless meet the intent of the Code.

**(1) By-Right.** Single Family Detached, Two-to-Four Family and Live/Work Dwellings are allowed by right. Non-residential projects of less than or equal to 45,000 gross square feet and less than or equal to 15,000 gross square feet footprint are able to build as a matter of right when they meet all of the standards of this Ordinance.

**(2) Use Permit.** A Use Permit is required for all Multi-Family and Townhouse Dwellings. A Use Permit is also required for non-residential buildings over 45,000 gross square feet or with floorplates over 15,000 gross square feet. Such sites will be required to meet the intent of the Code and will be evaluated in terms of how well they conform to the Code and meet other objectives of the Master Plan. The Use Permit process also provides the opportunity for community input as well as fine tuning of a development proposal to address issues that may not have been contemplated by the Code. Provided however, no use permit shall be required in the SD district based solely on building size.

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**AMENDMENT #: 29**

**UPTOWN D2 DISTRICT FORM-BASED CODE  
PART 2, SECTION 204(B)**

**B. Code Administrator Action**

Upon submission of a completed application, the Code Administrator will review the development plan for consistency with the requirements of this Code. The appropriate review process of a development plan is determined by the size of the proposed development.

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 building area of less than or equal to 60,000 gross square feet and a footprint of less than or equal to 30,000 gross square feet shall be able to build as a matter of right when they meet all of the standards of this Ordinance.
2. **Uptown D2 Use Permit**: A Use Permit is 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 building area or with a footprint over 30,000 gross square feet.

Sections 40.1-3.3(D) through (F) and 40.1-3.4(B) through (D) of the Zoning Ordinance (District Regulations and Dimensional Standards)

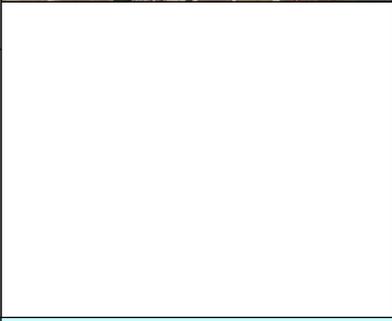
are amended as follows. Portions of the District Regulations and Dimensional Standards not shown are not hereby amended.

**SECTION #: 40.1-3.3(D)**

(D) General Residential (GR) District			
PURPOSE AND INTENT			TYPICAL BUILDING TYPES
<p>The General Residential (GR) district is established to accommodate primarily single-family detached and two-to four-family dwellings, subject to design standards to ensure their compatibility with the single-family character of the district, at moderate densities. District regulations are intended to discourage any use that substantially interferes with the development of single-family or two-to-four family dwellings, or that is detrimental to the quiet residential nature of the district. The district also accommodates accessory dwelling units and complementary uses usually found in residential zoning districts such as parks, open space, public golf courses, community centers, elementary and middle schools, home child care uses, religious institutions, and minor utilities. High schools, , country clubs, adult and child care centers, hospitals, and major utilities are allowed subject to a use permit (See Section 40.1-2.3(B), Use Permit).</p>			
DIMENSIONAL STANDARDS			
STANDARD		RESIDENTIAL USES	ALL OTHER USES
DENSITY	Density, Maximum (DU/AC)	5.0 (not applicable if contextual lot size standards are used)	N/A
	Intensity, Maximum (FAR)	N/A	0.6
LOT AREA	Lot Size, Minimum	The lesser of: 7,500 sf, <u>or</u> the average lot size of lots within 300 feet along the same block face, provided there are 5 or more lots within 300-foot area	10,000 sf
	Lot Width, Minimum	The lesser of: 50 feet, <u>or</u> the average lot width of lots within 300 feet along the same block face, provided there are 5 or more lots within the 300-foot area	70 ft
	Building Coverage, Maximum (%)	45	
REQUIRED YARDS	Front, Minimum	The lesser of: 25 ft, <u>or</u> the average front yard on lots within 300 feet along the same block face, provided there are 3 or more lots with existing residential structures on them within the 300-foot area	25 ft
	Side, Minimum	Two-to-four family dwelling: 10 ft; For all other residential uses, the lesser of: 7 ft, <u>or</u> the average side yard on lots within 300 feet along the same block face, provided there are 3 or more lots with existing residential structures within the 300-foot area; No side yard shall be less than 5 feet unless part of a zero side lot line development[1]	10 ft
	Rear, Minimum	The lesser of: 25 ft, <u>or</u> the average rear yard on lots within 300 feet along on the same block face, provided there are 3 or more lots with existing residential structures within the 300-foot area [2][3]	25 ft
			<p>“sf” = square feet; “ft” = feet’; “FAR” = floor area ratio; “DU” = dwelling units; “AC” = acre</p>

**SECTION #: 40.1-3.3(E)**

<b>(E) Urban Residential (UR) District</b>				
<b>PURPOSE AND INTENT</b>				<b>TYPICAL BUILDING TYPES</b>
<p>The Urban Residential (UR) district is established to accommodate a diverse range of residential development as a principal use, along with mixed-use and neighborhood-serving commercial development. The district accommodates all forms of residential development, including single-family detached dwellings, two-to-four family dwellings, townhomes, live/work dwellings, multi-family dwellings, and residential dwelling units above the first floor of commercial development. Also allowed are complimentary uses such as parks, open space, libraries, religious institutions, community centers, schools (elementary, middle, and high), child care centers, and minor utilities. Low-intensity, neighborhood-serving commercial and service uses are allowed to encourage diverse, functioning neighborhoods. Police and fire stations, assisted living facilities, nursing homes, marinas, professional services offices, financial institutions, and drug stores without drive-throughs are allowed subject to a use permit (See Section 40.1-2.3 (B), Use Permit.)</p>				
<b>DIMENSIONAL STANDARDS</b>				
<b>STANDARD</b>		<b>RESIDENTIAL USES</b>		<b>ALL OTHER USES</b>
		Single-Family Detached Uses	All Other Residential Uses	
<b>DENSITY</b>	Density, Maximum (DU/AC)	8.0	18 (not applicable if contextual lot size standards are used) [1]	N/A
	Intensity, Maximum (FAR)	N/A		0.6
<b>LOT AREA</b>	Lot Size, Minimum	The lesser of: 5,000 sf, <u>or</u> the average lot size of lots within 300 feet along the same block face, provided there are 7 or more lots within the 300-foot area	7,500 sf [1][2]	7,500 sf
	Lot Width, Minimum	The lesser of: 35 feet, <u>or</u> the average lot width of lots within 300 feet along the same block face, provided there are 7 or more lots within the 300-foot area	24 feet, plus 5 feet for each end unit beyond 4 units	50 ft
	Building Coverage, Maximum (%)	55		
<b>REQUIRED YARDS</b>	Front, Minimum	The lesser of: 15 ft, <u>or</u> the average front yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential structures within the 300-foot area	15 ft	25 ft
	Side, Minimum	The lesser of: 7 ft, <u>or</u> the average side yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential structures within the 300-foot area; No side yard shall be less than 5 ft unless part of a zero side lot line development	When abutting the end unit of a building: 10 ft; All others: 10 percent of the lot width, up to 15 ft; No side yard shall be less than 5 ft unless part of a zero side lot line development[3]	10 ft
<b>STANDARD</b>		<b>SINGLE-FAMILY DETACHED USES</b>	<b>ALL OTHER RESIDENTIAL USES</b>	<b>ALL OTHER USES</b>
				<b>TYPICAL LOT PATTERN</b>

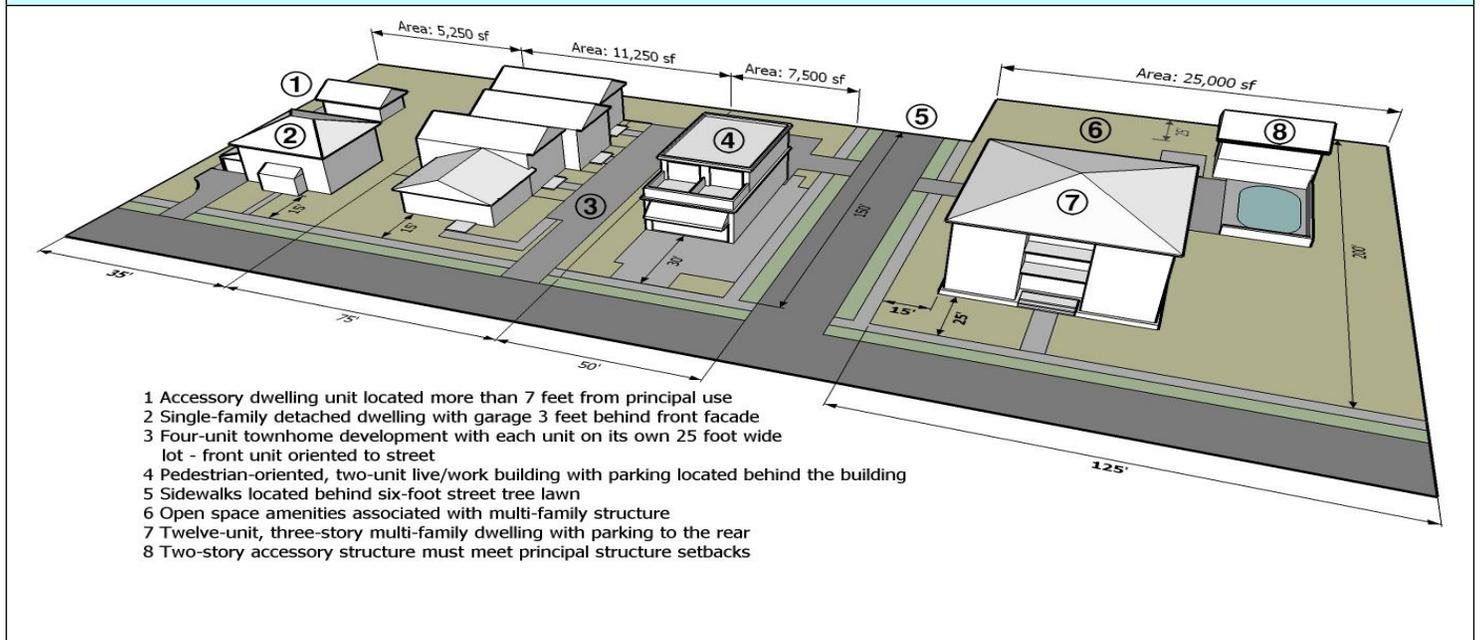


	Rear, Minimum	The lesser of: 25 ft, or the average rear yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential within the 300-foot area [4][5]	25 ft [5]	25 ft	
	Corner Side, Minimum (ft)	10 ft.	15 ft.	10 ft.	
	Accessory Structure, Minimum (ft)	5 if 600 sf in size or smaller; otherwise, same as principal use [6] [7]			
	Garage Setback, Minimum	Even with or behind front façade for all residential dwellings.			
BLDG. FORM	Height, Maximum (ft/stories) [7][8][9]	36/4		36/3 [8]	sf" = square feet; "ft" = feet; "FAR" = floor area ratio; "DU" = dwelling units; "AC" = acre
	Accessory Structure Size, Maximum	800 square feet [9][10]			

**NOTES**

[1] Townhome and two-to-four-family dwellings may develop without complying with the minimum lot size standard, provided the development does not exceed 8 units an acre and it complies with all other dimensional standards.  
 [2] Minimum lot size is applied to the entire development site for multi-family, townhome, and two-to four-family dwellings.  
 [3] An additional setback of five feet per floor over two floors shall be required.  
 [4] Rear yards may be reduced to 15 feet when there are no accessory structures or parking spaces in the rear yard.  
 [5] The minimum shall be 15 feet for lots platted before March 22, 1994.  
 [6] No accessory structure/building may be located between the principal building and any front or side street.  
 [7] Accessory structures of two or more stories shall meet the minimum yard requirements for principal uses.  
 [8] Accessory structures of 600 sf in size or smaller may not exceed one story (12 ft) in height.  
 [9] t. No accessory structure excepting Amateur Ham Radio and Television Antennas may exceed the height of the existing principal structure.  
 [10] See Section 40.1-4.4(C)(1), Accessory Dwelling Units, for accessory dwelling unit dimensional requirements.

**TYPICAL DEVELOPMENT CONFIGURATION**



**SECTION #: 40.1-3.3(F)**

**(F) High Density Urban Residential (UR-H) District**

PURPOSE AND INTENT						TYPICAL BUILDING TYPES
<p>The High Density Urban Residential (UR-H) district is established to accommodate a diverse range of residential development as a principal use, along with mixed-use and neighborhood-serving commercial development. The district accommodates most forms of residential development, including two-to-four-family dwellings, townhomes, live/work dwellings, multi-family dwellings, and residential dwelling units above the first floor of commercial development. Also allowed are complimentary uses such as parks, open space, libraries, religious institutions, community centers, schools (elementary, middle, and high), child care centers, and minor utilities. Neighborhood-serving commercial and service uses are allowed to encourage diverse, functioning neighborhoods. Police and fire stations, assisted living facilities, nursing homes, marinas, professional services offices, and financial institutions and drug stores with drive-throughs are allowed subject to a use permit (See Section 40.1-2.3(B), Use Permit.)</p>						
DIMENSIONAL STANDARDS						
STANDARD		RESIDENTIAL USES			ALL OTHER USES	
		Single-Family Detached Uses	Multi-Family Uses	All Other Residential Uses		
DENSITY	Density, Maximum (DU/AC)	N/A	25	20 (not applicable if contextual lot size standards are used) [1]	N/A	
	Intensity, Maximum (FAR)	N/A			0.7	
LOT AREA	Lot Size, Minimum	The lesser of: 5,000 sf, or the average lot size of lots within 200 feet along the same block face, provided there are 5 or more lots within the 200-foot area	6,000 sf [2][3]	6,000 sf [1][2][3]	6,000 sf	
	Lot Width, Minimum	25	25 feet, + 4 feet for each add'l unit beyond 4 [3]	50 feet, + 4 feet for each additional unit beyond 3 [3]	25 ft	
	Building Coverage, Maximum (%)	65				
	Front, Minimum	The lesser of: 10 ft, or the average front yard on lots within 200 feet along the same block face, provided there are 5 or more lots with existing single-family residential structures within the 200-foot area	10 ft	10 ft	10 ft	
	Side, Minimum	The lesser of: 7 ft, or the average side yard on lots within 200 feet along the same block face, provided there are 5 or more lots with existing residential structures on them within the 200-foot area; No side yard shall be less than 5 ft unless part of a zero side lot line development	When abutting an end unit of a building: 10 ft; All others: 10 percent of the lot width, up to 15 ft; No side yard shall be less than 5 ft unless part of a zero side lot line development [4]		10 ft	<p>"sf" = square feet; "ft" = feet; "FAR" = floor area ratio; "DU" = dwelling units; "AC" = acre</p>
STANDARD		RESIDENTIAL USES			ALL OTHER USES	TYPICAL LOT PATTERN
		Single-Family Detached Uses	Multi-Family Uses	All Other Residential Uses		
Corner, Side Minimum		10 ft	15 ft.		10 ft.	

	Rear, Minimum	The lesser of: 25 ft, <u>or</u> the average rear yard on lots within 200 feet along the same block face, provided there are 5 or more lots with existing residential structures within the 200-foot area [4]			25 ft [4]	25 ft [4]	25 ft [5]	
	Accessory Structure, Min. (ft)	5 in 600 sf in size or smaller; otherwise same as principal use [6] [7]						
	Garage Setback, Min.	Even with or behind front façade for all residential uses						
<b>BLDG FORM</b>	Height, Maximum (ft/stories) [8][10]	36/3 for single-family detached	45/5 for all other residential uses		45/5			
	Accessory Structure Size, Max.	800 square feet[9]						
<b>NOTES</b>	[1] Townhome and two-to-four-family dwellings may develop without complying with the minimum lot size standard, provided the development does not exceed 16 units an acre and it complies with all other dimensional standards in this Ordinance.							
	[2] Minimum lot size shall be applied to the entire development site for multi-family, townhome, and two-to-four-family dwellings.							
[3] Minimum lot requirements are applied to the entire development, not individual lots								
[4] An additional setback of 5 feet per floor over three floors shall be required.								
[5]Rear yards may be reduced to 15 feet when there are no accessory structures or parking spaces in the rear yard.								
[6] No accessory structure/building may be located between the principal building and any front or side street.								
[7] Accessory structures of two or more stories shall meet the minimum yard requirements for principal uses.								
[8] Accessory structures of 600 sf in size or smaller may not exceed one story (12 ft) in height.								
[9]See Section 40.1-4.4(C)(1), Accessory Dwelling Units, for accessory dwelling unit dimensional requirements.								
[10] No accessory structure excepting Amateur Ham Radio and Television Antennas may exceed the height of the existing principal structure.								
<b>TYPICAL DEVELOPMENT CONFIGURATION</b>								

**SECTION #: 40.1-3.4(B)**

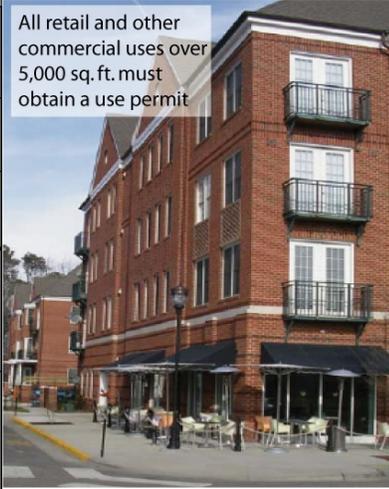
<b>(B) Neighborhood Mixed-Use (NMU) District</b>	
<b>PURPOSE AND INTENT</b>	<b>TYPICAL BUILDING TYPES</b>

The Neighborhood Mixed Use (NMU) district is established to accommodate a mix of residential and small-scale, low-intensity, and “convenience” retail and service uses that provide goods and services serving the residents of the immediately surrounding neighborhood (e.g., personal service uses, restaurants, and limited retail). Development in the district should not include uses of a size that is out of scale with a residential neighborhood, or that attracts traffic from outside the surrounding neighborhood. Individual retail and other commercial uses shall not exceed 5,000 square feet without obtaining a use permit (See Section 40.1-2.3.(B), Use Permit). Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is consistent with the neighborhood scale and compatible with surrounding uses.

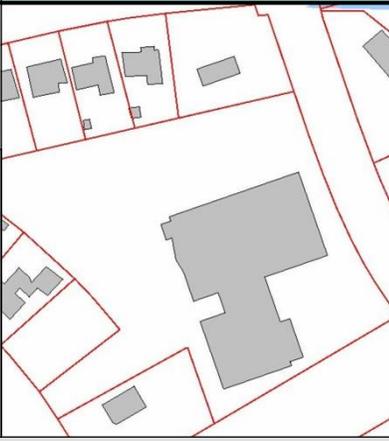


**DIMENSIONAL STANDARDS**

STANDARD		SINGLE-FAMILY USES	ALL OTHER RESIDENTIAL USES		ALL OTHER USES
DENSITY	Density, Maximum (DU/AC)	N/A	12		N/A
	Intensity, Maximum (FAR)	N/A			0.7[9]
LOT AREA	Lot Size, Minimum	The lesser of: 7,500 sf, or the average lot size of lots within 300 feet along the same block face, provided there are 7 or more lots within the 300-foot area	7,500 sf [1]		5,000 sf
	Lot Width, Minimum	The lesser of: 50 feet, or the average lot width of lots within 300 feet along the same block face, provided there are 7 or more lots within the 300-foot area	75 feet, plus 5 feet for each additional unit beyond 2 units		50 ft
	Building Coverage, Maximum (%)	60			70[9]
REQUIRED YARDS	Front, Minimum (ft) [2]	The lesser of: 15 ft, or the average front yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential structures within the 300-foot area	15		
	Side, Minimum [2]	The lesser of: 7 ft, or the average side yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential structures within the 300-foot area; No side yard shall be less than 5 ft unless it is part of a zero side lot line development	When abutting the end unit of a building: 10 ft; All others: 20 percent of the lot width, up to 20 ft; No side yard shall be less than 5 ft unless it is part of a zero side lot line development [3]	20, 10 if parcel is less than 100 ft in width	
	REAR	Rear, Minimum (ft) [2]	The lesser of: 15 ft, or the average rear yard on lots within 300 feet along the same block face, provided there are 7 or more lots with existing residential within the 300-foot area [4]	15	
STANDARD		SINGLE-FAMILY USES	ALL OTHER RESIDENTIAL USES	ALL OTHER USES	NOTES



**TYPICAL LOT PATTERN**

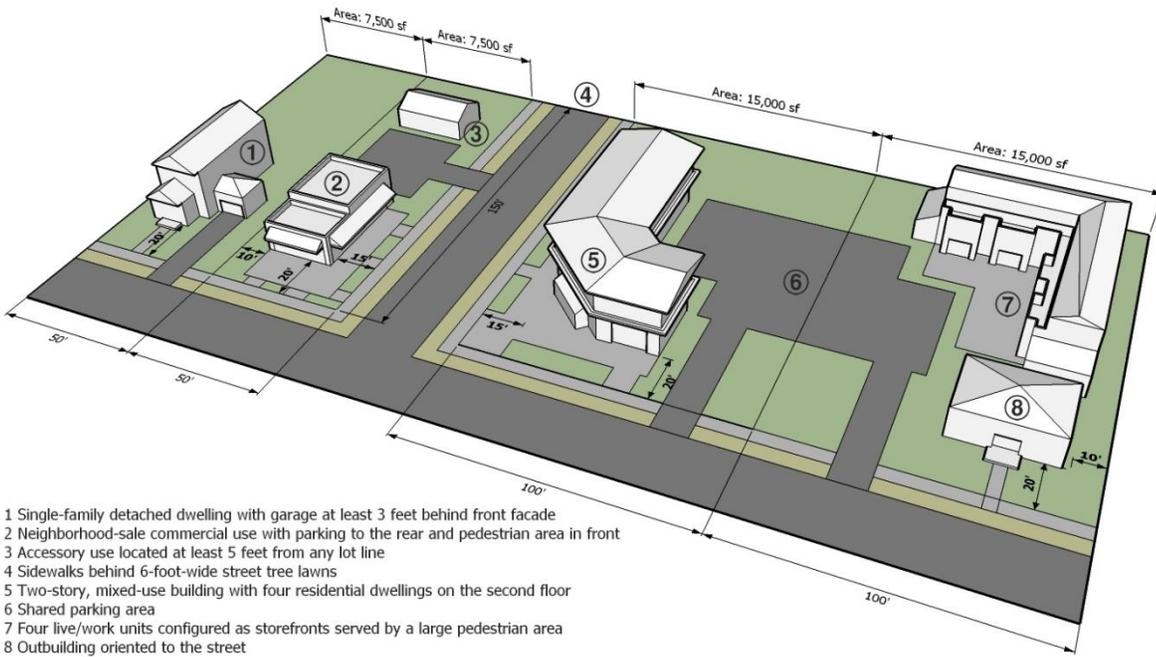


“sf” = square feet; “ft” = feet; “FAR” = floor area ratio; “DU” = dwelling units; “AC” = acre

All retail and other commercial uses over 5,000 sq. ft. must obtain a use permit

<b>BLDG. FORM</b>	Corner, Side Minimum (ft)	10 ft.	20 ft.; If parcel is less than 100 ft. in width: 10 ft.	<p>[1] Minimum lot size shall be applied to the entire development site for multi-family, townhome, and two-to four family dwellings.</p> <p>[2] Yards abutting streets shall be configured to maintain at least 40 linear feet between the centerline of the street and any adjacent building.</p> <p>[3] An additional setback of 5 feet per floor over 2 floors shall be required.</p> <p>[4] Rear yards may be reduced to 15 feet when there are no accessory structures or parking spaces in the rear yard.</p> <p>[5] No accessory structure/building may be located between the principal building and any front or side street.</p> <p>[6] Accessory structures of two or more stories shall meet the minimum yard requirements for principal uses.</p> <p>[7] Accessory structures of 600 sf in size or smaller may not exceed one story (12 ft) in height.</p> <p>[8] See Section 40.1-4.4(C)(1), Accessory Dwelling Units, for accessory dwelling unit dimensional requirements</p> <p>[9] All retail and other commercial uses over 5,000 square feet shall be required to obtain a use permit.</p>
	Accessory Structure, Minimum (ft)	5 if 600 sf in size or smaller; otherwise same as principal use [5] [6]		
	Garage Setback, Minimum	Even with or behind front façade for single family detached dwellings.	N/A	
	Height, Maximum (ft/stories) [7]	36/3	36/4, unless part of mixed use development that includes a minimum of 2 floors of residential units, then 50/5	
Accessory Structure, Size, Maximum	33% of principal use [8]	N/A		

**TYPICAL DEVELOPMENT CONFIGURATION**



- 1 Single-family detached dwelling with garage at least 3 feet behind front facade
- 2 Neighborhood-sale commercial use with parking to the rear and pedestrian area in front
- 3 Accessory use located at least 5 feet from any lot line
- 4 Sidewalks behind 6-foot-wide street tree lawns
- 5 Two-story, mixed-use building with four residential dwellings on the second floor
- 6 Shared parking area
- 7 Four live/work units configured as storefronts served by a large pedestrian area
- 8 Outbuilding oriented to the street

**PURPOSE AND INTENT**

**TYPICAL BUILDING TYPES**

**SECTION #: 40.1-3.4(C)**

**(C) General Mixed-Use (GMU) District**

**PURPOSE AND INTENT**

The General Mixed-Use (GMU) district is established to provide a wide variety of professional offices, institutions, and a broad range of light- and moderate intensity commercial uses proximate to residential and more intense business districts so as to satisfy the city's demand for services. These regulations are designed to encourage the formation and continuance of a quiet, compatible, and uncongested mixed-use environment intermingled with residential and institutional uses. Live/work, multi-family, and upper-story dwellings, and numerous institutional use types are allowed. Offices, community facilities, religious institutions, retail uses and personal services intended to serve the workers and residents in the district are also allowed.

**DIMENSIONAL STANDARDS**

STANDARD		ATTACHED RESIDENTIAL USES	ALL OTHER RESIDENTIAL USES	ALL OTHER USES
DENSITY	Density, Maximum (DU/AC)	N/A	16	N/A
	Intensity, Maximum (FAR)	N/A		0.65
LOT AREA	Lot Size, Minimum (sf)	6,000	10,000 [1]	
	Lot Width, Minimum (ft)	50	100 [1]	100
	Building Coverage, Maximum (%)	55		
REQUIRED YARDS	Front, Minimum (ft)[2]	20	15	
	Side, Minimum [2]	10 ft	5 ft + 5 feet for each building story beyond 3	
	Rear, Minimum [2]	30 ft		
	Corner, Side Minimum (ft) [2]	20	15	
	Accessory Structure, Minimum (ft)	10 if 600 sf in size or smaller; otherwise same as principal use [3] [4]		
	Garage Setback, Minimum (ft)	Even with or behind front façade		N/A
BLDG. FORM	Height, Maximum (ft/stories) [5]	36/3	60/6	75/7
	Accessory Structure Size, Maximum	33% of principal use [6]		

**TYPICAL BUILDING TYPES**

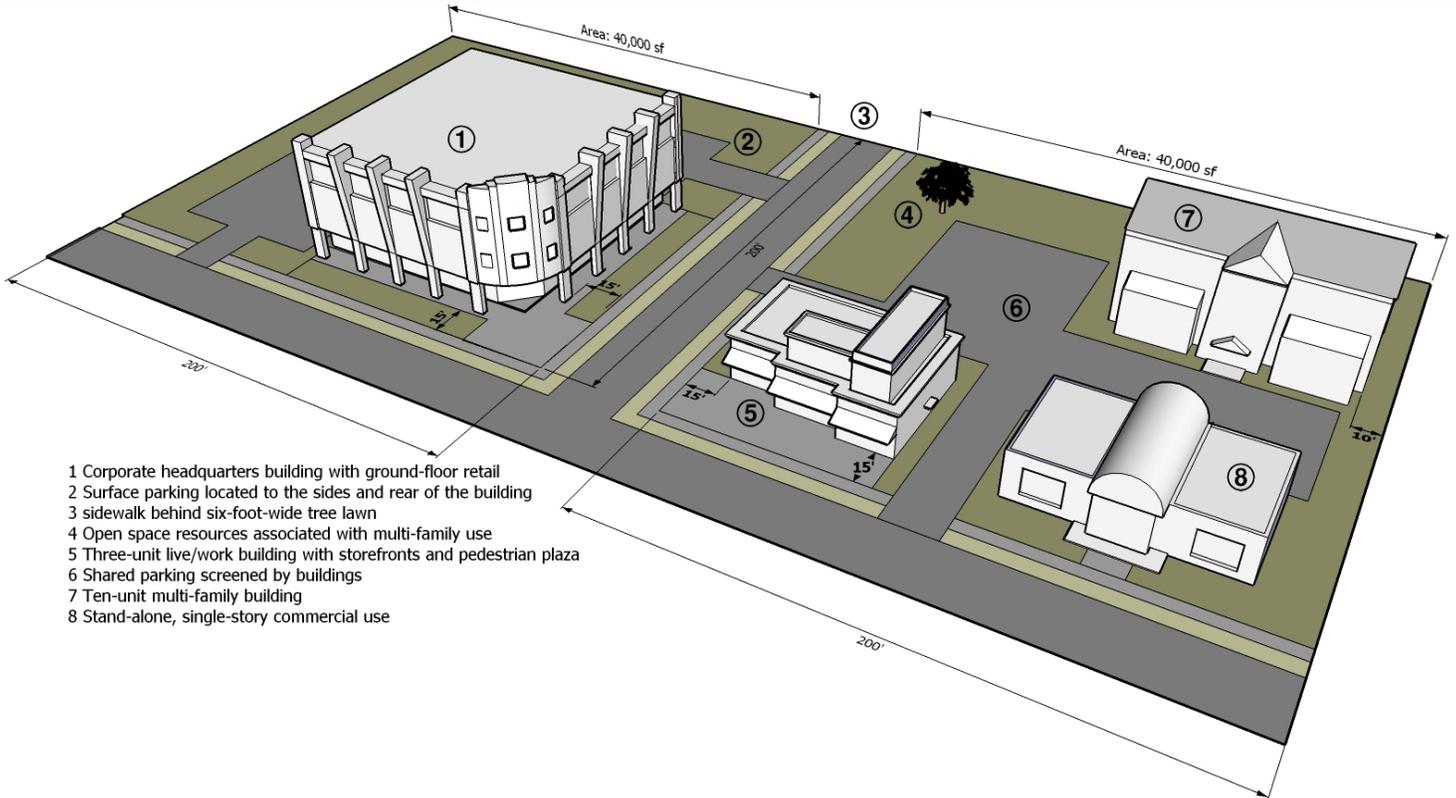


“sf” = square feet; “ft” = feet; “FAR” = floor area ratio; “DU” = dwelling units; “AC” = acre

- [1] Minimum lot size or lot width shall be applied to the entire development site for multi-family, townhome, and two-to four family dwellings.
- [2] Yards abutting streets shall be configured to maintain at least 40 linear feet between the centerline of the street and any adjacent building.
- [3] No accessory structure/building may be located between the principal building and any front or side street.
- [4] Accessory structures of two or more stories shall meet the minimum yard requirements for principal uses.
- [5] Accessory structures of 600 sf in size or smaller may not exceed one story (12 ft) in height.
- [6] See Section 40.1-4.4(C)(1), Accessory Dwelling Units, for accessory dwelling unit dimensional requirements.

N O T E S

## TYPICAL DEVELOPMENT CONFIGURATION

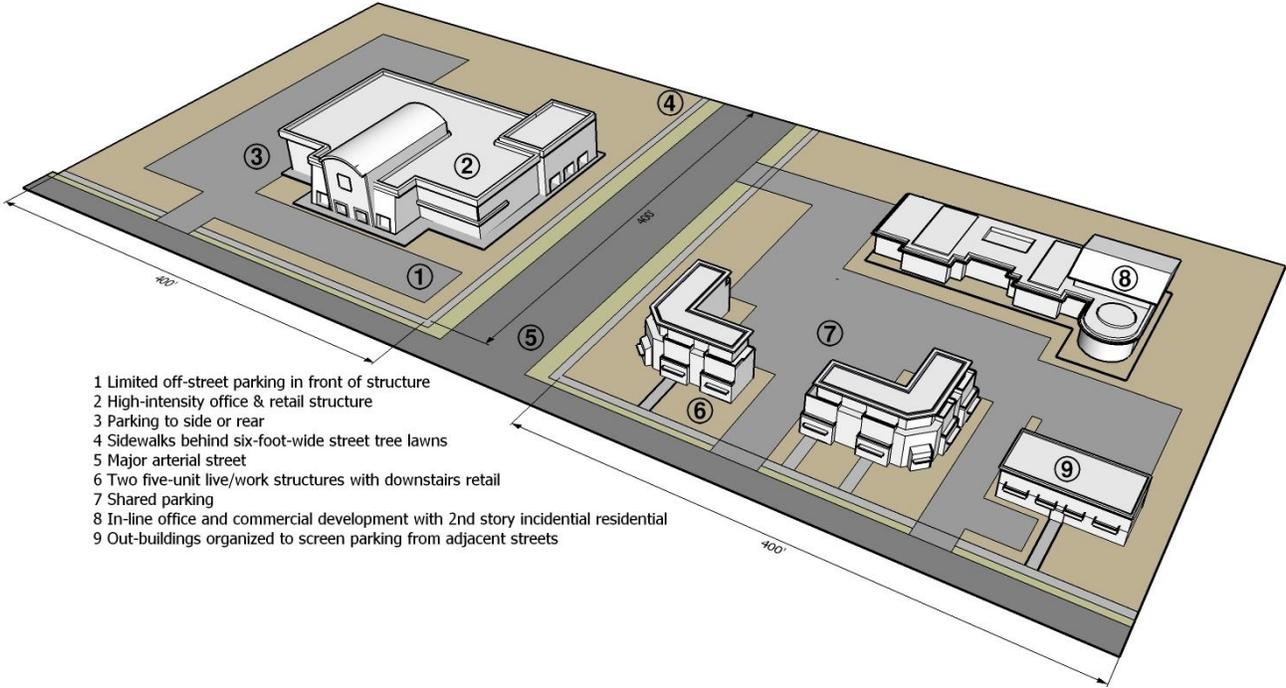


- 1 Corporate headquarters building with ground-floor retail
- 2 Surface parking located to the sides and rear of the building
- 3 sidewalk behind six-foot-wide tree lawn
- 4 Open space resources associated with multi-family use
- 5 Three-unit live/work building with storefronts and pedestrian plaza
- 6 Shared parking screened by buildings
- 7 Ten-unit multi-family building
- 8 Stand-alone, single-story commercial use

**SECTION #: 40.1-3.4(D)**

<b>(D) High Intensity Mixed-Use (MU-H) District</b>			
<b>PURPOSE AND INTENT</b>			<b>TYPICAL BUILDING TYPES</b>
<p>The High-Intensity Mixed Use (MU-H) district is established to accommodate a mix and residential and a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large (e.g., large shopping centers, large convenience stores, large retail sales establishments, and heavier commercial uses). The district is typically located along major arterials, at the intersection of arterials. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone uses. The district is subject to standards intended to ensure development is compatible with surrounding uses.</p>			
<b>DIMENSIONAL STANDARDS</b>			
<b>STANDARD</b>		<b>ALL RESIDENTIAL USES</b>	<b>ALL OTHER USES</b>
<b>DENSITY</b>	Density, Maximum (DU/AC)	18	N/A
	Intensity, Maximum (FAR)	N/A	0.7
<b>LOT AREA</b>	Lot Size, Minimum (sf)	7,500 [1]	5,000
	Lot Width, Minimum	80 ft, + 5 feet for each additional unit beyond 2 units	50 ft
	Building Coverage, Maximum (%)	70	
<b>REQUIRED YARDS</b>	Front, Minimum (ft)	20	20
	Side, Minimum (ft)	When abutting the end unit of a building: 20 ft; All others: 10 percent of the lot width, up to 20 ft; No side yard shall be less than 5 ft unless part of a zero side lot line development [2]	20, 10 if parcel is less than 100 ft in width
	Rear, Minimum (ft)	20 ft [3]	15
	Corner Side, Minimum (ft)	20, 10 if parcel is less than 100 ft. in width	
	Accessory Structure, Minimum (ft)	5 if 600 sf in size or smaller; otherwise same as principal use [4] [5]	
<b>BLDG. FORM</b>	Height, Maximum (ft/stories) [6]	75/7	
	Accessory Structure Size, Maximum	33% of principal use [7]	
<b>NOTES</b>	<p>[1] Minimum lot size shall be construed as the entire development site for multi-family, townhome, and two-to four family dwellings.                  [2] An additional setback of 5 feet per floor over 2 floors shall be required.                  [3] Rear yards may be reduced to 15 feet when there are no accessory structures or parking spaces in the rear yard.                  [4] No accessory structure/building may be located between the principal building and any front or side street.                  [5] Accessory structures of two or more stories shall meet the minimum yard requirements for principal uses.                  [6] Accessory structures of 600 sf in size or smaller may not exceed one story (12 ft) in height.                  [7] See Section 40.1-4.4(C)(1), Accessory Dwelling Units, for accessory dwelling unit dimensional requirements.</p>		
<b>TYPICAL DEVELOPMENT CONFIGURATION</b>			

“sf” = square feet; “ft” = feet; “FAR” = floor area ratio; “DU” = dwelling units; “AC” = acre



- 1 Limited off-street parking in front of structure
- 2 High-intensity office & retail structure
- 3 Parking to side or rear
- 4 Sidewalks behind six-foot-wide street tree lawns
- 5 Major arterial street
- 6 Two five-unit live/work structures with downstairs retail
- 7 Shared parking
- 8 In-line office and commercial development with 2nd story incidental residential
- 9 Out-buildings organized to screen parking from adjacent streets

Use Tables 40.1-4.1(A) and 40.1-9.2.1 and the Use Table in the Uptown D2 District Form-Based Code, Part 8, Section 802 are hereby amended as follows. Sections of the Use Tables not shown (including Use Table rows not shown) are not hereby amended.

**USE TABLE 40.1-4.1A**

**TABLE 40.1-4.1(A): USE TABLE**

**P = PERMITTED USE U = USE PERMIT REQUIRED A = ALLOWED BLANK CELL OR SLASH = PROHIBITED USE**

USE CATEGORY	USE TYPE	ZONING DISTRICTS																ADDITIONAL REQUIREMENTS	
		RESIDENTIAL [1]				BUSINESS					ACTIVITY CENTER			SPECIAL [2]					
		N R	G R	U R	U R H	N M U	G M U	M U H	I L	I N	N A C	C A C	R A C	H R	H L O	H L B	P G		W F
<b>RESIDENTIAL USE CLASSIFICATION</b>																			
Household Living	Dwelling, live/work	/	/	P	P	P	P	P	/	/	A	A	A	/	P	P	/	P	40.1-4.3(A)(1)(b)
	Dwelling, multi-family	/	/	U	U	U	U	U	/	/	A	A	A	U	U	U	/	U	40.1-4.3(A)(1)(a)
		/							/	/							/	/	
	Dwelling, single-family detached	P	P	P	P	P	/	/	/	/	A	A	A	P	P	P	/	/	40.1-4.3(A)(1)(a)
	Dwelling, townhouse	/	/	U	U	U	U	U	/	/	A	A	A	U	U	U	/	U	40.1-4.3(A)(1)(a)
	Dwelling, two- to four-family	/	U	U	P	P	P	P	/	/	A	A	/	U	U	U	/	/	40.1-4.3(A)(1)(c)
	Dwelling, upper story	/	/	P	P	P	P	P	/	/	A	A	A	/	P	P	/	P	40.1-4.3(A)(1)(a)

**USE TABLE 40.1-9.2.1**

**TABLE 40.1-9.2.1: USE TABLE**  
**P = PERMITTED USE    U = USE PERMIT REQUIRED    A= ALLOWED    BLANK CELL or SLASH = PROHIBITED USE**

USE CATEGORY	USE TYPE	DISTRICTS					CONDITIONS
		T3	T4	T5	T6	SD	
<b>RESIDENTIAL USE CLASSIFICATION</b>							
<b>Household Living</b>	Dwelling, live/work	/	P	P	P	/	
	Dwelling, multi-family	U	U	U	U	/	
	Dwelling, single-family detached	P	/	/	/	/	
	Dwelling, townhouse	U	U	/		/	
	Dwelling, two- to four-family	P	P	/	/	/	
	Dwelling, upper story	/	P	P	P	/	

**UPTOWN D2 DISTRICT FORM-BASED CODE, PART 8, SECTION 802**

P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited

USE CATEGORY	USE TYPE	General Urban Frontage	Storefront Frontage	Townhouse Small Apt Frontage	Workshop Frontage	Detached House	Conditions
<b>RESIDENTIAL USE CLASSIFICATION</b>							
<b>Household Living</b>	Dwelling, live/work	P*	P*	P	P		* Above Ground Floor
	Dwelling, multi-family	U	U	U			
	Dwelling, single-family attached			P		P	
	Dwelling, single-family detached			P		P	
	Dwelling, townhouse			U		U	
	Dwelling, two- to four-family			P		P	
	Dwelling, upper story	P	P	P			

# Tab II

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING AND SPECIFICALLY AUTHORIZING AND REGULATING FOOD TRUCKS, INCLUDING THROUGH THE AMENDMENT OF TABLE 40.1-4.5(A), SECTION 40.1-4.5(C)(1), AND SECTION 40.1-8.3, AND THROUGH THE ADOPTION OF A NEW SECTION 40.1-4.5(F)(8).**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 January 26, 2016.

Teste:

City Clerk

**EXHIBIT A**

**AMENDMENTS  
TO THE  
CITY OF PORTSMOUTH ZONING ORDINANCE  
JANUARY 26, 2016**

INTERPRETATION: In the amendments listed below, instructions are provided in *blue italics*. Provisions to be deleted are indicated with a **double strikethrough**. New language to be added is indicated in **red and underlined**.

-----  
**AMENDMENT #: 1**

**TABLE #: 40.1-4.5(A)**

<b>TABLE 40.1-4.5(A): PERMITTED TEMPORARY USES AND STRUCTURES</b>		
Temporary Use or Structure	Allowable Time Frame	Specific Regulations
<b>TEMPORARY STRUCTURES</b>		
Expansion or Replacement of Existing Facilities (including temporary offices for construction and/or security personnel)	(A)	Permit Required; see Section 40.1-4.5(F)(1)
Real Estate Sales Office/Model Sales Home	(A)	Permit Required; see Section 40.1-4.5(F)(2)
Construction-Related Activities for New Construction	(A)	Permit Required; see Section 40.1-4.5(F)(2)
Temporary Family Health Care Structure	Unlimited as long as requirements of 40.1-4.5(F) (5) are met	Permit Required: see Section 40.1-4.5 (F) (5)
Temporary Storage in an On-Demand Container	(B)	Permit Required; see Section 40.1-4.5(F)(4)
<b>TEMPORARY SALES</b>		
Outdoor Seasonal Sales	(B)	Permit Required; see Section 40.1-4.5(F)(6)
Farmer's Market	(C)	Permit Required; see Section 40.1-4.5.(F)(7)
Food Trucks	(A)	Permit Required; see Section 40.1-4.5(F)(8)
Time Frames: [A] Such structures may be in place for no more than one to four years, unless expressly stated otherwise in this Ordinance. [B] Such structures or sales may be in place for not more than 30 days per calendar year, and no more than three occurrences per parcel, per year. [C] Such uses may operate on a continuous basis for up to five months per year on a single site.		

-----  
**AMENDMENT #: 2**

**SECTION #:40.1-4.5(C)**

**(E) Prohibited Temporary Uses**

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

**(1) Retail Sales or Display of Goods From Vehicles**

Except as part of a permitted seasonal sale or a Food Truck permitted by the City, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

---

**AMENDMENT #: 3**

**SECTION #: 40.1-8.3**

**FOOD TRUCK**

---

**AMENDMENT #: 4**

**SECTION #: 40.1-4.5(F)(8)**

*Add a new Section 40.1-4.5(F)(8) as follows.*

**(8) Food Trucks on Private Property**

**(a) Location**

Food trucks that have been permitted by the City may operate on private property in all zoning districts, subject to the compliance with subsection 40.1-4.5(F)(8)(b) below.

**(b) Standards**

- (1)** All food trucks must have a valid city food truck permit.
- (2)** All food trucks must possess a valid and unrescinded signed letter from the owner of the property stating that the owner has given permission for the food truck to operate in a specific location during a specific time period not to be earlier than 7:00 a.m. or later than 9:00 p.m.
- (3)** Food trucks shall not vend on vacant or unimproved properties, unless the property is owned or leased by the City and permission has been granted by the City.
- (4)** Food trucks shall operate in accordance with the requirements of Article X of Chapter 32 of the City Code, as the same may be amended, moved or superseded, and with all regulations and guidelines adopted by the City Manager pursuant thereto.
- (5)** Food trucks operating in all business districts, activity center districts, or special districts (as categorized in Table 40.1-3.2) shall meet the following standards:
  - (i)** Food trucks must park only in a designated parking area. Food trucks shall not park in or in any way block or infringe on drive aisles, sidewalks, other access to loading/service areas, or emergency access and fire lanes.
- (6)** Food trucks operating in residential districts (as categorized in Table 40.1-3.2) shall meet the following standards:
  - (i)** Food trucks may operate on residential property only for the purpose of catering private events. In such cases, food trucks may only sell food and beverages to people attending the private event and who are entirely on the property owned by the person or persons holding the event. Food trucks shall not operate on

the same parcel more than three times in the same calendar month. The property owner must inform the Planning Department prior to allowing a food truck to operate on residential property.

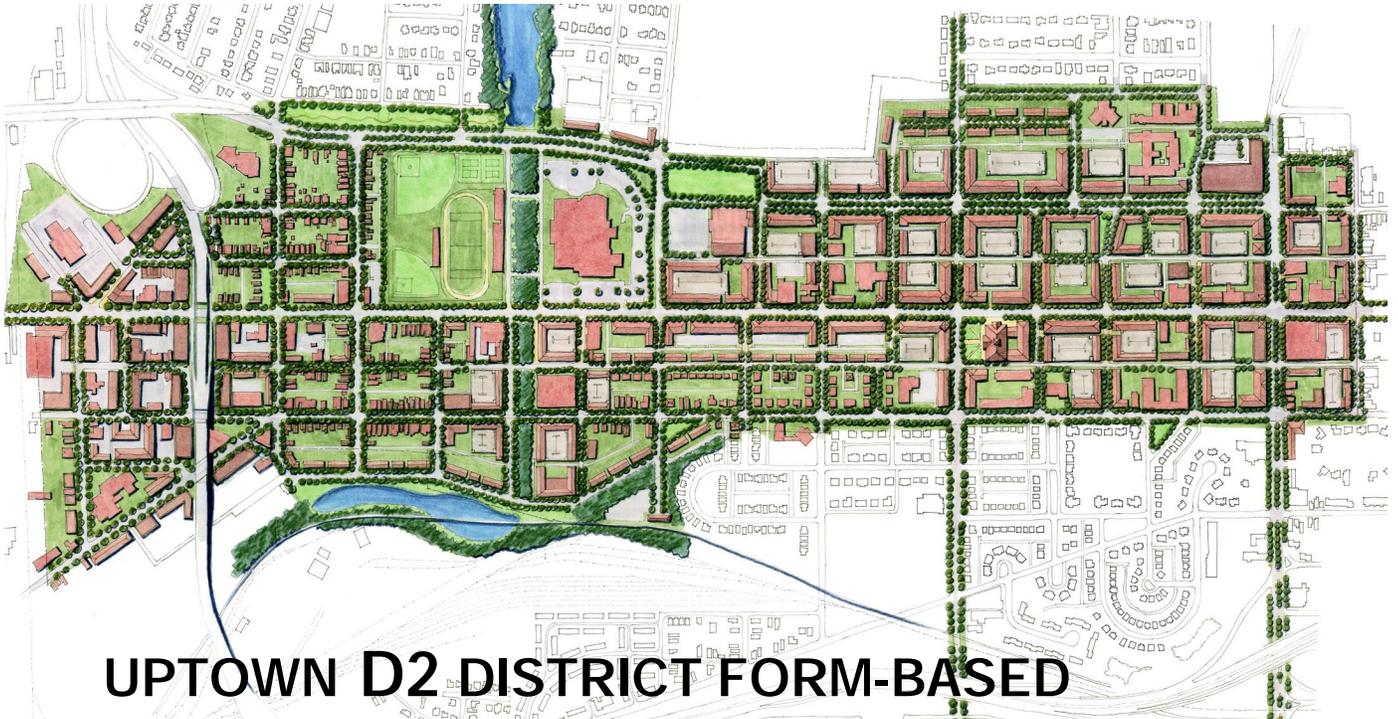
**(ii)** Food trucks must be located on a paved surface.

**(iii)** No portion of the food truck shall extend onto an adjacent property or into any right-of-way.

**(iv)** The owner and employees of a food truck may not use the food truck for catering or any other such uses on their own property.

**(7)** Notwithstanding subsection (6) 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, activity center districts, or special districts set forth in subsection (5) hereinabove.

# Tab III



# UPTOWN D2 DISTRICT FORM-BASED CODE

Portsmouth, Virginia

REVISED  
December 1, 2015

## How to Use the Code

1. Determine if property in question is located within the Uptown D2 District.
2. Look at the adopted regulating plan. Find the property in question. Note the required building line and the parking setback line. Note the color of the fronting street-space—this determines the applicable building envelope standard (see the key located on the regulating plan).
3. Find the appropriate building envelope standards pages in Part 4. Building Envelope Standards. The building envelope standards will tell you the parameters for building on the site in terms of height, siting, elements, and use.
4. Additional information regarding streets and other public spaces surrounding the property are found in Part 5. Urban Space Standards, Part 6. Architectural Standards, and Part 7. Parking and Loading Standards. These sections establish the general parameters for the character of the street-space including vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking

configurations; basic parameters and palettes for architectural elements and building materials; and parking requirements.

# Contents

## Part 1. General Provisions

101. Title.....	1
102. Purpose.....	1
103. Application.....	1
104. Relationship to Zoning Ordinance.....	1
105. Severability.....	1
106. Components of the Code.....	2

## Part 2. Administration

201. Code Administrator.....	4
202. Uptown D2 Development Application.....	4
203. D2 Certificate of Compliance.....	6

## Part 3. Regulating Plans

301. Rules for Regulating Plans.....	7
302. Regulating Plan Amendment.....	10
303. Required Building Line Adjustment.....	10

## Part 4. Building Envelope Standards

401. Intent.....	12
402. General Provisions.....	12
403. General Urban Frontage.....	17
404. Townhouse/Small Apartment Frontage.....	20
405. Detached Frontage.....	23
406. Workshop Frontage.....	26
407. Martin Luther King Highway Frontage.....	29

## Part 5. Urban Space Standards

501. Applicability.....	30
502. Intent.....	30
503. Street Type Specifications.....	30
504. Streetscape Standards.....	41
505. Squares and Civic Greens.....	42
506. Private Open Area.....	44
507. Tree Lists.....	44

## Part 6. Architectural Standards

601. Intent .....	47
602. General Principles.....	47
603. Building Walls.....	48
604. Roofs and Parapets.....	50
605. Street Walls and Garden Walls.....	52
606. Windows and Doors.....	54
607. Signage.....	57
608. Lighting & Mechanical Equipment.....	60

**Part 7. Parking and Loading Standards**

701. Intent..... 67  
702. Other Applicable Regulations.....67  
703. Scope of Regulations..... 67  
704. Maximum Parking Spaces.....66  
705. Special Parking Standards.....66  
706. Surface Parking Lot Plantings..... 67  
707. Loading Facilities..... 67

**Part 8. Building Function**

801. General Provisions..... 68  
802. Use Table.....69  
803. Additional Regulations ..... 72  
804. Accessory Uses.....72

**Part 9. Definitions**

901. Defined Terms.....74

# Part 1. General Provisions

## 101. Title

This Code is known as the Uptown D2 District Form-Based Code.

## 102. Purposes

- A. The City of Portsmouth Comprehensive Plan Destination 2025 (adopted April 29, 2005) identifies High Street as a FOCUS (Fulfilling Our Comprehensive Urban Strategy) Revitalization Corridor between Effingham and Airline Boulevard. This Code is intended to meet the goals of the Comprehensive Plan by providing strong implementation tools for this area.
- B. The Code is designed to foster a setting for economic growth and development in a sustainable mixed-use pattern of diverse urban neighborhoods, integrating residential with employment and commercial uses (as well as recreational opportunities), within the Uptown D2 District.
- C. The Code shall be applied to new, infill development, and re-development in the designated locations both in order to achieve the vision set forth for the Uptown D2 District and to provide a mechanism for implementing the following specific goals, using both public and private sector investment:
  - 1. Capitalize on public investment in existing infrastructure
  - 2. Promote compact, mixed-use development at moderate to high densities
  - 3. Ensure transit-supportive and transit-serviceable development
  - 4. Require pedestrian-oriented and transit-oriented design
  - 5. Ensure compatibility with surrounding neighborhoods
- D. The creation of transit- and pedestrian-oriented development is dependent on three factors: density, diversity of uses, and design. The Code places greatest emphasis on the third element (design, or physical form) because it is of greatest importance when creating the places that attract jobs and economic vitality. Density and uses can be expected to change over time as the district grows and matures.

## 103. Application

This Code is applicable to the Uptown D2 District as shown on the official Zoning Map and the Uptown D2 District Regulating Plan.

## 104. Relationship to Zoning Ordinance

This Code is an Appendix to and a part of the Zoning Ordinance (Article 40.1-1, et seq. of the City Code). Except where expressly provided otherwise, the provisions of general applicability in the other portions of the Zoning Ordinance apply to the Uptown D2 District. Provided however, that any provision of this Code that conflicts with another provision of the Zoning Ordinance shall be deemed to control within the Uptown D2 District to the extent of such conflict.

## 105. Severability

Should any provision of this Code be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Code other than the part decided to be unconstitutional or invalid.

## 106. Components of the Code

This Code places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

### A. Administration

Administration covers review processes for development approval.

## **B. The Regulating Plan**

1. A regulating plan is the application key for the Code. It provides a public space master plan with specific information on development parameters for each parcel within the district. The regulating plan includes the specific details necessary to create the physical form and character of a mixed-use, pedestrian-oriented place and allow expedited development approvals.
2. The regulating plan shows how each lot relates to the street-space (streets, squares/civic greens, pedestrian pathways, etc.) and the surrounding neighborhood. The regulating plan may identify additional regulations for lots in specific locations.

## **C. The Building Envelope Standards**

2. The primary intent of the building envelope standards (BES) is to shape the street-space—its specific physical and functional character—through placement and form controls on buildings as they frame the street-space or public realm. The secondary intent of the building envelope standards is to ensure that the buildings cooperate to form a functioning, sustainable, block structure. These BES aim for the minimum level of control necessary to meet those goals. Regulating by street frontage produces a coherent and integrated street-space with less interference in the private activities within the lots.
3. The building envelope standards establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements, such as storefronts, balconies, and street walls. The building envelope standards establish both the boundaries within which things may be done and specific things that must be done. The applicable standard for a building site is determined by the street frontage designated on the regulating plan.

## **H. The Street Type Specifications**

The street type specifications illustrate typical configurations for streets within the district. They address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations.

## **E. The Urban-Space Standards**

The purpose of the urban-space standards is to ensure coherent street-space and to assist builders and owners with understanding the relationship between the public space of the district and their own building. These standards set the parameters for the placement of street-trees and other amenities or furnishings (e.g., benches, signs, street lights, etc.) within the street-space.

## **F. The Architectural Standards**

The goal of the architectural standards is a coherent and quality building character that is complementary to the best traditions of Portsmouth. The architectural standards govern a building's exterior elements regardless of its BES and set the parameters for allowable materials, configurations, and techniques. Materials and products that are 'equivalent or better' than those specified are always encouraged and may be submitted for approval to the Code Administrator.

## **G. Building Function Standards**

The building function standards provide for the uses allowed on ground floors and in upper floors, correlated with each building envelope standard. Because the Code emphasizes form more than use, it includes fewer, broader categories than those provided in the zoning ordinance. True CIVIC USES, in civic use buildings, are

narrowly defined (see Part 9, Definitions, and exempt from many of the BES requirements).

## **H. Parking and Loading Standards**

Parking and loading standards provide goals and requirements to promote a “park once” environment through shared parking and encouragement of a pedestrian-friendly district.

## **I. Definitions**

Certain terms in the Code are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in small capitals format, consult the definitions for its specific and limited meaning. Where there is an apparent contradiction between the definitions in this Code and those in Section 40.1-8.3 of the Zoning Ordinance, this Code definition shall prevail. Where a term is not defined in this Code, but is defined in Section 40.1-8.3 of the Zoning Ordinance, the definition in Section 40.1-8.3 shall apply.

## **Part 2. Administration**

### **201. Code Administrator**

#### **A. Authority**

The Code Administrator is responsible for administration and enforcement of this Code.

#### **B. Delegation of Authority**

The Code Administrator may designate any Planning staff member to represent the Code Administrator in any function assigned by this Code. The Code Administrator remains responsible for any final action.

### **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 building 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 gross square feet, and for deviations from the requirements of this Code.

#### **C. Approval Criteria**

1. The Code Administrator shall perform the review in accordance with the following:
  - I. Compliance with this Code,
  - II. Compliance with the Uptown D2 District Regulating Plan, and
  - III. Compliance with Article 40.1 of the Zoning Ordinance.
2. Upon approval of the application, the Code Administrator shall issue a D2 Certificate of Compliance in accordance with the provisions Section 203 (below). Approval of an Uptown D2 Development application and issuance of a D2 Certificate of Compliance by the Code Administrator allows an applicant to apply for other permits and approvals including, but not limited to, those permits and approvals required by the Building Code.
3. The Code Administrator has the authority to grant modifications to Uptown D2 Development plans, approved under this Code, in accordance with the procedures and standards that governed its original approval.

### **Certificate of Compliance**

#### **A. Purpose and Intent**

The purpose and intent of this section is to establish procedures and standards for D2 Certificates of Compliance (COC) for development under this Code.

## B. Authority

The Code Administrator shall approve all COCs upon compliance with the provisions of this Code

## C. Applicability

	BES - Height	BES - Siting	BES - Elements	BES - Uses	Architectural Standards, Dooryard & Private Open Space Plantings	Architectural Standards- Materials	Architectural Standards - Signs	Urban Standards - Street Trees
<b>General, General Shopfront, Workshop, or Townhouse/Small Apartment Frontages</b>								
New Construction	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use in an Existing Structure				X				
<u>Expansion of Building or Structure Area</u>								
0%-25% expansion of building or structure area, and/or increase in building value by appraisal	X		X	X				CA
26%-50% expansion of building or structure area, and/or increase in building value by appraisal	X	X	X	X	X	X	X	X
51% or greater expansion of building or structure area, and/or increase in building value by appraisal	X	X	X	X	X	X	X	X
<u>Expansion of Parking Area Only (not in conjunction with a use/building)</u>								
Up to 10 spaces		X			X	X		CA
11 or more additional spaces		X	X		X	X	X	X
<b>Detached Frontages</b>								
New Construction	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use in an existing structure				X	X			
<u>Expansion of Building or Structure Area</u>								
0%-50% expansion of building or structure area, and/or increase in building value by appraisal		X	X	X	X			
51% or greater expansion of building or structure area, and/or increase in building value by appraisal	X	X	X	X	X	X	X	
Notes: X Required CA CODE ADMINISTRATOR'S discretion 1. Expansions of Building or Structure Area at or below the 50% level shall, in themselves, comply with the Code (will not require retrofitting of existing elements) 2. Expansions of Building or Structure Area above the 51% level shall require complete compliance with the Code (will require retrofitting of any remaining existing elements).								

## D. Relief from Unlisted Standards

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

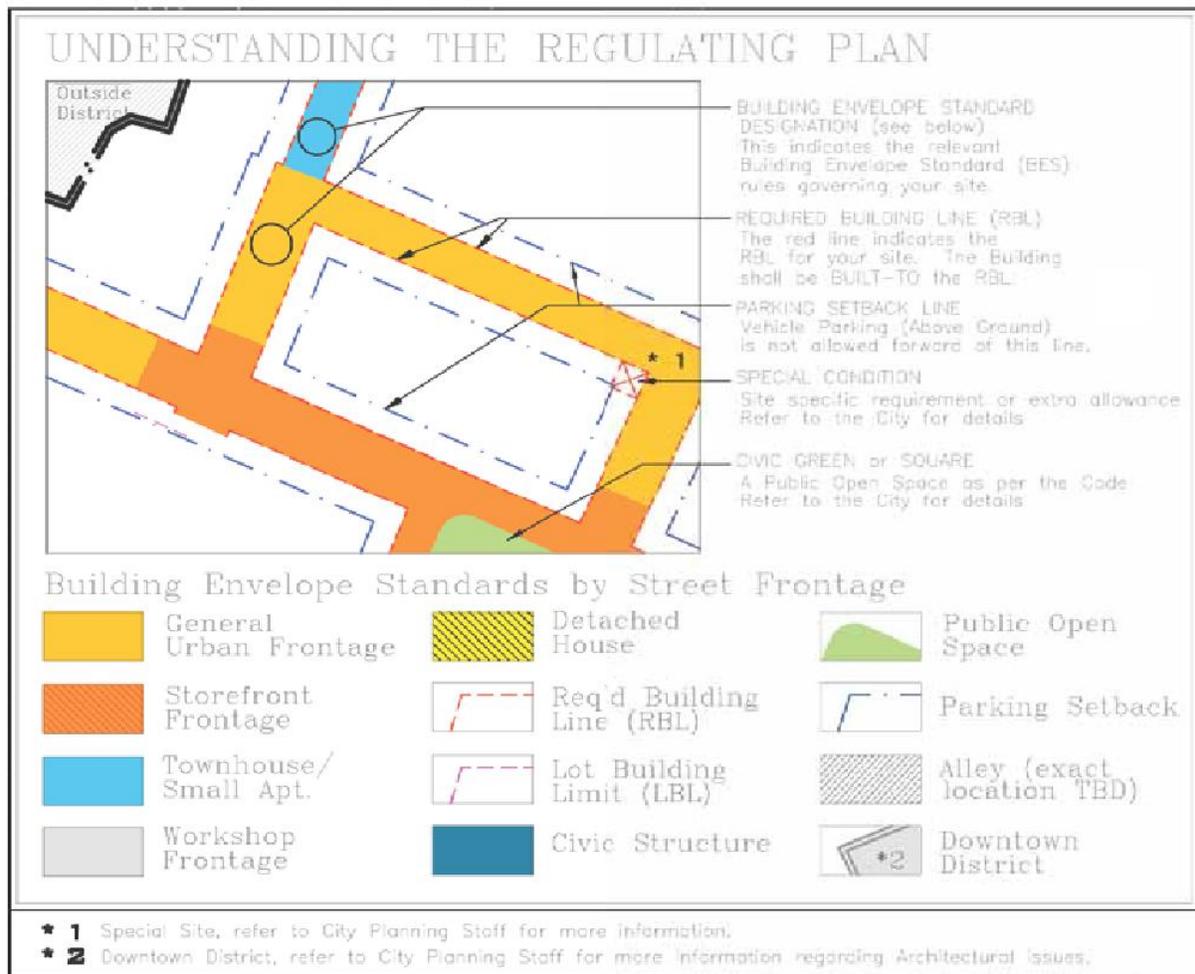
# Part 3. Regulating Plans

## 301. Rules for Regulating Plans

### A. Purpose and Intent

1. A regulating plan is the controlling document and principal tool for implementing this Code.
2. The regulating plan makes the development standards place-specific by allocating the building envelope standards (BES) and delineating the public spaces. A regulating plan identifies: the boundaries for the district, new and existing streets, the required building line and parking setback line, and the street-type designation throughout the plan area.
3. A regulating plan may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BES or other standards.

### B. Regulating Plan/Key



## C. Building Envelope Standards (BES)

### 1. General

- a. Building envelope standards are designated on the regulating plan by street frontage.
- b. In determining the allocation, and thereby the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When creating or amending a regulating plan, the following standards apply.

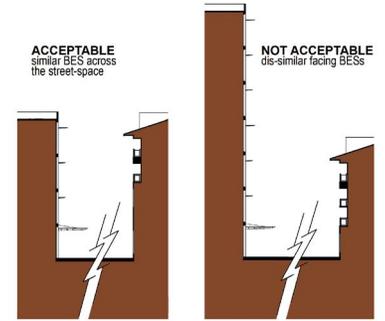
### 2. Consistency of Application

- a. Consistent building envelope standards (of a similar intensity) shall face across streets. Within the following hierarchy, building envelope standards in the same group are considered to be consistent and may face each other across streets:

<b>Group 1</b>	Storefront General / General
<b>Group 2</b>	General / Small Apartment -Townhouse / Workshop
<b>Group 3</b>	Small Apartment -Townhouse
<b>Group 4</b>	Townhouse / Detached

301.C.2.a illustrative intent

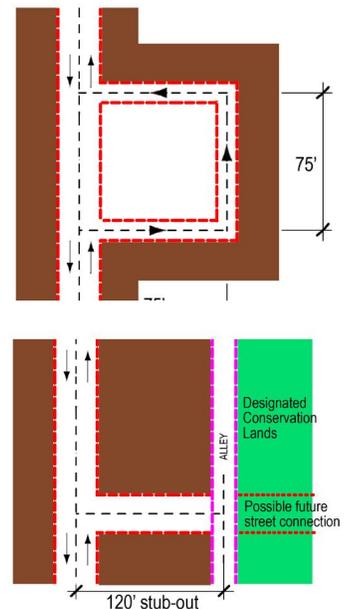
- b. When separated by an alley (or common access easement), or when fronting different streets (i.e. a corner lot and its adjacent lot), building envelope standards from any group may sit adjacent to one another.
- c. When separated by a square, plaza, civic green, or park, consecutive building envelope standards (one group different) may front one another. For example, buildings from Group 1 may face buildings from Group 2 but not Group 3.
- d. Building envelope standards from consecutive groups (one group number different) may share a common lot line and/or sit directly beside one another. For example, buildings from Group 1 may sit beside buildings from Group 2 but not Group 3. Such changes must be consistent on both sides of the street and must not occur more than once per 100 linear feet of the street length.
- e. Civic use buildings (designated on the regulating plan) are not restricted by these standards.



## D. Streets, Blocks & Alleys

### 1. Streets

- a. New streets shall be designated and designed in accordance with street type specifications.
- b. New streets shall be public.
- c. No street-space shall be gated.
- d. All lots shall share a frontage line with a street-space.
- e. Connectivity of the street grid and intersection alignment throughout is established and regulated by the regulating plan and street specifications and as specified in Part 2. Administration, Administrative Adjustments.
- f. Streets that do not connect to other streets, as part of an interconnected network, are not permitted except as below:
  - (i) Where streets are configured with a one-way loop around the perimeter of a central green area, having a maximum depth (perpendicular to the primary street centerline) of 75 feet and a minimum width (dimension parallel to the primary street) of 75 feet;
  - (ii) Where streets are less than 120 feet long (measured from the street intersection centerline) and configured as a stub-out designed for connection to future streets/development;
  - (iii) Where streets are less than 120 feet long (measured from the intersection centerlines) and connected to alleys or common drives giving rear lot access, and ending at designated conservation lands.
- g. Additional streets may be added to the regulating plan to create a smaller block pattern.



### 2. Blocks

- a. No block face shall have a length greater than 300 feet without an alley, common drive or access easement, or pedestrian pathway providing through-access to another street-space, alley or common access easement, or conservation restricted land. Individual lots with less than 100 feet of frontage are exempt from the requirement to interrupt the block face; those with over 200 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.

- b. Unless otherwise specified on the regulating plan, no curb cuts are permitted within 75 feet of another curb cut, intersection, or driveway. Driveways into or from alleys are not restricted by this measure.

### **3. Alleys**

- a. Alleys or common access easements must provide access to the rear of all lots, except where lots are on a perimeter common to non-developable or conservation lands or where a lot has streets on three sides and the absence of an alley would not deprive an adjacent neighbor of rear lot access.
- b. New alleys (or common access easements) may be public or private, but public access must be dedicated via an easement.
- c. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is required.
- d. Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to dedicate the alley right-of-way within the rear setback to the City and maintain the area within the rear setback by, at a minimum:
  - (i). Providing routine landscape maintenance to the area.
  - (ii). Keeping the area clear of debris, stored materials, and vehicles.

## **E. New Streets, Designated on Regulating Plan**

### **1. Streets**

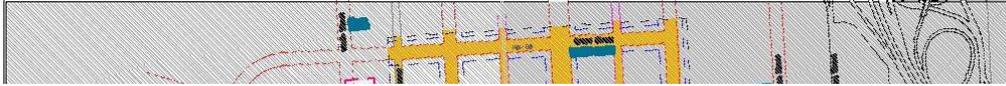
- a. Where new streets (not in existence as of 2009) are shown on the regulating plan with an asterisk (\*), they shall be considered optional and at the discretion of the property owner(s).
- b. Where new streets are designated on the regulating plan without an asterisk, they are critical to the working of the larger community and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the regulating plan shall be respected.

## **302. Regulating Plan Amendment**

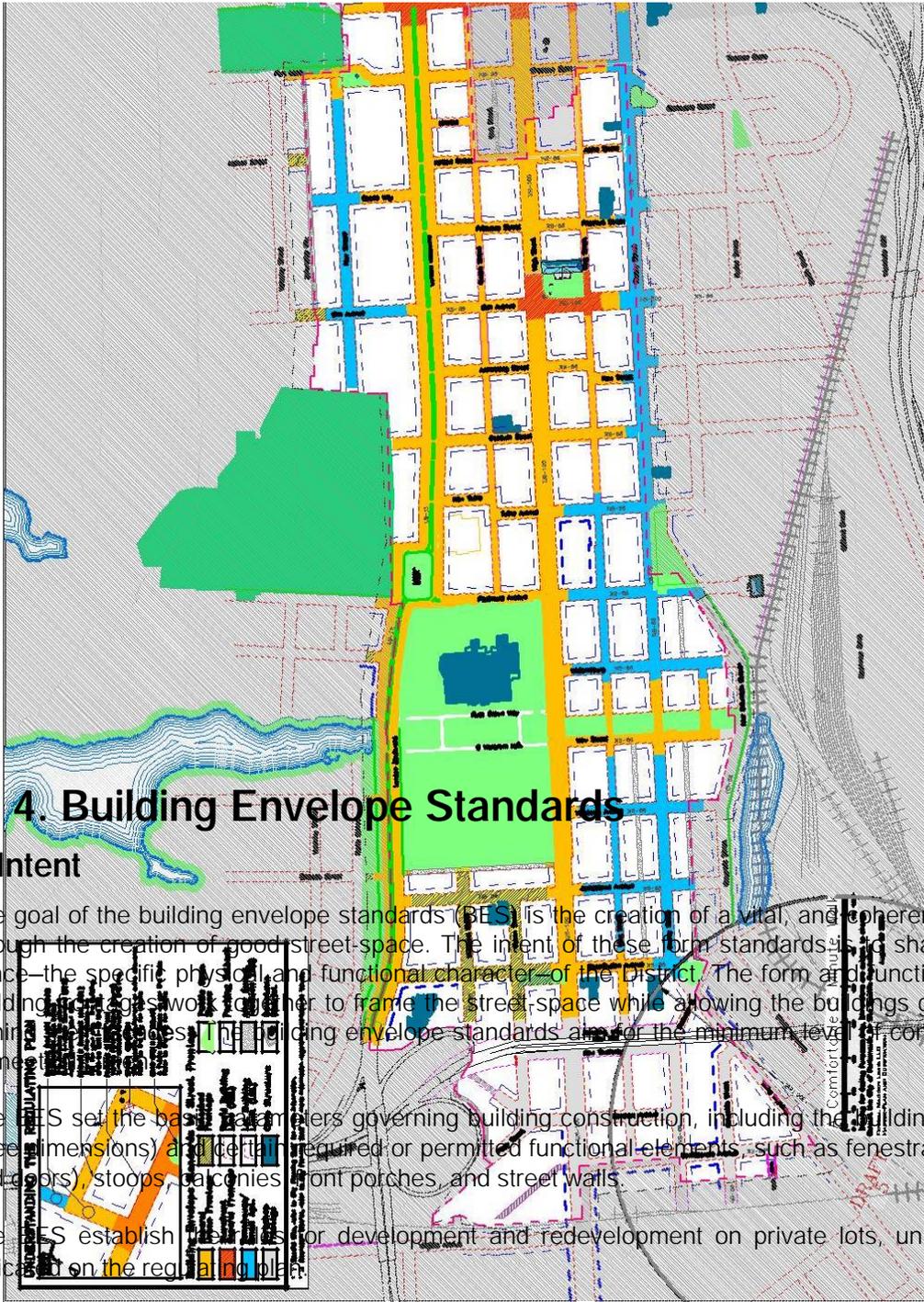
Any amendment or change to the regulating plan, beyond those specified above, will be a zoning map amendment of this Code and must follow the procedure set forth in 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (A): Zoning Map Amendment (Rezoning) or Text Amendment.

## **303. Required Building Line Adjustment**

In the event that a designated RBL is within an existing right-of-way, the code administrator and the property owner shall make best efforts to resolve such conflict in order that the development may occur and meet the goals and objectives of the D2 Form-Based Code. Following such efforts, the code administrator may designate the front property line, or other line, as the RBL.



For Illustrative Purposes Only, refer to the City for Regulating Plan Information.



## Part 4. Building Envelope Standards

### 401. Intent

- A. The goal of the building envelope standards (BES) is the creation of a vital, and coherent public realm through the creation of good street-space. The intent of these form standards is to shape the street-space—the specific physical and functional character of the District. The form and function controls on building envelopes work together to frame the street-space while allowing the buildings greater latitude behind the street lines. The building envelope standards aim for the minimum level of control necessary to meet these goals.
- B. The BES set the basic parameters governing building construction, including the building envelope (in three dimensions) and other required or permitted functional elements, such as fenestration (windows and doors), stoops, balconies, front porches, and street walls.
- C. The BES establish the rules for development and redevelopment on private lots, unless otherwise indicated on the regulating plan.
- D. The regulating plan identifies the building envelope standard for all private building sites within the Uptown District.

### 402. General Provisions

The following apply to all BES, unless expressly stated otherwise within an individual BES or otherwise designated on the regulating plan.

## A. Transitions

When the BES designation shown on the regulating plan changes along a property's required building line (RBL), that property owner has the option, for his property's street frontage only, of applying either BES for a maximum additional distance of 50 feet in either direction along the RBL.

## B. Façade Composition

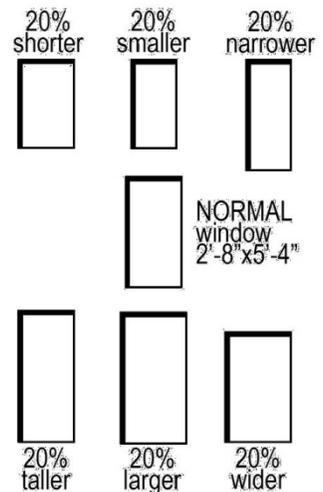
For each block face, **façades** along the RBL shall present a complete and discrete vertical **façade** composition (i.e., integral architectural articulation to maintain and protect human-scale for the street-space) at an average street frontage length of no greater than 60 feet for Storefront General frontage sites; 75 feet for General and Townhouse frontage sites; and 100 feet for Workshop and Detached frontages.

Each **façade** composition shall include a functioning street entry door. This requirement may be satisfied through the use of liner shops for large footprint buildings. Individual infill projects on lots with frontage of less than 100 feet are exempted from the overall **façade** composition requirement, but shall still include a functioning street entry.

"**Façade** composition" is the arrangement and proportion of **façade** materials and elements (windows, doors, columns, pilasters, bays). "Complete and discrete" is much like a new **façade** for a new building. To achieve B, above, within a building frontage requires, at a minimum, item 1. below and two additional items:

1. Clearly different ground story **façade** composition (both framing materials and fenestration proportions).
2. Window proportions (minimum difference 20 percent in height or width)
3. **Façade** composition (clearly different 'bay' rhythm, e.g. 'ABA' - 'ABBA' - 'BAAB' - 'ABCBA').
4. Wall Material (clearly different external wall material - color changes do not suffice).
5. Change in fenestration percentage (minimum difference 12 percent; ground floor **façades** are not included).

402.B.3 Illustrative intent



## C. Building Size: Projects

The maximum footprint for a building is 60,000 gross square feet; beyond that limit the Use Permit option is required (see Part 2. Administration). This shall not limit parking structures built according to this Code.

## D. Neighborhood Manners

For any BES frontage except Detached and Townhouse, the following rules apply:

1. Where a site has a common lot line with a single-family detached residential structure, there shall be a 40 foot setback for any structures.
2. Where a site abuts a single-family residential property, a garden wall/street wall, 4 to 6 feet in height, shall be constructed within one (1) foot of the common lot line or alley.
3. Where a site is located within 40 feet of an existing single-family detached residential lot, the maximum eave or parapet height for that portion of the site shall be 30 feet. This requirement supersedes the minimum story height requirement.

## E. Height

1. The height of all buildings is measured in stories, with an ultimate limit in feet, measured from the eaves to the fronting sidewalk elevation, unless otherwise designated herein.
2. An attic story is not included in the height measurement.

3. If an individual story exceeds the maximum floor-to-floor height, it shall be counted against another story, and no individual building height may exceed the BES prescribed ultimate height.
4. Where a parking structure is within 30 feet of any building (constructed per this Code and after approval of the regulating plan) that portion of the structure shall not exceed the building's primary ridge or parapet height.
5. Mezzanines that have a floor area greater than 1/3rd of the floor area of the story in which they are located shall count as an additional full story in the story height measurement.
6. The prescribed minimum story clear-height shall be met by at least 80 percent of the specified story area.

## F. Siting

1. **The building façade shall be built-to the RBL within 30 feet of a block corner.**
2. A street wall shall be required along any RBL frontage that is not otherwise occupied by a building. The street wall shall be located not more than 8 inches behind the RBL.
3. The RBL, designated on regulating plan as an absolute line, incorporates an offset area (or depth) of 20 inches beyond that line (into the buildable area) allowing for jogs, **façade** articulation, etc. unless otherwise designated herein.
4. Buildings may only occupy that portion of the lot specified as the buildable area—the area behind the RBL as designated by the BES.
5. No part of any building may be located outside of the buildable area except overhanging eaves, awnings, shopfronts, bay windows, steps, handicapped ramps approved by the Code Administrator, or balconies.
6. No part of any building may be located outside of any designated lot building limit except steps, overhanging eaves, or awnings.
7. There is no required setback from alleys except as otherwise indicated on the BES. On lots without alley access, there shall be a minimum 25-foot setback from the rear lot line.
8. There are no side lot setbacks, except as specified in the Neighborhood Manners (above) or in the BES.
9. The parking setback line is generally 30 feet behind the RBL and extends vertically as a plane unless otherwise indicated on the regulating plan or in the BES. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on-street, or otherwise indicated on the regulating plan.
10. Corner lots and through lots shall satisfy the build-to requirements for their full/all frontages (RBL), unless otherwise specified in this Code.

## G. Elements

1. **Fenestration is measured as a percentage of the façade between floor levels.**
2. No window may face or direct views toward a common lot line within 25 feet unless:
  - a. That view is contained within the lot (e.g. by a privacy fence or garden wall), or
  - b. The sill is at least 6 feet above its finished floor level.
3. Balconies and stoops shall not project within 5 feet of a common lot line.
4. No part of any building except overhanging eaves, awnings, balconies, bay windows, stoops, and storefronts as specified by the code may project beyond the RBL. Additionally, steps are permitted within the dooryard area.
5. At least one functioning entry door shall be provided along each ground story **façade** at intervals not greater than 75 feet.
6. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.

## **H. Civic Use Buildings**

When designated on the regulating plan, civic use buildings are exempt from the BES standards, excepting any provisions that concern adjacent single-family detached districts.

## **I. Storefront General Frontages**

Where designated on the regulating plan, these frontages shall use the General Urban BES standard, excepting that the ground story configuration shall be for commerce - that of a storefront. (See 606.D.3 Storefront Windows for specific requirements.)

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# 403. General Urban Frontage

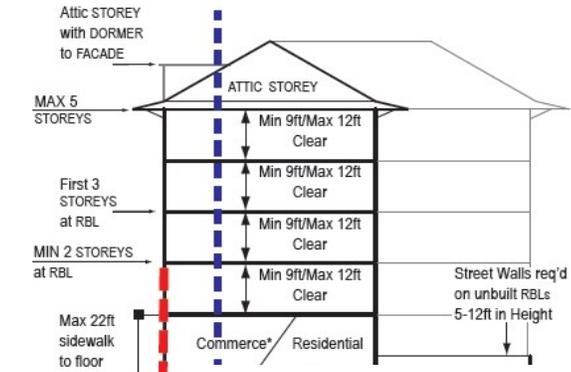
## ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Envelope Standard.

The General building envelope standard is the basic urban street frontage, once common across the United States. The uses are not specific, ranging from commercial to residential, retail to municipal– and combinations of all of the above. The primary form is that of a multi-story building placed directly at the sidewalk, with windows across the **façade**.

There could be several buildings lined up shoulder to shoulder, filling out a block, or on smaller blocks, a single building might fill the frontage line. Where designated on the regulating plan, these frontages shall use the General Urban BES standard, excepting that the ground story configuration shall be for commerce - that of a storefront.





**Building Height**  
The building shall be at least 2 stories in height, but no greater than 5 stories and 79 feet in height.

**Ground Story Height: Commerce Uses**

1. The average ground story finished floor elevation shall be equal to the exterior sidewalk elevation in front of the building, with a maximum finished floor elevation of 18 inches above the sidewalk.
2. The ground story shall have at least 15 feet of clear interior height (floor to ceiling) contiguous to the required building line (RBL) frontage for a minimum depth of 25 feet.
3. The maximum ground story height is 22 feet, measured from the sidewalk to the second story floor.

**Ground Story Height: Residential Units**

1. The average finished floor elevation shall be no less than 3 feet above the exterior sidewalk elevation at the RBL.
2. The ground story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum sidewalk to second story floor height of 22 feet.

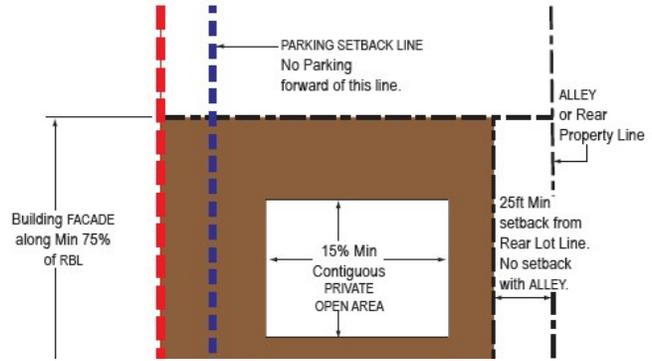
**Upper Story Height**

1. The maximum clear height (floor to ceiling) for stories other than the ground story is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

**Street Wall Height**

A street wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

**Façade**



**SITING**  
On each lot, the building façade shall be built to the required building line for at least 75% of the RBL length. Within 7 feet of the block corner, the ground story façade may be chamfered to form a corner entry.

**Buildable Area**

A contiguous private open area equal to at least 15% of the total buildable area shall be preserved on every lot. Such contiguous private open area may be located anywhere behind the parking setback line, at or above grade.

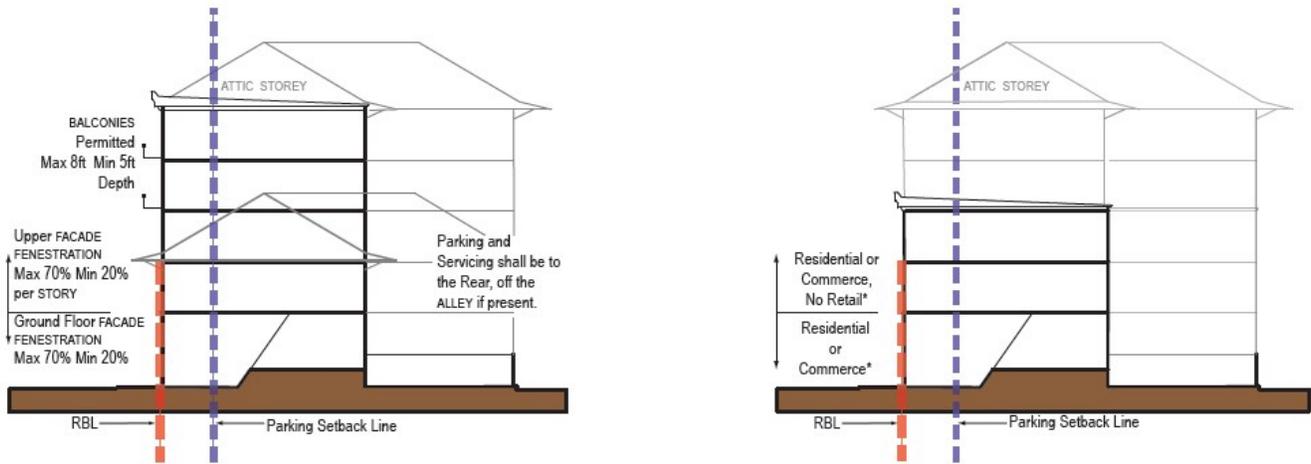
**Garage and Parking**

Curb cuts or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block face. These requirements are not applicable along alleys.

Openings in any RBL for parking garage entries shall have a maximum clear height no greater than 16 feet and a clear width of no greater than 22 feet.

- 1.
- 2.

- 1.
- 2.



One access gate no wider than 22 feet and one pedestrian entry required street wall.

**USE**

**GROUND STORY**

The ground story may only house commerce or residential use unique to each use.

**Upper STORIES**

1. The upper stories may only house residential or commerce upper stories unless they are second story extensions equal to or less than the area of the ground story use.
2. No commerce use is permitted above a residential use.
3. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

**STOREFRONT GENERAL Frontages**

Where designated on the regulating plan as storefront general the standard, excepting that the ground story configuration shall be for Storefront Windows for specific requirements.)

**ACCESSORY STRUCTURES**

Accessory structures may be allowed in the General Urban and functioning of a primary or secondary use. The design of such compliance with the intents of this Ordinance.

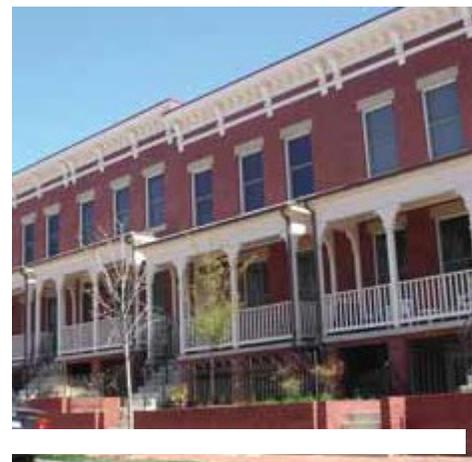
## 404. Townhouse/Small Apartment Frontage

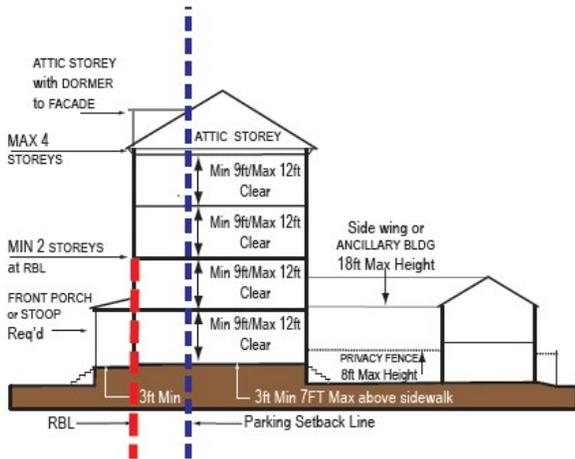
### ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescription and restrictions of the Building Envelope Standard.

The townhouse/small apartment building envelope standard is of moderate intensity, often created by a series of smaller attached structures, most commonly single-family residential, but potentially also stacked flats, service commercial, or live-work arrangements. This standard has regular entrances, as frequently as 18 feet. The character and intensity of this frontage varies (as designated on the regulating plan) with the siting/location of the required building line—the buildings may be placed at the rear of the sidewalk with stoops, or may be arranged with front porches and small dooryards. Similarly, the tree lawns may be found uncovered and continuous or partially covered in the street-space, depending on the street type.

Similar to the scale of the townhouse and row house, a small apartment can also be used to transition the urban form and intensity to abutting single-family neighborhoods.





## HEIGHT

### Building Height

1. Each building shall be at least 2 stories in height, but no greater than 4 stories and 58 feet in height.
2. A side wing or ancillary structure shall be no higher than 18 feet, measured to its eaves or parapet.

### Ground Story Height

1. The average finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line (RBL).
2. At least 80% of the ground story shall have an interior clear height (floor to ceiling) of at least 9 feet.
3. The maximum ground story floor to ceiling story height is 12 feet.

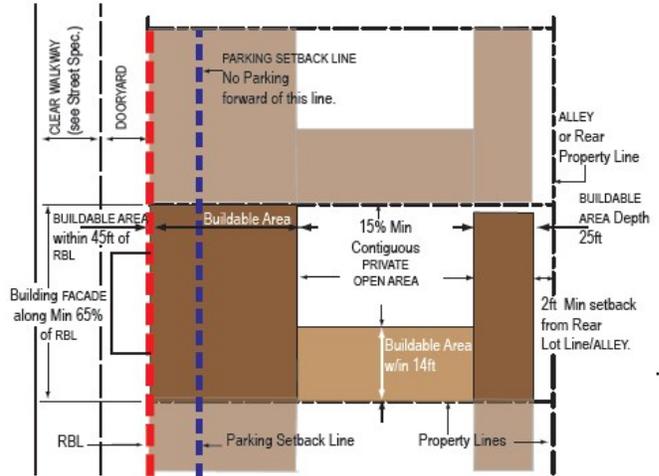
### Upper Story Height

1. The maximum clear height (floor to ceiling) for stories other than the ground story is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

### Street Wall Height

A street wall not less than 4 feet in height or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

## Façade



## SITING

1. On each lot the building **façade** shall be built to the required building line (RBL) for at least 65% of the RBL length.
2. For buildings with front porches the dooryard/clear walkway line shall serve as the RBL and the front porch shall be built to the dooryard line. For this situation only, the **façade** will sit behind the RBL, as determined by the required front porch depth.
3. The building **façade** (or front porch as per #2 above) shall be built to the RBL within 20 feet of a block corner.

### Buildable Area

A contiguous private open area equal to at least 15% of the total buildable area shall be preserved on every lot. This area may be located anywhere behind the parking setback, at grade.

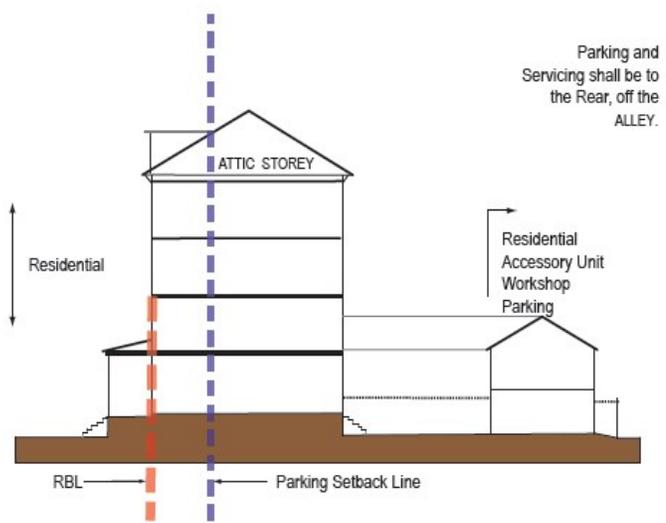
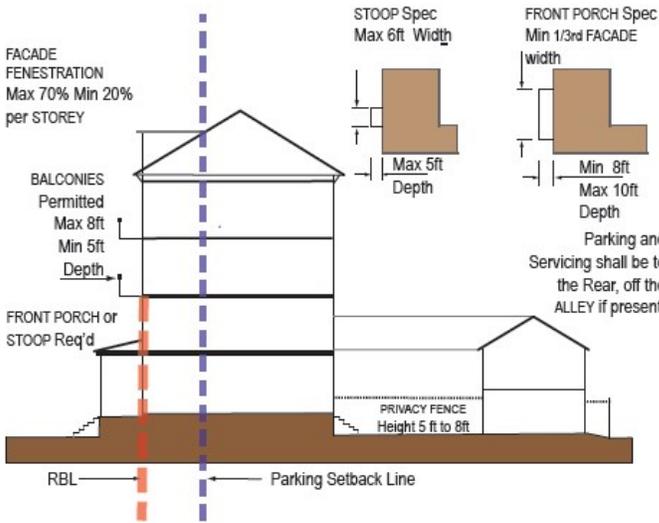
### Garage and Parking

1. Curb cuts or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block face. These requirements are not applicable along alleys.
2. Garage doors/entries shall not be permitted on the RBL/**façade**.

### Frontage Widths

1. The minimum lot width is 18 feet.
2. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 120 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.

**USE**



**ELEMENTS**

**FENESTRATION**

- Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines (RBL).
- Fenestration shall comprise between 20% and 70% of the **façade**.
- No window may face or direct views toward a common lot line within 20 feet unless:
  - that view is contained within the lot (e.g. by a privacy fence/ garden wall) or,
  - the sill is at least 6 feet above the finished floor level.

**Building Projections**

- Each lot/ground story shall include:
  - a stoop of not more than 5 feet deep and 6 feet wide (not including steps), or
  - A front porch, between 8 feet and 10 feet deep with a width not less than 1/3rd of the **façade**, at the dooryard/clear walkway line.

**Doors/Entries**

Each RBL/**façade** ground story unit shall provide a functioning entry door with direct street-space access.

**Street Walls**

One access gate no wider than 18 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required street wall.

**GROUND STORY**

The ground story may only house residential uses.

**Upper STOREIES**

- The upper stories may only house residential uses.
- Additional habitable space is permitted within the roof where the roof is configured as an attic story.

**Accessory Unit**

- One English basement unit or one accessory unit is permitted per lot.
- Parking and accessory unit (maximum 650 square feet) uses are permitted in the buildable area at the rear of the lot.

**405. Detached Frontage**

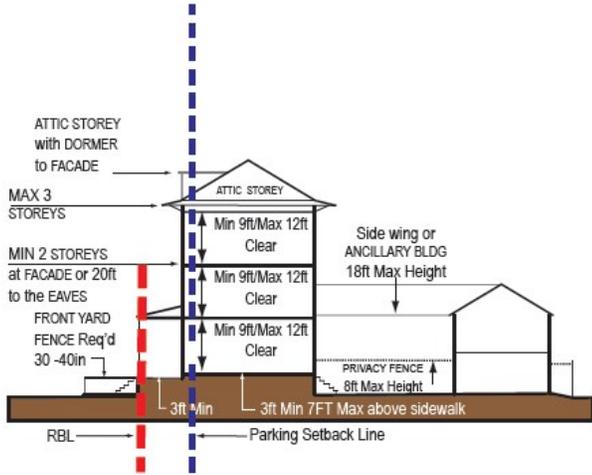
## ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescription and restrictions of the Building Envelope Standard.

The small lot single-family detached frontage standard is represented by the traditional single family house with small front, side and rear yards along a tree-lined street. Structures are typically 2 to 3 stories in height with pitched roofs and front porches.



## HEIGHT



### Building Height

1. Each building shall be at least 2 stories in height, but no greater than 3 stories and 43 feet in height.
2. A sidewing or ancillary structure shall be no higher than 18 feet, measured to its eaves.

### GROUND STORY Height

1. The average finished floor elevation shall be no less than 36 inches and no more than 60 inches above the exterior sidewalk elevation at the required building line (RBL).
2. At least 80% of the first story shall have an interior clear height (floor to ceiling) of at least 9 feet.
3. The maximum ground story floor to floor height is 16 feet.

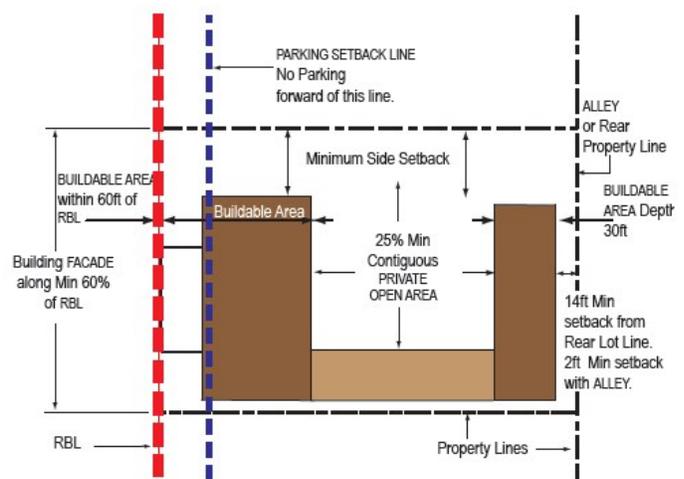
### Upper STORY Height

1. The maximum clear height (floor to ceiling) for stories other than the ground story is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

### FRONT YARD FENCE

A front yard fence if installed shall have a minimum height of 30 inches and a maximum height of 40 inches.

## SITING



### FAÇADE

1. On each lot the **façade** shall be built parallel to the required building line (RBL) for at least 60% of the building width. The front porch shall be built to the RBL.
2. Within 20 feet of a block corner the building **façade** shall be 8 to 10 feet behind the RBL.

### BUILDABLE AREA

A contiguous private open area equal to at least 25% of the total buildable area shall be preserved on every lot. Such contiguous area may be located anywhere behind the parking setback, at grade.

### Lot Size

1. Each lot has a minimum width at the RBL of 24 feet and a minimum depth of 85 feet.
2. Each lot has a maximum width of 75 feet. The maximum depth is 120 feet.

### FRONT YARD

The front yard/dooryard shall not be paved.

### Side Lot Setbacks

The minimum side lot setback is 5 feet or as otherwise designated on the regulating plan.

### Garage and Parking

1. Curb cuts or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block face. These requirements are not applicable along alleys.
2. Garage doors shall not be located on the RBL/façade.

### Alleys

There is a 2 foot required setback from alleys.



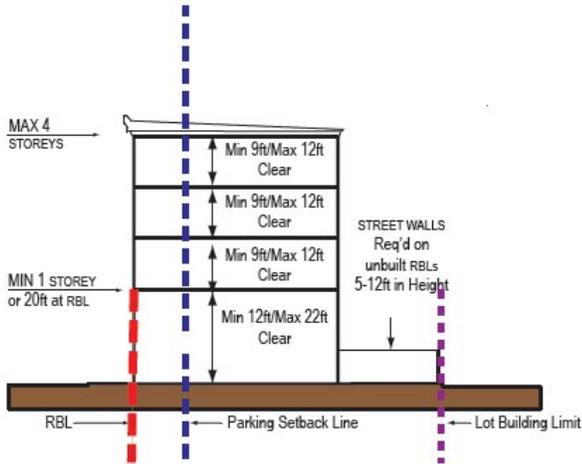
## 406. Workshop Frontage

### ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Envelope Standard.

The Workshop form standard accommodates small scale manufacturing and repair— including artisans—within the city. These structures are of limited height and are built to the fronting sidewalk. Exterior work areas are confined to work courts and/or at the center of the block.





**HEIGHT**

**Building Height**

The building shall be at least 20 feet to the eaves or parapet in height, but no greater than 4 stories and 64 feet in height.

**GROUND STORY Height**

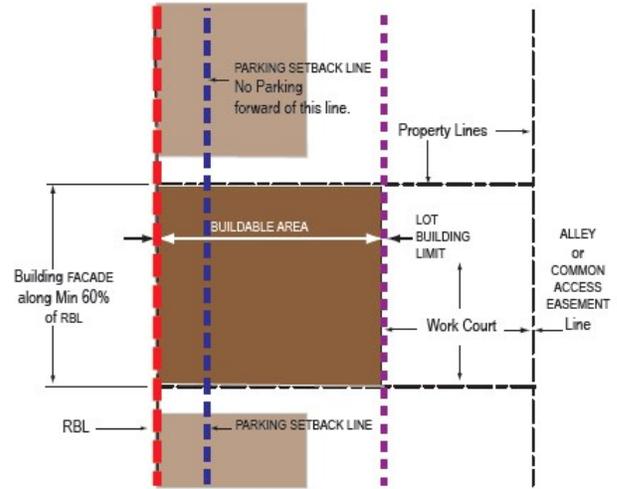
1. The average ground story finished floor elevation shall be equal to the exterior sidewalk elevation in front of the building to a maximum elevation of 18 inches above the sidewalk (excepting as may be required for flood plain requirements).
2. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line (RBL) frontage for a minimum depth of at least 25 feet.
3. The maximum story height for the ground story is 25 feet.

**Upper STORY Height**

1. Upper stories shall have an interior clear height (floor to ceiling) maximum height of 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

**STREET WALL Height**

A street wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.



**SITING**

**FAÇADE**

1. On each lot the building façade shall be built to the RBL for at least 60% of the RBL length.
2. The ground story façade, within 7 feet of the block corner, may be chamfered to form a corner entry.

**Buildable Area**

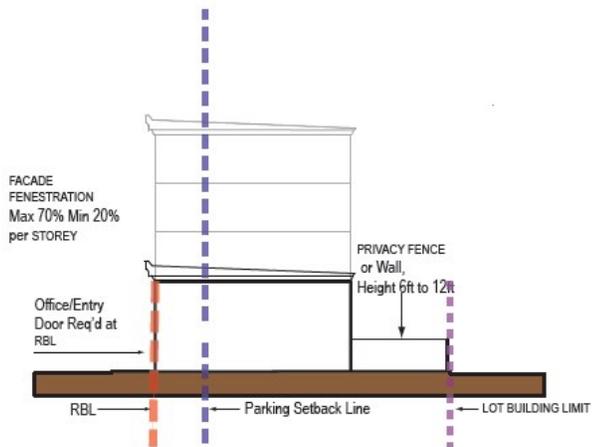
1. No part of any building, except overhanging eaves, or awnings shall occupy the area behind the lot building limit. The area may be used for loading, circulation and/or as a work yard.

**Alleys**

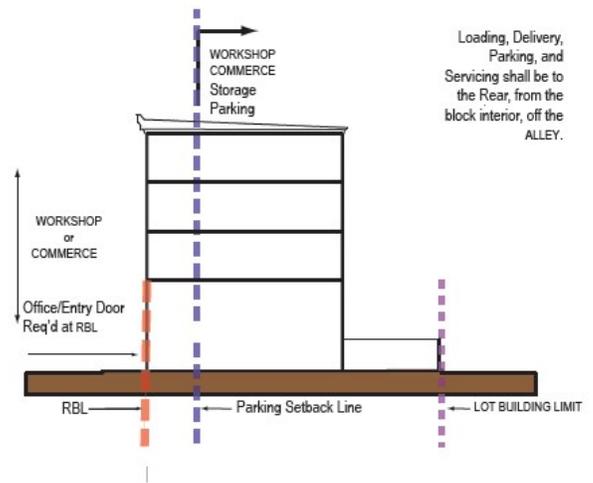
There is no required setback from alleys, except as provided by the lot building limit.

**Garage and Parking**

Driveways shall be located at least 75 feet away from any block corner or another driveway or garage entry on the same block. This requirement does not apply along alleys.



**ELEMENTS**



**USE**

**FENESTRATION**

1. Blank lengths of wall exceeding 35 linear feet are prohibited on all required building lines (RBL).
2. Fenestration shall comprise between 20% and 70% of the façade.

**Building Projections**

1. Awnings shall project a minimum of 5 feet and a maximum of:
  - Within 1 foot of back of curb where there are no street trees, or
  - 1 foot into the tree lawn (where there are street trees).
2. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet.

**Doors/Entries**

At least one functioning pedestrian entry door shall be provided along each ground story **façade** at intervals not greater than 80 linear feet.

**STREET WALLS**

One access gate no wider than 25 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required street wall.

**GROUND STORY**

The ground story may only house workshop or commerce uses.

**Upper STORIES**

The upper stories may only house workshop or commerce uses. No residential, restaurant or retail uses shall be allowed in upper stories.

## 407. Martin Luther King Highway Frontage

### A. General Intent

1. This section provides for the unique circumstance of **façades** fronting the Martin Luther King Highway Extension where certain relaxations and exceptions to elements of this Code may be granted.
2. The exemptions allow building **façades** that face such Limited Access Highway Frontages to respond to the roadway at an appropriate scale. They provide more leeway for signage and allow non-'street-wall' buildings above the ground story level (including curved and/or open courtyard/"alphabet" configurations).
3. Frontages on streets intersecting with the Limited Access Highway Frontage are subject to the full standards for those street frontages.

### B. Building Envelope Standards

1. **Height**  
The height limit may be increased by 33 percent.
2. **Siting**  
The minimum build-to may be reduced to 50 percent (street wall requirements still apply).
3. **Elements**
  - a. The requirements for upper story fenestration do not apply.
  - b. The ground story minimum fenestration requirement may be reduced to 20 percent.

### C. Blocks/ALLEYS

1. There are no requirements to provide through-access along block faces via an alley, access easement, or pedestrian pathway.
2. There are no limits on curb cuts on the frontage road.

### D. Architectural Standards

1. **Windows and Doors**
  - a. **Materials**  
The requirements for upper story window light transmission do not apply.
  - b. **Configurations and Techniques**  
The requirements for upper story windows do not apply.
2. **Signage**  
For upper stories:
  - a. Wall signs are allowed anywhere above the second story floor level.
  - b. The maximum limits on lettering size, blade sign size are increased by a factor of three (3).
  - c. There is no limit on the size and location of blade signs.
  - d. Marquee signs are permitted.

## Part 5. Urban Space Standards

### 501. Applicability

- A. The urban space standards apply to new development as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.
- B. The urban space standards establish the rules and standards for the street-space/public realm (especially streets and sidewalks).

### 502. Intent

- A. Although commonly thought of as just squares, greens, plazas or parks, the urban space (or public realm) is much more; it includes the complete street-space—the public domain between the building **façades**: the travel lanes between the curbs as well as the sidewalks; the public plazas as well as urban parks and civic greens.
- B. The urban space standards are directly related to that goal. Specifically:
  - 1. They establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets are comfortable, efficient, safe, and interesting.
  - 2. They ensure the coherence of the street-space, serving to assist residents, building owners, and managers with understanding the relationship between the street-space and their own lots.
  - 3. They contribute to ultimate sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and rainwater management.
- C. Property frontages and **façades** are part of the public realm, literally forming the walls of the public street-space and are therefore subject to more regulation than the other portions of the private property.
- D. The private, interior portions of the lots (toward the alley or rear lot lines) are much less controlled to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

### 503. Street Type Specifications

The street type specifications illustrate typical configurations for street-spaces within the Downtown D2 District. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a comparative pedestrian crossing time as a gauge of relative pedestrian crossing- comfort between the various street types.

#### A. Intent and Principles

- 1. **General Intent**
  - a. Streets are a community’s first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the street-space—both its scale and its details—plays a critical role in determining the pedestrian quality of a given location.
  - b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all City residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and

intense urban pedestrian experience while others will provide a less active and more intimately scaled street-space.

- c. These are streets—not highways, arterials, or collectors—and must be developed as such to create pedestrian-oriented places balancing all transportation modes. The neighborhood street type is designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The other types balance pedestrian and auto movements.

## 2. Principles

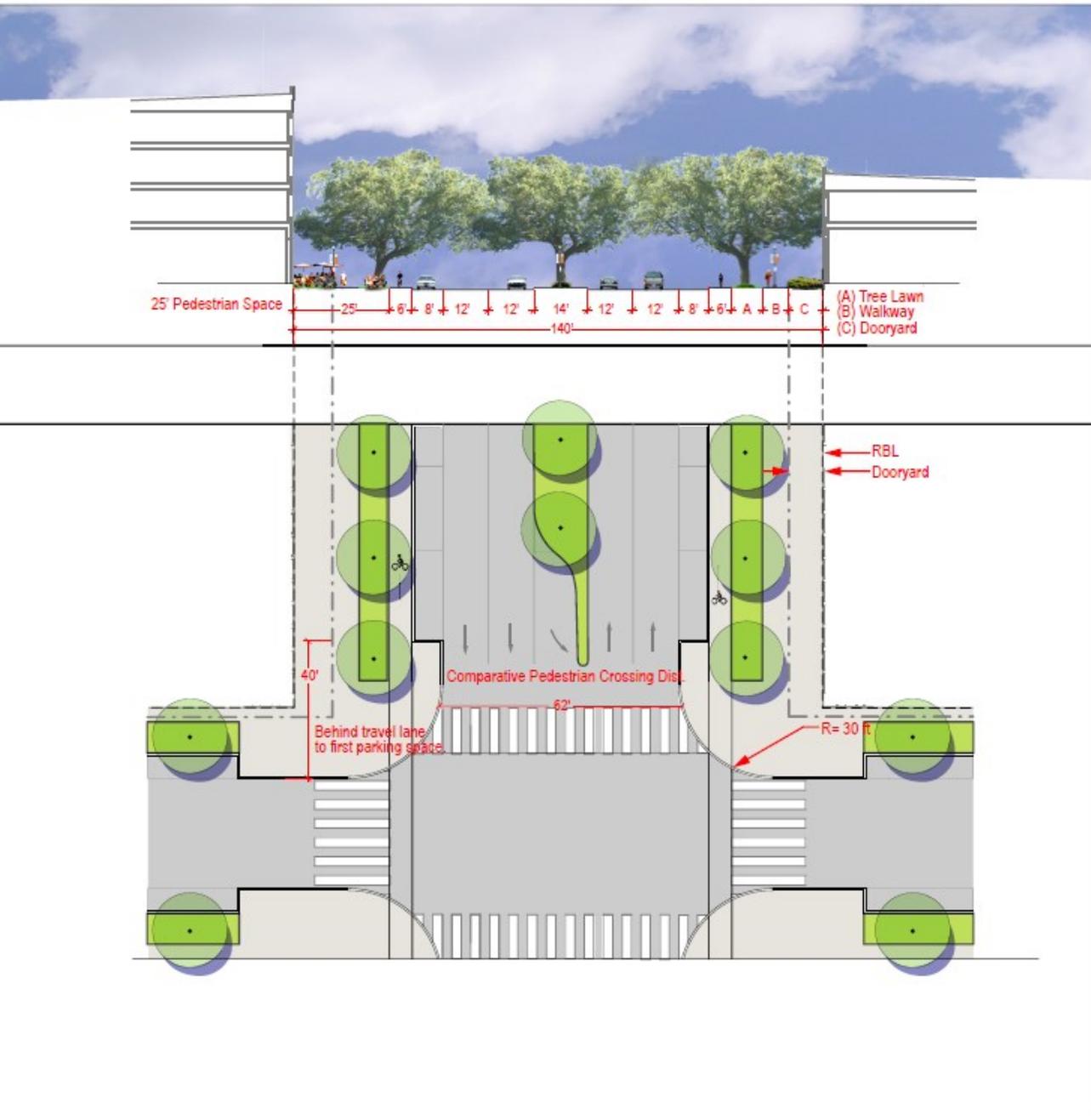
- a. The appropriate design of streets is one of the most important design elements for an urban neighborhood.
- b. To design for continuous free-flowing traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- c. With appropriate design techniques, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.
- d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a Neighborhood, Town or City it should be that of the pedestrian.
- e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.
- f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.
- g. Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.
- h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.
- i. Overall function, comfort, safety, and aesthetics of a street are more important than efficiency alone.
- j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.
- k. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.
- l. Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.
- m. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

## B. Street Types

1. These are the permitted types and configurations are permitted within the district.

- a. London Boulevard, LB-12
  - b. London Boulevard, LB-11
  - c. Uptown High Street UH-100
  - d. Neighborhood Street NS-66
  - e. Elm Street NS-100
  - f. King/Queen Street NS-40/50
  - g. Alley-24
  - h. Alley-30
- 
- 2. Within neighborhoods, intersections configured as roundabouts are discouraged. They are encouraged at the edges of and between neighborhoods, where their ability to break up and distribute traffic flow is most appropriate and least disruptive to pedestrian comfort.
  - 3. On the London Boulevard and Uptown High Street specifications, designated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.
  - 4. Both London Boulevard and Uptown High Street have the potential for transit- rail as an option. These are shared lane configurations and allow rail lines to be added in the future.

**A. London Boulevard: LB-12**



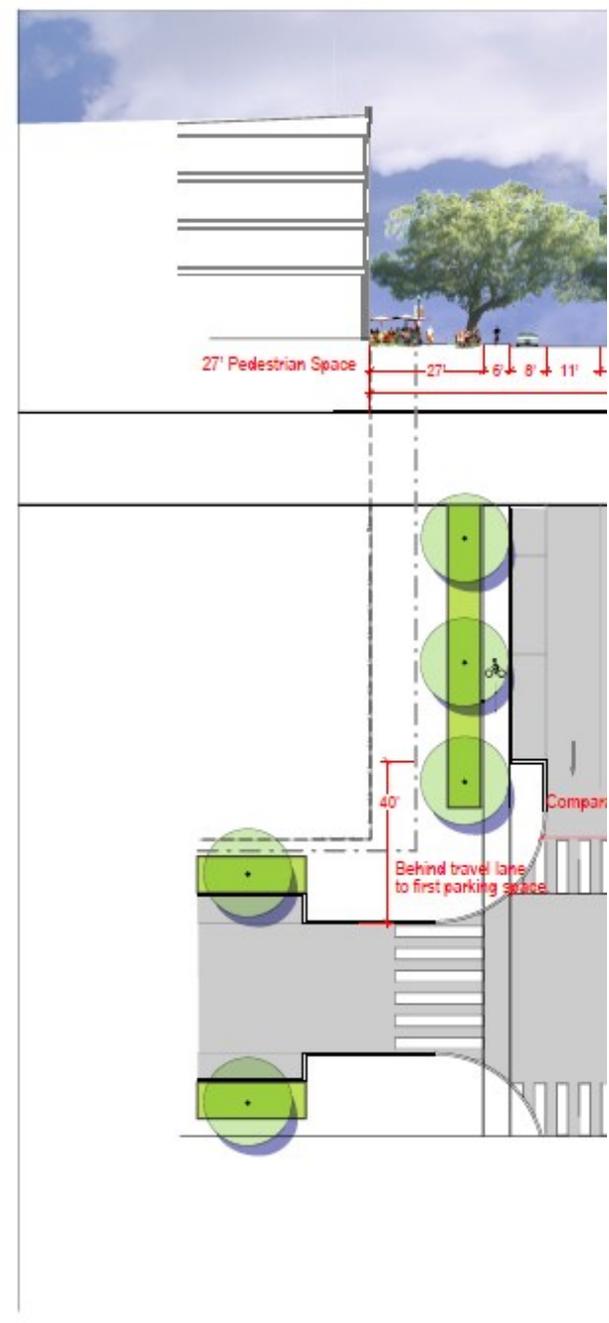
**London Boulevard 12 : LB 12**

STREETSPACE: 140 feet (per Regulating Plan). Sidewalk Area Elements: (A) Treelawn 8 ft, (B) Clear Walkway 7 ft, (C) Dooryard 10 ft.  
 Total Pedestrian Area Width, 25 ft. Travel Lanes: 2 through @ 12 feet, Center Turn Lane: 11 feet (Median optional. This width may be increased, see URBAN-SPACE STANDARDS). Design Speed 25 to 30 mph.  
 Comparative Pedestrian Crossing Distance 62 feet, Time 17 seconds.  
 (All dimensions to face of curb.)

Note: These drawings are for illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

## B. London Boulevard: LB-11

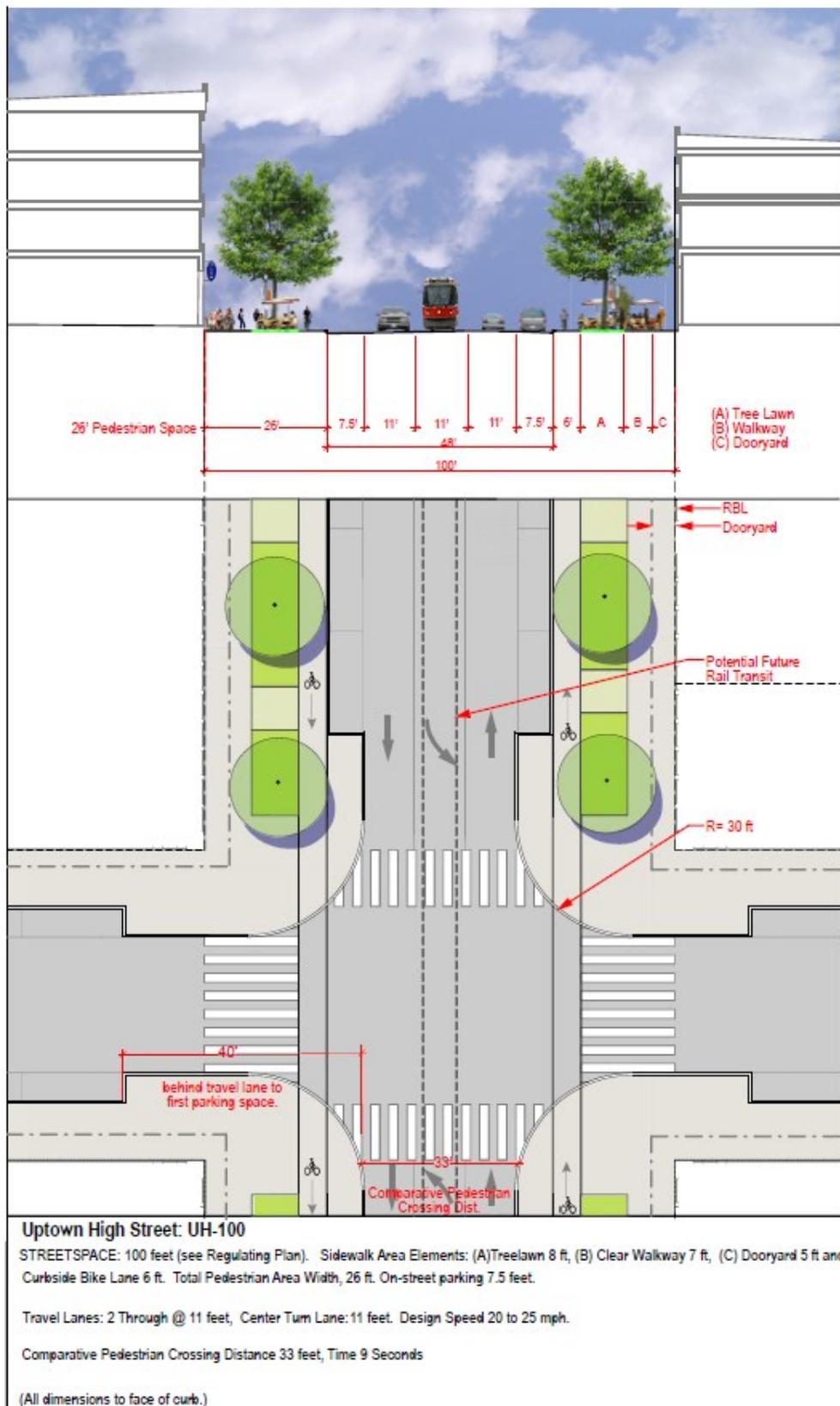
## C. Uptown High Street: UH-100



### London Boulevard 11 : LB 11

STREETSPACE: 140 feet (per Regulating Plan). Sidewalk Area Elements: (A) Tree Lawn 8 ft, (B) Clear Walkway 7 ft, (C) Dooryard 5 ft and Curbside Bike Lane 6 ft. Total Pedestrian Area Width, 25 ft. Travel Lanes: 2 through @ 12 feet (per URBAN-SPACE STANDARDS). Design Speed 25 to 30 mph. Comparative Pedestrian Crossing Distance 58 feet, Time 16 seconds. (All dimensions to face of curb.)

Note: These drawings are for illustrative purposes only. Refer to the Regulating Plan for final details.



### Uptown High Street: UH-100

STREETSPACE: 100 feet (see Regulating Plan). Sidewalk Area Elements: (A) Tree Lawn 8 ft, (B) Clear Walkway 7 ft, (C) Dooryard 5 ft and Curbside Bike Lane 6 ft. Total Pedestrian Area Width, 26 ft. On-street parking 7.5 feet.

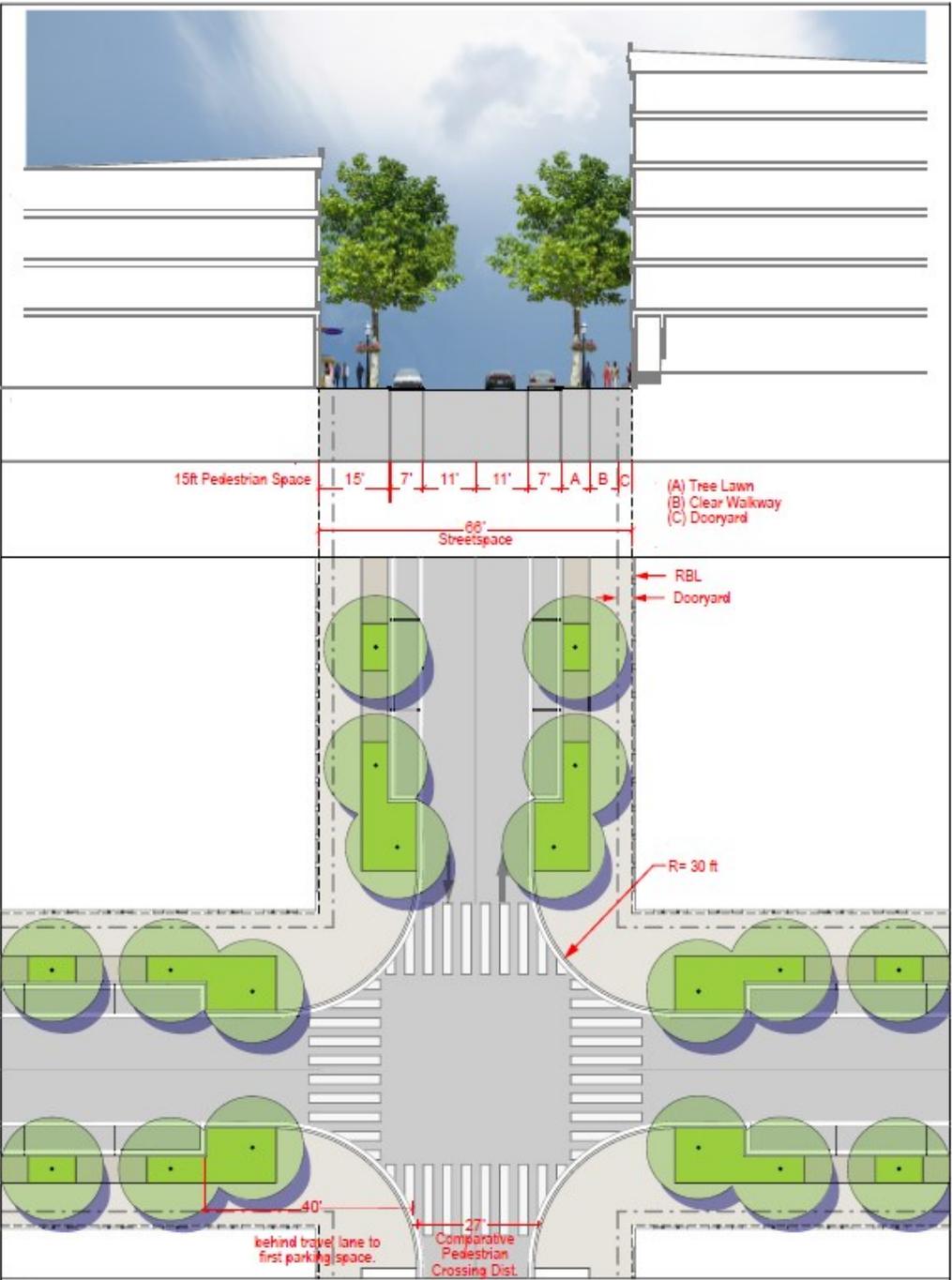
Travel Lanes: 2 Through @ 11 feet, Center Turn Lane: 11 feet. Design Speed 20 to 25 mph.

Comparative Pedestrian Crossing Distance 33 feet, Time 9 Seconds

(All dimensions to face of curb.)



D. Neighborhood Street: NS-66

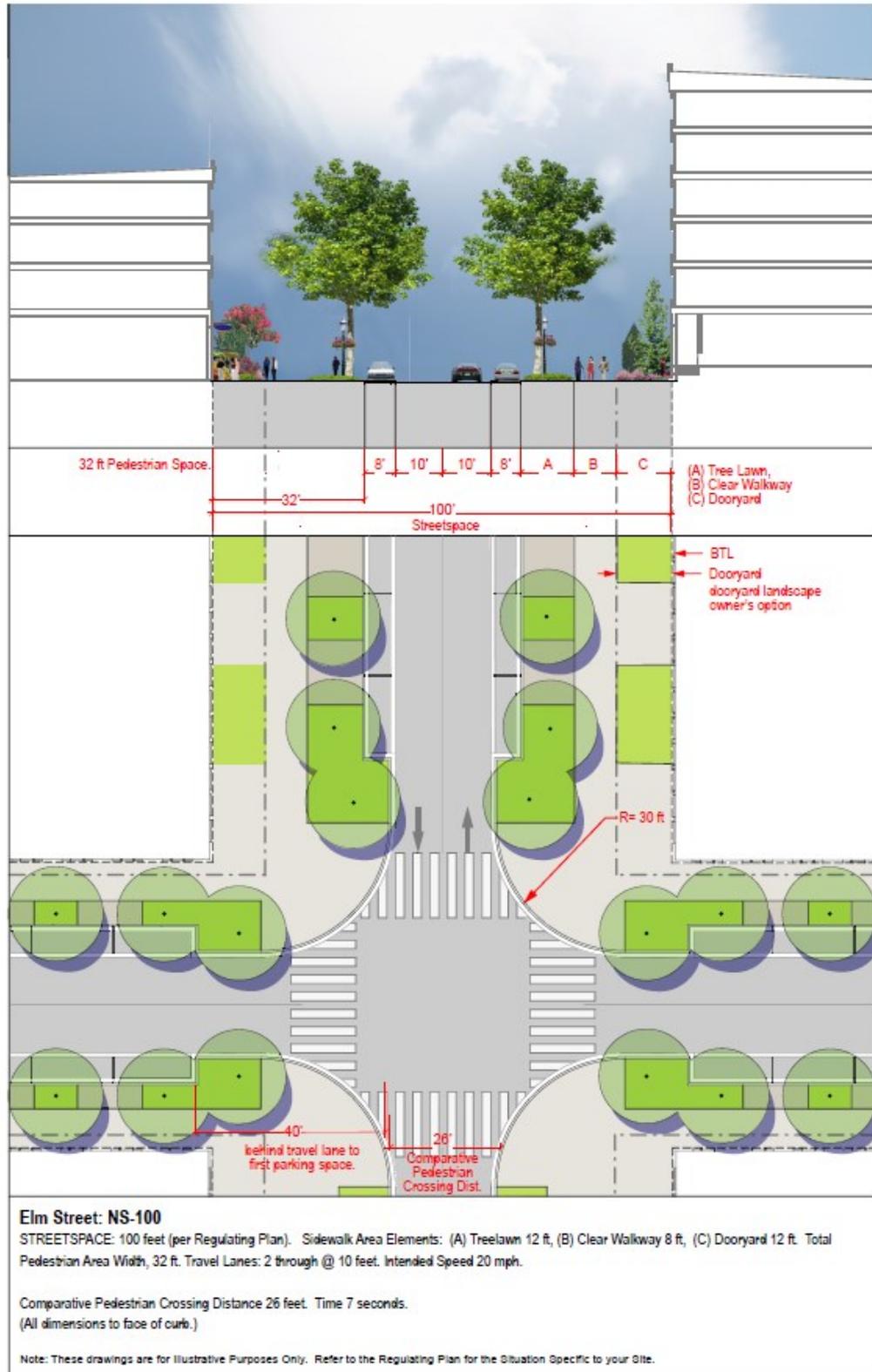


**Neighborhood Street: NS-66**  
 STREETSPACE: 66 feet (per Regulating Plan). Sidewalk Area Elements: (A) Treelawn 7 ft, (B) Clear Walkway 6 ft, (C) Dooryard 2 ft.  
 Total Pedestrian Area Width, 15 ft. Travel Lanes: 2 through @ 11 feet. Intended Speed 20 mph.

Comparative Pedestrian Crossing Distance 27 feet. Time 7 seconds.  
 (All dimensions to face of curb.)

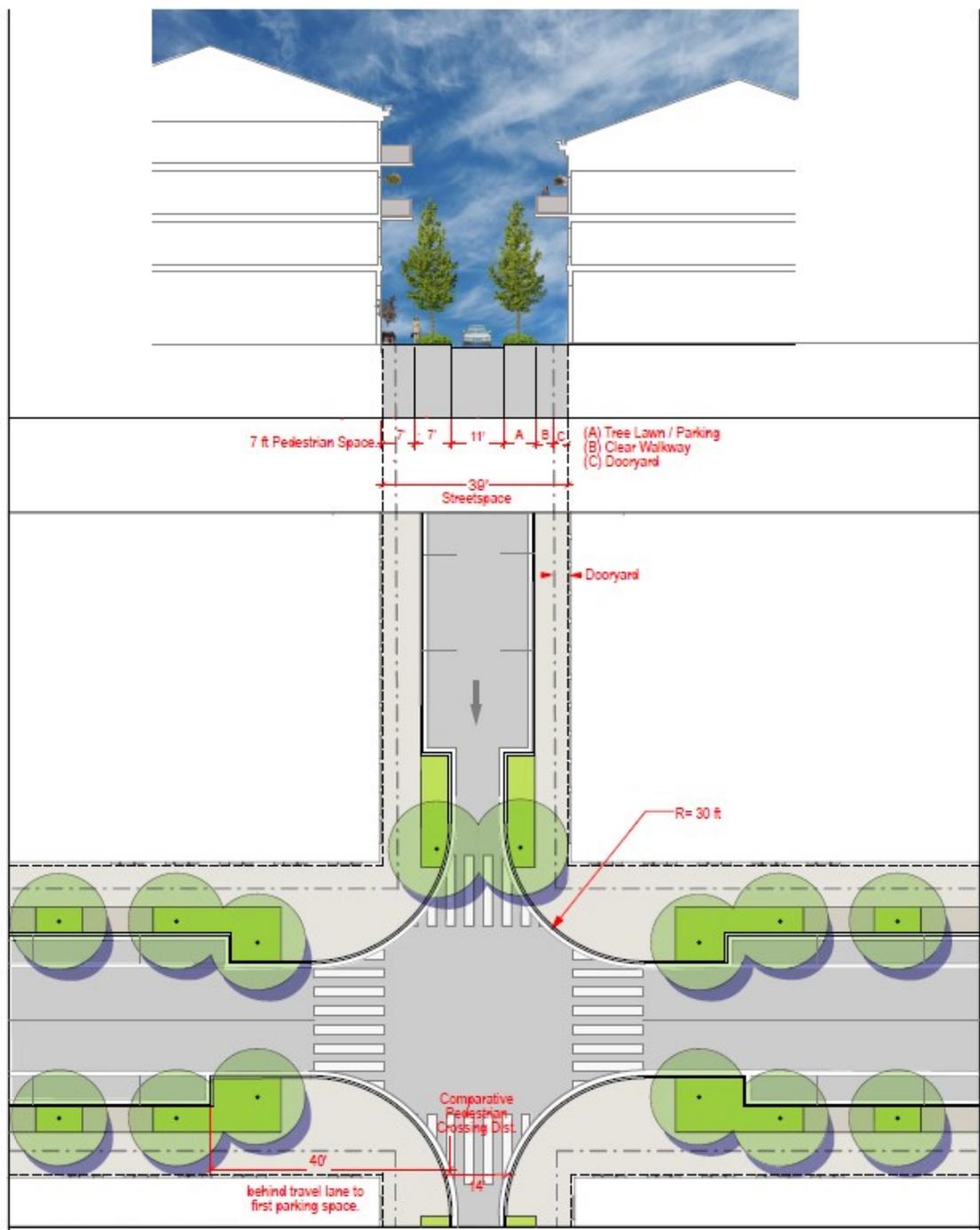
Note: These drawings are for illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

## E. Elm Street: NS-100





F. King/Queen Alley-Streets: NS-40/50

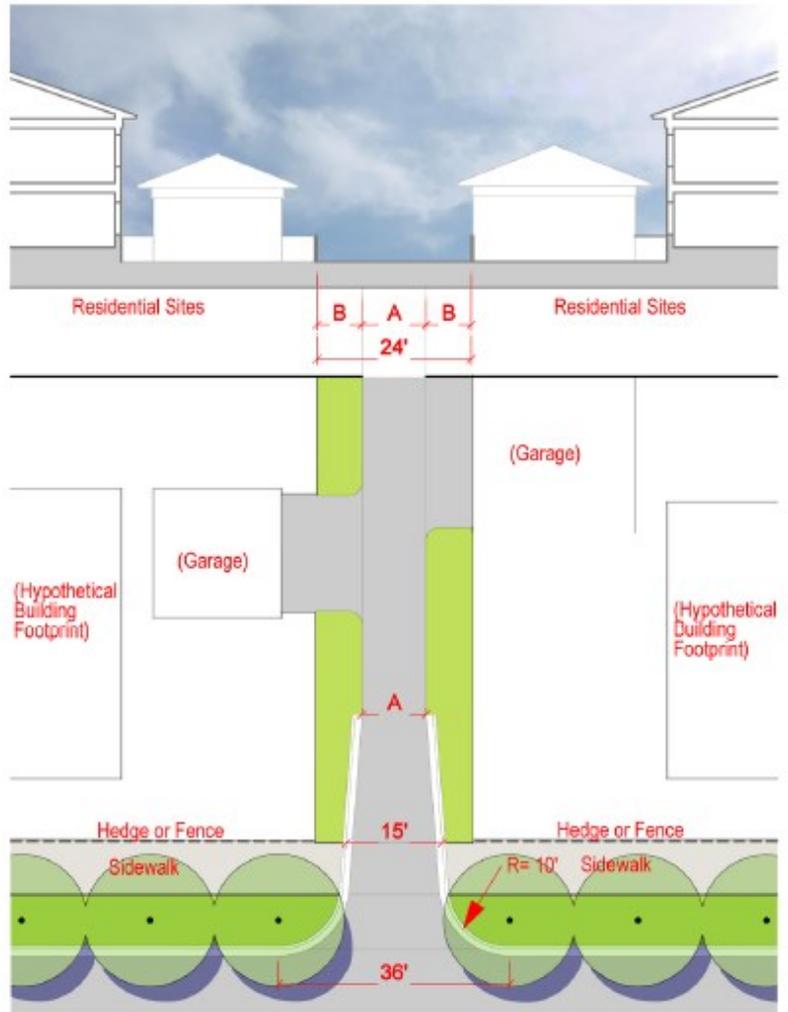


**King / Queen Street: NS 40-50**  
 STREETSPACE: 39 - 50 feet (per Regulating Plan). Where greater than 39 feet the extra dimension shall go to the Dooryard or the Clear Walkway width, at the Planning Directors discretion. Sidewalk Area Elements: Tree lawn/Parking 7ft, (B) Clear Walkway 5 ft, (C) Dooryard 2 ft. Total Pedestrian Area Width, 7 ft. Design Speed 20 mph or less.

Travel Lanes: 1 through @ 11 feet. Comparative Pedestrian Crossing Distance 14 feet, Time 3 seconds.  
 (All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

## G. Alley 24



### Alley: A-24

ROW: 24 feet. Paved Area: (A) 10-18 feet, Pervious Side Areas (B) 3-7 feet. Throat Width (at ROW) 15 feet, Curb Radius 10 feet. Curb extends 20 feet into Block to the (A) pavement width.

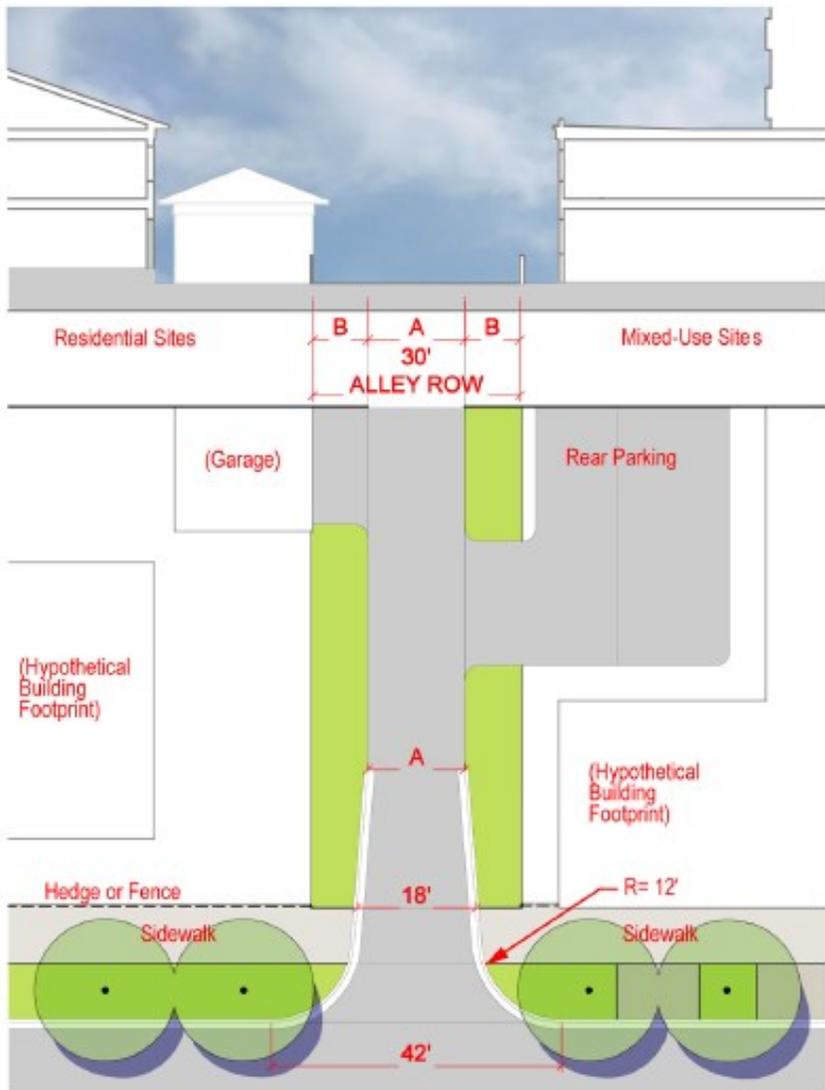
Comparative Pedestrian Crossing Distance 16 feet.

(All dimensions to face of curb.)

Note: These drawings are for illustrative purposes only. Refer to the Regulating Plan for the Situation Specific to your Site.



## H. Alley 30



### Alley: A-30

ROW: 30 feet. Paved Area: (A) 14-22 feet, Pervious Side Areas (B) 4-8 feet (turf or pervious paving). Throat Width (at ROW) 18 feet, Curb Radius 12 feet. Curb extends 20 feet into Block to the (A) pavement width.

Comparative Pedestrian Crossing Distance 18 feet.

(All dimensions to face of curb.)

## 504. Streetscape Standards

### A. General Provisions

1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
  - a. The portion of the street-space between their lot line and the back of the curb.
  - b. The portion of the alley between the lot line and the edge of the alley pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any street-space. (Water pumps not visible are not included in this prohibition). Temporary placement of private garbage cans within the street-space may be allowed to accommodate scheduled pick-up.)

### B. Street Trees

1. Each street-space must have street trees planted along the street tree alignment line (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the regulating plan or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per block face). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, at no location may street tree spacing exceed 45 feet on center. Required street tree planting area configurations are specified in the street type specifications and below.
2. Required tree planting area minimum specifications are as follows:
  - a. Soil surface area shall not be less than 90 square feet per isolated tree or 60 square feet per tree for connected (tree lawn) situations.
  - b. No dimension of the soil surface area may be less than 5 1/2 feet.
  - c. These requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived street trees.

- d. Street tree planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
- e. At planting, street trees shall be at least 2.5 inches in diameter (at DBH) and at least ten feet in overall height. Species must be selected from the street tree list (see Tree Lists). Consult with the Code Administrator for the designated tree species for a particular street-space.
- f. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. Street trees must be “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over the travel lanes of the street) and to maintain visibility.

### **C. Streetscape Elements**

- 1. Street lights shall be installed on both sides of streets, aligned with the street trees, and unless otherwise designated on the regulating plan, at intervals of not more than 80 feet, measured parallel to the street.
- 2. Street lights shall be between 9 and 16 feet above ground in height.
- 3. At the time of development, the developer is required to install street lights and sidewalks, as illustrated in Street Type Specifications, on the side of the street-space being developed.
- 4. Sidewalks not otherwise designated in the regulating plan or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) specifications.
- 5. Street furniture is an element of the overall street-space design—not an afterthought. Street furnishings should be simple, functional, and durable.

### **D. On-Street Parking**

- 1. On-street parking spaces shall count towards parking requirements. (See Part 7. Parking and Loading.)
- 2. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the regulating plan, streets, alleys, and transit stops or stations, but at no time may spacing exceed forty-five (45) feet on center.
- 3. Parking spaces must be constructed in a manner that allows proper drainage (generally a “w” profile, having a gutter pan between the travel and parking lanes).
- 4. On-street bicycle parking shall be provided forward of the dooryard area, the racks shall be located in alignment with the street trees. (The “U” rack is recommended as the standard rack.)

## **505. SQUARES AND CIVIC GREENS**

### **A. Intent**

- 1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the regulating plan.
- 2. Squares, civic greens, and plazas should be situated at prominent locations within each urban neighborhood and should be dedicated to important events or citizens. The green plants and trees of squares and civic greens provide a landscape and civic architecture that complement the surrounding private building architecture.
- 3. Squares are active pedestrian centers. Civic greens are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
- 4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both squares and civic greens, and the percentage of impervious paving material is limited. (see C. Materials and Configurations.)

## **B. Standards**

Squares and civic greens must be designed, planted and maintained according to the following requirements.

1. Squares and civic greens shall have at least 60 percent of their perimeter fronting rights-of-way. Both types of spaces shall be surrounded by street trees. Their dimensions shall be no narrower than a 1:5 ratio and no square or civic green width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level, square and civic greens must be designed with a higher percentage of paved surface area.
3. A clear view through the square or civic green (from two to eight feet in height) is required, both for safety and urban design purposes.
4. Squares and civic greens may not include active recreation structures such as ball fields and courts.

## **C. Materials and Configurations**

### **1. General**

- a. Street trees shall be planted along the alignment shown in the street type specification, and in accordance with Sec. 504, B. Street Trees. They may be of a different species than the connecting street.
- b. The ground surface level elevation must be between 0 and 18 inches above the top of the adjacent curb.
- c. The maximum slope across any square or civic green may not exceed ten percent.
- d. Except for tree trunks, street lights, civic buildings, public art or monuments, there must be a clear view between two and eight feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
- e. Trees within a square or civic green may also be selected from the public space tree lists (see Sec. 507. Tree Lists).
- f. Asphalt is prohibited within a square or civic green.

### **2. Squares**

Appropriate to their high (pedestrian) traffic level, squares shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb, excluding any civic use building, public art or monument footprint) shall be a minimum of 20 percent and maximum of 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

### **3. Civic Greens**

Appropriate to their less intensive character, civic greens shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb excluding any civic use building, public art or monument footprint) shall be a minimum of 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

### **4. Pedestrian Pathway**

The area within a pedestrian pathway shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide and must provide an unobstructed view straight through its entire length, except where otherwise specified on the regulating plan.

## **506. PRIVATE OPEN AREA**

- A. At least 1 tree per 800 square feet of any at-grade required private open area shall be planted in the rear lot area and located no closer than five feet to any common lot line. Exceptions: General and

Workshop frontages and sites that are reusing existing structures with no ground level open area are exempt from this requirement.

- B. Trees must be at least two inches in diameter at DBH and eight feet in overall height (at time of planting). Species must be selected from these Tree Lists). Exceptions: General and Workshop frontages and sites that are reusing existing structures with no ground level open area are exempt from this requirement.

## **507. TREE LISTS**

### **A. General**

1. The following lists contain all approved tree species for use in an urban neighborhood. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot.
2. Invasive exotic species may not be used anywhere on private lots or other areas.

### **B. Street Trees**

1. Species in the street tree list are for placement as shown in street type specifications, or as specified in the regulating plan for placement along the street tree alignment line. The use of alternate species may be permitted, but only if approved by Code Administrator.
2. Street trees are part of an overall street-space plan designed to provide both canopy and shade and to give special character and coherence to each street-space. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate street tree list species may grow and change over time. Inclusion in this list must be based on the following criteria:
  - a. Structural - street trees shape and subdivide the street-space, increasing pedestrian comfort and adding (literal) value to the street/ community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the street-space and storefronts at eye-level.
  - b. Pragmatic - Life as a typically placed street tree is nasty, brutish, and typically short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. Street tree planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase the community value as they grow.
  - c. Design - Species are planted consistently along a given street-space to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different street-spaces with different trees.

## **Street Tree List**

(Large Canopy Trees - mature height above 70 feet)

Acer rubrum	Red Maple
Betula nigra	River Birch
Fraxinus americana 'Autumn Purple'	White Ash
Fraxinus excelsior	Blue Ash
Fraxinus pennsylvanica 'Marshall's Seedless'	Green Ash
Ginkgo biloba	Ginkgo (male only)
Japanese Zelkova	
Quercus coccinea	Scarlet Oak
Quercus falcata	Southern Red Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Sophora japonica 'Regent'	Japanese Pagoda Tree
Tilia Americana	Basswood/American Linden
Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Ulmus hollandica 'Groenveldt'	Groenveldt Elm
Ulmus parvifolia	Chinese/Lacebark/Drake Elm
Prunus yedoensis	Yoshino Cherry
Zelkova Serrata	Japanese Zelkova

### C. Public Space Trees

In addition to the above trees, the following trees may be placed within dooryards, squares or civic greens.

Acer palmatum cultivars	Japanese Maple
Cerus canadensis	Redbud
Cornus florida cultivars	Dogwood
Cornus kousa	Kousa Dogwood
Lagerstroemia indica	Crepe Myrtle
Magnolia spp.	Magnolia
Malus spp. (improved varieties)	Crabapple
Prunus spp.	Flowering Cherry and Plum
Taxodium distichum	Bald Cypress
Acer nigrum	Black Maple
Carya laciniosa	Shellbark Hickory
Carya ovata	Shagbark Hickory
Ilex vomitoria	Yaupon Holly
Liriodendron tulipifera	Tulip Poplar
Pistacia chinensis	Chinese Pistache
Taxodium ascendens	Pond Cypress
Zelkova serrata	Japanese Zelkova

# Part 6. Architectural Standards

## 601. Intent

- A. These architectural standards establish basic parameters regarding functional building element configuration and palettes for building materials.
- B. The architectural standards serve to establish a coherent character and encourage a high caliber, lasting quality of development. Buildings shall be reviewed by the Code Administrator to verify that they meet the architectural standards (as well as the balance of this Code). The Code Administrator may also work with the developer or designer to show them how to work within these requirements.
- C. In order to establish and maintain a sense of place, these standards specify an architectural aesthetic of load-bearing walls and regional materials. Buildings should reflect and complement the traditional materials and techniques of the Virginia Tidewater Region. The standards also specify details, such as window proportions, roof or cornice configurations, storefronts, and overhangs.



## 602. General Principles

- A. All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).
- B. **Equivalent or Better.**
  - 1. While only materials, techniques, and product types prescribed here are allowed, equivalent or better practices and products are encouraged. They may be submitted to the Code Administrator for review.
  - 2. Additional products may be added to the list through a text amendment (Administration) to this Code or may be allowed on a case by case basis through a departure from a design standard approved in accordance with Part 2, Administration.



## 603. Building Walls

### A. Intent

Building walls should define the public realm - the street-space. All



walls should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.





## B. Primary Materials

Only the following materials are permitted (for 75 to 100 percent of the building wall surface area per façade):

1. Brick and tile masonry.
2. Native stone (or synthetic equivalent).
3. Wood - clapboard or shingles.
4. Hardie-Plank™ equivalent or better siding.
5. Stucco (cementitious finish).

## C. Secondary Materials

Only the following materials are permitted (maximum ten percent or less of building wall surface area per façade):

1. Pre-cast masonry (for trim and cornice elements only).
2. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only).
3. Metal (for beams, lintels, trim elements and ornamentation only).
4. Urethane Fypon™ equivalent or better (for lintels, trim elements and ornamentation only).
5. Split-faced block (only for piers, foundation walls and chimneys).
6. Glass block (no closer than 30 inches to building corners).

## D. Configurations and Techniques

The following configurations and techniques are permitted.

### 1. Walls

- a. Wall openings: the horizontal dimension of the opening may not exceed the vertical dimension except where otherwise prescribed in this Code (no more squat than square).
- b. Wall openings may not span vertically more than one story.
- c. Wall openings shall correspond to interior space and may not span across building structure such as floor structural and mechanical thickness.
- d. Material changes shall be made with appropriate construction details for each abutting material—as where an addition (of a different material) is built onto the original building.

### 2. Wood Siding and Wood Simulation Materials

- a. Siding shall be in a lap (horizontal) configuration.
- b. Siding shall be smooth or rough-sawn finish (no faux wood grain).

### 3. Brick, Block and Stone

All masonry shall be appropriately detailed and in load-bearing configurations commensurate with local building traditions.

### 4. Stucco (cementitious finish)

Finish coat shall be smooth or sand only, no roughly textured finish.

## 604. Roofs and Parapets

### A. Intent

Roofs and parapets should demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the district. Roof forms are not interchangeable. The roof type is integral to the design of the building and its architectural character.

The slope of a pitched roof is determined by local climatic conditions (such as the ability to shed snow loads) and physical properties of the roofing material. Roof types that have overhanging eaves, such as gabled or hipped roofs, should be of a dimension suitable for sun shade.

Parapets are low guarding walls at the edge of roofs (usually flat) and are formed by extensions of the building **façades**. This type is typically found on mixed use buildings and will likely be the prominent roof found in the downtown.

Cornices are crowning (trim) projections on a parapet wall. While the code requires certain horizontal dimensions, these elements should be designed to be appropriate for the style of the building and **proportionate for the dimensions of the façade**.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



### B. Materials

Only the following materials are permitted:

1. Clay or concrete (faux clay).
2. Tile (beavertail or flat roman).
3. Slate (equivalent synthetic or better).
4. Metal (standing seam, equivalent or better).
5. Dimensional Asphalt shingles.
6. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
7. Gutters and Downspouts may be PVC, vinyl, and/or metal.

### **C. Configurations and Techniques**

The following configurations and techniques are permitted.

1. Parapet Roofs  
Allowed for Storefront, General, Workshop, and Small Apartment/Townhouse frontage sites where the roof material is not visible from any adjacent street-space.
2. Pitched Roofs  
Pitch (exclusive of roofs behind parapet walls):
  - a. Simple hip and gable roofs shall be symmetrically pitched between 5:12 and 10:12.
  - b. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
3. Overhang Requirements
  - a. Eaves shall overhang 18 to 30 inches on the primary structure for the initial four stories. For each additional story; four inches shall be added to the minimum and 12 inches shall be added to the maximum, up to a maximum projection of six feet.
  - b. Eaves and rakes on accessory buildings, dormers, and other smaller structures shall overhang at least eight inches.
  - c. Timber eaves and balcony brackets shall be a minimum of four inches by four inches in dimension.
4. Cornices and Other Features
  - a. Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice or similar form projecting from the top of the building wall horizontally between 6 and 12 inches beyond the building walls on the primary structure for the initial four stories. For each additional story, three inches shall be added to the minimum and 12 inches shall be added to the maximum, up to a maximum projection of five feet.
  - b. Skylights and roof vents are permitted only on the roof plane opposite the street-space (or required building line) or when shielded from street-space view by the building's parapet wall.

## 605. Street Walls and Garden Walls

### A. Intent

Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected.

Street walls and garden walls establish a clear edge to the street-space where the buildings do not. These requirements include masonry walls or pedestrian scale fencing that define outdoor spaces and separate the street-space from the private realm (e.g. parking lots, trash cans, gardens, and equipment). All street wall and garden wall faces shall be as carefully designed as the building **façade**, with the finished side out (i.e. the “better” side facing the street-space).

A street wall is a masonry wall set back not more than eight inches from the required building line or adjacent building **façade** and built to the height specified in the building envelope standards or a metal fence not to exceed 5 feet in height.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



## **B. Materials**

Only the following materials are permitted:

1. Native/regional stone and equivalent imitation stone.
2. Metal (e.g., wrought iron and/or electro-statically plated black aluminum) - may be used for gates and fences.
3. Brick.
4. Stucco on concrete block or poured concrete (only when a brick or stone coping is provided).
5. A combination of materials (e.g. stone piers with brick infill panels).
6. Wood - may be used for gates only.  
Exception: In the Detached Frontage District fences as required in the front yard fences may be wood picket style fences.

## **C. Configurations and Techniques**

The following configurations and techniques are permitted.

1. Street walls along any unbuilt required building line shall be built to the height and length specified in the building envelope standard.
2. Metal work may additionally be treated to imitate a copper patina.
3. Copings shall project between one inch and four inches from the face of the street wall.
4. Street walls and garden walls taller than 4 feet shall be subject to the fenestration requirements of their BES.

## **606. Windows and Doors**

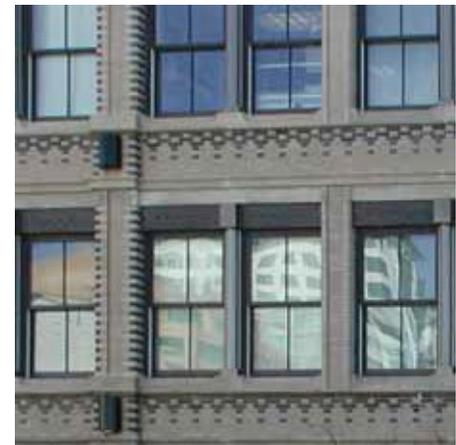
### **A. Intent**

The placement, type, and size of windows and doors on the **façade** largely establish the scale and vitality of the street-space. For commercial buildings, they allow interplay between the shop interiors and the street-space. Commercial uses (especially restaurants and retail establishments) benefit from exposure to the passers-by and the street-space benefits from the visual activity.

For residences, they form the “eyes on the street” surveillance which provides for the security and safety for the area.

Windows should be divided by multiple panes of glass. This helps the window hold the surface of the **façade**, rather than appearing like a “hole” in the wall (an effect produced by a large single sheet of glass).

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



Commerce/retail frontages: the public space of the STREET-SPACE and the interior space of the shop intermingle. For residential frontages the space should not intermingle with the STREET-SPACE but rather overlook and provide surveillance for it.

## B. Materials

Only the following materials are permitted:

1. Window frames shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
2. Window glass shall be clear, with light transmission at the ground story at least 90 percent and for the upper stories 75 percent (modification as necessary to meet any applicable building and energy code requirements). Specialty windows (one per **façade** maximum) may utilize stained or opalescent glass, or glass block.
3. Window screens shall be black or gray.

4. Screen frames shall match the window frame material or be dark anodized.
5. Doors shall be of wood, clad wood, or steel and may include glass panes.
6. Shutter materials may be painted wood or clad wood.

## C. Configurations and Techniques

The following configurations and techniques are permitted:

### 1. All Windows

The following requirements apply to all windows:

- a. The horizontal dimension of the opening may not exceed the vertical dimension except where otherwise prescribed in this Code (no more squat than square).
- b. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least seven inches wide.
- c. Windows (not doors) may be no closer than 30 inches to building corners (excluding bay windows and storefronts).
- d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window (one-half the width), even if inoperable.
- e. Window panes shall be recessed behind the wall surface a minimum of three inches, except for bay windows and storefronts.
- f. Snap-in mullions and muntins are permitted but not considered in any proportion calculation/measurement.

### 2. Upper-Story Windows

The following requirements apply to all upper-story windows:

- a. Windows may be double-hung, single-hung, awning, or casement windows.
- b. Fixed windows are permitted in commercial buildings. In residential buildings fixed windows are permitted only as a component of a system including operable windows within a single wall opening.
  - (i) Residential buildings/floors: panes of glass no larger than 36" vertical by 30" horizontal.
  - (ii) The maximum pane size for office uses is 48" vertical by 42" horizontal.
  - (iii) Egress windows may be installed according to the appropriate building code.

### 3. Storefront Windows

The following apply to storefront (ground story) windows and doors:

- a. Single panes of glass shall not be permitted larger than eight feet in height by four feet in width.
- b. Ground story windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). (See section 607. Signage.)
- c. A minimum of 80 percent of the window surface shall allow a view into the building for a depth of at least 15 feet.
- d. Storefronts may extend up to 24 inches beyond the **façade** or required building line into the street-space.

### 4. Doors

- a. Double-height entryways (those that span more than one story) shall not be permitted.
- b. A door may not be recessed more than three feet behind its **façade** or its shopfront and, in any case, shall have a clear view and path to a 45-degree angle past the perpendicular from each side of the door.

## 607. Signage

### A. Intent

Signs along commercial frontages should be clear, informative to the public and durable.

Signs should be scaled and detailed for this mixed-use, pedestrian-oriented area and not for high speed automobile traffic.

Signage that is glaring or too large creates distraction, intrudes into or lessens the urban experience, and creates visual clutter.

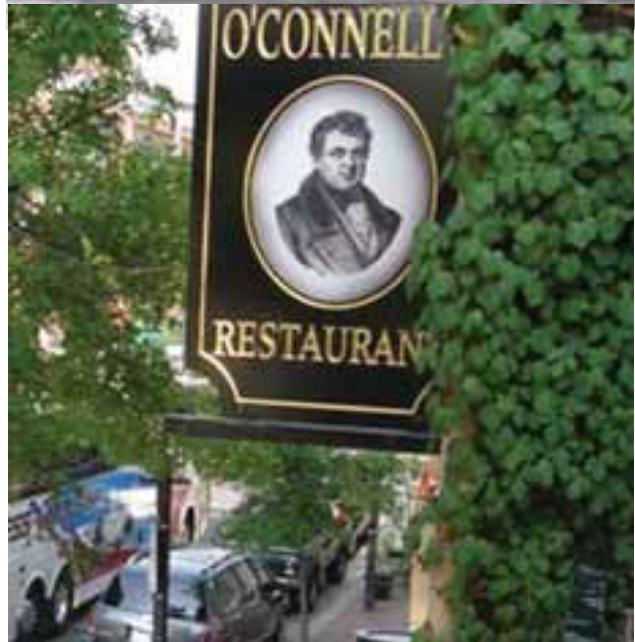
The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of *this section*.





## B. General Design and Materials

1. Wall signs are permitted within the area between the second story floor line and the first floor ceiling, within a horizontal band not to exceed three feet in height. In no case may this band be higher than 24 feet or lower than 12 feet above the adjacent sidewalk.
2. Letters may not exceed 24 inches in height or width and 3 inches in relief. Signs may not come closer than two feet to an adjacent common lot line.
3. Company logos may be placed within the horizontal sign band or placed or painted within ground story windows.
4. A single masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper story windows. Any such plaque shall be no larger than a rectangle of 18 square feet in size. Company logos or names in this position shall not be larger than a rectangle of eight square feet in size.
5. Blade signs (not more than two feet by three feet, vertical or horizontal with a minimum nine feet clear height above the sidewalk) may be hung within the permitted wall sign area, perpendicular to the required building line or from a ground story overhang or awning.
6. Prohibited Signs: Billboards, free-standing pole signs, marquees, any kind of animation, and roof signs are prohibited. No internally lit, flashing, traveling, animated, or intermittent lighting may be mounted on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising devices located outside any building shall not be permitted, pursuant to City regulations (excepting as provided in this Code for the dooryard area). Signs painted on **façades** are prohibited (excepting those existing prior to July 2009) but are permitted, subject to approval by the code administrator, on the other exterior walls (side, rear, and courtyard).
7. Martin Luther King Highway Frontages are exempted from some of the standards above (see Sec. 407).
8. Monument signs shall be allowed as a replacement for existing freestanding signs along frontages only where the building or structures and sign existed on January 1, 2014, and where the building or structures are located fifty (50) feet or greater from the public right-of-way. Such monument signs shall be no greater than 8 feet in height and shall contain no more than 40 square feet, based upon



the area allowed under Section 40.1-5.11 H. (1) (c). There shall be no visible space between the base and the sign contact of a monument sign. Should an addition(s) to the existing building be constructed closer than 50 feet to the right-of-way the monument sign must be completely removed.

### C. Awnings/Sidewalk Overhangs

1. Any sidewalk overhangs shall have a minimum of ten feet clear height above the sidewalk and be minimum of five feet deep from the building **façade** (maximum depth is to back-of-curb or tree lawn, whichever is less).
2. Only the following materials are permitted: canvas or equivalent (no shiny or reflective materials), metal or glass.
3. Internal illumination through the awning/overhang is not permitted.
4. Lettering on awnings shall be limited to 6 inches in height on the vertical face of the curb side of the awning maximum.
5. One-quarter cylinder configurations are not permitted.



# 608. Lighting & Mechanical Equipment

## A. Intent

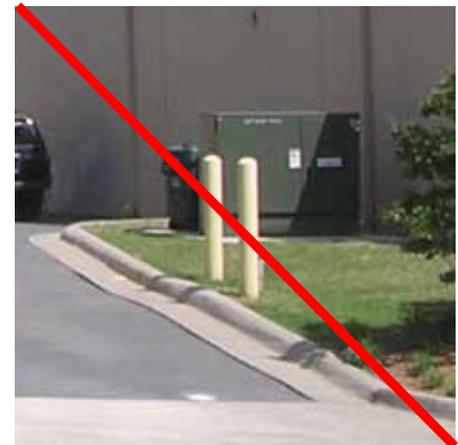
Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night by applying the appropriate fixtures in the correct locations - street lights are pedestrian-scaled and should occur along all streets but “cobra-head” highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

Mechanical equipment is generally any Heating Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be visible from the street. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.

The illustrations below are examples of mechanical equipment arrangements that are only acceptable away from and/ or not visible

from a STREET-SPACE (e.a. within an ALLEY



## B. Lighting

1. Street lights shall be located between 9 feet and 16 feet above grade with a maximum average spacing (per block face) of 50 feet on center on Storefront General frontages and General frontages, and 75 feet on all other frontages along the street tree alignment line on each side of the street-space and travel lanes (unless otherwise indicated on the regulating plan).
2. At the front of the building, exterior lights shall be mounted between 6 feet and 14 feet above the adjacent grade.
3. All lots with alleys shall have lighting fixtures within 5 feet of the alley. These fixtures shall illuminate the alley, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
4. Lighting elements shall be specified to proscribe those that cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). LED, metal halide, or halogen elements with a spectrum of light more perceptively natural are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Code Administrator as technologies advance and produce additional equivalent or better elements.
5. Floodlights or directional lights (maximum 100-watt bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the street-space, or direct light out of the district.
6. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on civic use buildings, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
7. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Code Administrator.
8. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) intent and guidelines.
10. Holiday Lighting is exempt.



## C. Mechanical Equipment

1. The following shall be placed behind and away from any required building line, may not be stored or located within any street-space, and shall be screened from view from the street-space: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. Roof mounted equipment shall be placed behind and away from any required building line and be screened from view from the street-space.

## **Part 7. Parking and Loading Standards**

### **701. Intent**

- A. Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- D. Maximize on-street parking.
- E. Provide flexibility for redevelopment of small sites and for the preservation of historic buildings.
- F. Increase visibility and accessibility of parking.
- G. Promote early prototype projects using flexible and creative incentives.

### **702. Other Applicable Regulations**

- A. The requirements of Chapter 32, Streets, Sidewalks and Local Improvements, apply to all parking and loading areas under this Code.
- B. Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

### **703. Scope of Regulations**

- A. Sites under 8,000 square feet in commercial floor area have no minimum parking requirements.
- B. Sites over 8,000 square feet in land area (and all residential uses) have the following requirements.
  - 1. A minimum of 1 ¼ parking spaces per residential unit, of which a minimum of 1/4 parking spaces per residential unit shall be provided as shared parking. There are no maximum limits on shared parking.
  - 2. A minimum of 1 ¼ spaces per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as shared parking; there are no set maximum limits on shared parking. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for shared parking. Any limitations on the shared parking (time limits or hours of the day) shall be subject to approval by the Code Administrator, which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the code administrator determines that the primary public use will be for commercial or residential uses.
  - 3. Reserved parking above the maximum (see Section 704 below) may be provided upon payment to the City. Reserved parking includes all parking that is not shared parking. The code administrator shall establish the amount of payment annually based on the approximate cost to build structured parking.
- C. Achieving parking requirements:
  - 1. Parking requirements may be met either on-site or within an 800 foot walking distance of the

development.

2. In lieu of minimum parking requirements, the City may accept a one-time payment per each space of shared parking. The code administrator shall establish the amount of payment annually based on the approximate cost to build structured parking.
- D. Shared parking shall be designated by appropriate signage and markings as determined by the code administrator
- E. Sites over 10,000 square feet in land area have the following requirements for bicycle parking:
1. For COMMERCE development, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 18,000 square feet of GFA.
  2. For residential development, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units.
  3. Bicycle parking facilities are to be highly visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.
  4. On-street bicycle parking spaces may be counted toward the minimum customer/ visitor bicycle parking requirement.
- F. Existing parking and loading facilities.  
Required off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served or located elsewhere shall not hereafter be reduced below or, if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.
- G. Permissive parking and loading facilities.  
Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.
- H. Submission of site plan.  
Any application for a building permit, or for a business license where no building permit is required and there is a change in use, shall be accompanied by a site plan, drawn to scale and fully dimensioned, showing off-street parking or loading facilities to be provided in compliance with this ordinance. For parking facilities providing more than twenty (20) parking spaces or more than two loading spaces, the plans shall be prepared by a certified engineer licensed by the Commonwealth of Virginia.

## 704. Maximum Parking Spaces

### A. Reserved Parking

1. Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Reserved (non-shared) Spaces (maximum)
Residential	2.0 per single-family unit
	1.0 per one-bedroom multifamily unit
	1.0 per two-bedroom multifamily unit
	2.0 per three-bedroom multifamily unit
Nonresidential	1.0 per 1,000 SF

### B. Maximum Surface Parking

Surface parking may not exceed 110 percent of the required parking. Structured or underground parking may exceed the required quantity of parking without the imposition of maximum standards.

## 705. Special Parking Standards

### A. Joint Parking

1. Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles where such surface parking areas lie within 50 feet of one another, provided a mutual access easement acceptable to the Code Administrator has been executed. Uses existing pre-Code (2009) are exempt from this requirement.
2. The agreement must ensure that maneuvering space for required parking spaces in both parking areas is preserved.

### B. On-Street Parking

1. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is fronting).
2. Each on-street parking space may only be counted for one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed use project.

### C. Off-Site Parking

1. Off-site parking must be located within a walking distance of 800 feet from the site served by the off-site parking.
2. The off-site parking shall be located within the Uptown D2 District.
3. The off-site parking must be the subject of a long-term lease approved as to form by the City Attorney, or permanently dedicated for off-site parking use.

### D. Tandem Parking

1. Tandem parking is allowed for:
  - a. Single-family projects; and
  - b. Multifamily projects and the residential component of mixed-use projects.
2. 2 parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.

3. Up to 75 percent of the total off-street parking spaces provided for residential projects may incorporate tandem parking. For residential projects, both tandem spaces shall be assigned to the same dwelling unit. Tandem parking may not be used to provide guest parking.

## **706. Surface Parking Lot Plantings**

### **A. New Development**

1. The edge of any surface parking lot adjacent to a single family (detached or attached) lot shall have be planted with canopy shade trees from the Tree List in Part 5, Urban Standards, planted at an average distance not to exceed 40 feet on center and aligned 3 to 7 feet behind the common lot line.
2. Edges along a common lot line shall have a street wall, garden wall or privacy fence.

## **707. Loading Facilities**

- A. No loading facilities are required.
- B. Where loading facilities are provided, they shall be located to the rear and alley side of buildings.

# Part 8. Building Function

## 801. General Provisions

### A. Permitted Uses

In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to an appropriate category with other, similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, site conditions and site conditions.

#### 1. Principal Uses

Principal uses are grouped into categories of uses. Permitted principal uses by frontage are shown in Sec. 802. The use categories used in the use chart are listed in Sec. 804.

#### 2. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in Sec. 805.

### B. Use Determination

#### 1. Administrator Responsibility

The Code Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Code Administrator shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is not similar to any other listed use, the use shall be prohibited.

#### 2. Uses Not Specifically Listed

When determining whether a proposed use is similar to a use listed in Sec. 804, the Code Administrator shall consider the following criteria:

- a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
- b. The relative amount of site area or floor space and equipment devoted to the activity.
- c. Relative amounts of sales from each activity.
- d. The customer type for each activity.
- e. The relative number of employees in each activity.
- f. Hours of operation.
- g. Building and site arrangement.
- h. Types of vehicles used and their parking requirements.
- i. The relative number of vehicle trips generated.
- j. Signs.
- k. How the use is advertised.
- l. The likely impact on surrounding properties.
- m. Whether the activity is likely to be found independent of the other activities on the site.

## 802. Use Table

The Use Table identifies the uses allowed in the respective frontages (building envelope standards).

USE TABLE  
Form Based Code District

P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited				
USE CATEGORY	USE TYPE			
		General	Townhouse	



	Funeral home	P					
	Laundry, self-service		P				
	Convenience store, without gas sales	P	P			P	
	Convenience store, with gas sales	U	U				
	Drug store or pharmacy, without drive-through service	P	P			P	
	Drug store or pharmacy, with drive-through service	U	U				
	Any use not mentioned above that utilizes a drive thru	U	U				
	Flea market						
	Farmers Market	P				P	
	Second Hand Sales	P	P			P	
	Grocery store	P	P			P	
	Liquor store	U	U			U	
	Retail sales establishment, large	U	U			U	
	Small Retail/Eating Establishment	P	P			P	Gross square footage less than 2500 square feet
	Other retail sales establishments	P	P			P	
<b>Personal Services</b>	Massage parlor	P				P	
	Personal services establishment	P	P			P	
	Barber Shop	P	P			P	
	Beauty Salon	P	P			P	
	Special events house	P	P				
	Tattoo parlor/body piercing establishment					U	
	Repair establishment					P	
<b>Self-Service Storage</b>	Mini-warehouse					P	
<b>Vehicle Sales and Services, Heavy</b>	Aircraft parts, sales, and maintenance					P	
	Automotive painting/body shop					P	
	Automotive wrecker service					P	
	Transmission shop					P	
	Boat and marine rental and sales					P	
	Truck stop						
<b>Vehicle Sales and Services, Light</b>	Automotive parts and installation					P	
	Automobile repair and servicing (without painting/bodywork)	P				P	
	Automobile sales or rentals	P				P	
	Automotive wrecker service					P	
	Car wash or auto detailing					P	
	Motorcycle sales	P				P	
	Recreational vehicle sales or rentals					P	
	Tire/muffler sales and mounting					P	
<b>Visitor Accommodations</b>	Bed and breakfast inn		P	P			
	Campground or recreational vehicle (RV) park						
	Hotel or motel	P	P				Full service only
	Tourist Home						
<b>INDUSTRIAL USE CLASSIFICATION</b>							
<b>Industrial Services</b>	Building, heating, plumbing, or electrical contractor					P	
	Electric motor repair					P	
	Fuel oil/bottled gas distributor					P	
	Fuel oil storage					P	
	General industrial service					P	
	Heavy equipment sales, rental, or storage					P	
	Heavy equipment servicing and repair					P	
	Laundry, dry cleaning, and carpet cleaning plants					P	
	Machine shop					P	
	Repair of scientific or professional instruments					P	
	Research and development					P	
	Tool repair					P	
<b>Manufacturing and Production</b>	Manufacturing, heavy					P	
	Manufacturing, light					P	
	Bulk fuel sales and storage						

USE TABLE  
Form Based Code District

P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited							
USE CATEGORY	USE TYPE	General Urban	Storefront	Townhouse	Workshop	Detached	Conditions
		Frontage	Frontage	Small Apt Frontage	Frontage	House	
<b>Warehouse and Freight Movement</b>	Cold storage plant						
	Outdoor storage (as a principal use)						
	Parcel services	P	P		P		
	Shipping container storage yard						
	Truck or freight terminal						
	Warehouse (distribution)						
<b>Waste-Related Services</b>	Warehouse (storage)						
	Energy recovery plant						
	Hazardous waste collection sites						
	Incinerator						
	Recycling and salvage center						
	Recycling drop-off center						
	Salvage and junkyard						
<b>Wholesale sales</b>	Tire disposal or recycling						
	Waste composting						
<b>Wholesale sales</b>	All uses				P		
<b>ACCESSORY USE CLASSIFICATION</b>							
	Accessory Dwelling Units single-family detached dwellings only						
	Amateur Radio/TV Antenna		P	P	P	P	
	Canopies	P	P	P			
	Clothes line			P		P	
	Community Garden			P		P	
	Fences or Walls						
	Garages			P		P	
	Greenhouses						
	Home Occupations	P	P	P	P	P	
	Outdoor Display/Sales						
	Rainwater Cisterns			P		P	
	Satellite Dish	P	P	P	P	P	
	Recycling Drop-off Stations						
	Solar Energy Equipment						
	Storage or Parking of Heavy Trucks, Trailers, Major Recreational Equipment, or Mobile Home					P	
	Swimming Pools	P	P	P		P	
	Spas, and Hot Tubs	P	P	P		P	
Vending Machines	P	P	P	P			
<b>TEMPORARY USE CLASSIFICATION</b>							
	Outdoor Seasonal Sales	P	P				Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel per year.
	Garage and /or Yard Sales			P		P	Such sales are limited to a maximum of three occurrences per parcel per year, for a maximum duration of two days per occurrence, unless expressly stated otherwise in this Ordinance.
	Special Events	P	P	P	P		Such events are limited to 14 total days per calendar year, per parcel, unless expressly stated otherwise in this Ordinance.

## **803. Additional Regulations**

### **A. General**

No civic, commerce, or workshop use is permitted above a residential use.

### **B. Household Living**

1. A lobby serving an upper store residential use is permitted on the ground story of a Storefront General site.
2. Household living is permitted on top floor or upper most floor only of a Workshop site and shall not exceed 25 percent of the gross floor area of the entire building.

### **C. Civic**

Buildings that house civic uses located on sites specifically designated on the regulating plan are not subject to Part 4, Building Envelope Standards.

### **D. Personal Service**

Outdoor runs in association with an animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, or doggy day care facility shall not be permitted.

### **E. Overnight Lodging**

A lobby serving an upper story overnight lodging use is permitted on the ground story of any Storefront General site.

### **F. Restaurant/Bar, Retail Sales**

1. A restaurant/bar or retail use is permitted in the upper story of a Storefront General or General site provided it is a second story extension equal to or less than area of the same ground story use.
2. Only merchandise or commodity manufactured on premise may be sold in the ground story of a Workshop site.

## **804. Accessory Uses**

- A. Unless otherwise expressly stated, accessory uses are permitted in conjunction with allowed principal uses. Accessory uses shall be accessory and clearly incidental and subordinate to a permitted principal use.
- B. No accessory use may be established on a site prior to the establishment of a permitted principal use.
- C. The Code Administrator is authorized to determine when a structure or use meets the definition of an accessory use. In order to classify a structure or use as accessory, the Code Administrator shall determine that the use:
  1. Is subordinate to the principal use in terms of area, extent and purpose;
  2. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
  3. Is located on the same lot as the principal structure or use, or on a contiguous lot in the same ownership;

4. Does not involve operations not in keeping with the character of the principal use served and is not of a nature likely to attract visitors in larger numbers than would normally be expected.

## Part 9. Definitions

### 901. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined here may be defined elsewhere in the City of Portsmouth Zoning Ordinance. In such case, the definition contained in the Zoning Ordinance shall be used. Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein shall prevail.

**Accessory Unit.** A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for English basement type accessory units) that is not the primary structure or principal dwelling unit on a lot that can be used as additional residential or home occupation space.

**Alley/Alley Access Easement.** The public right-of-way or easement for vehicles and pedestrians within a block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

**Attic Story.** Habitable space situated within the structure of a pitched roof and above the uppermost story. They are permitted for all BES sites and do not count against the maximum story height or ultimate height limits of their BES. Attic stories may have only dormers as windows on the RBL side of the roof-pitch.

**Awning.** A cantilevered, projected or suspended cover over the sidewalk portion of the street-space. Also a roof-like coverings, usually of canvas or metal, and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

**Balcony.** An exterior platform attached to the upper floors of the building **façade** (forward of the required building line).

**Bay Window.** Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall/required building line (along its street-space side). The minimum interior clear width at the main wall shall be four feet. Bay windows shall not project more than 36 inches beyond the required building line; and walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary building wall from which they project.

**Block Corner.** The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered block corners for the purposes of this Code.

**Building Lot Limit.** A line delineating the outer edge of the buildable area, generally to the rear of a lot away from the required building line. Where designated on the regulating plan, this shall supersede the building envelope standards minimum setbacks.

**Building Corner.** The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered building corners for the purposes of this Code.

**Building Envelope Standards (BES).** The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as storefronts, balconies, and street walls. The building envelope standards establish both the

boundaries within which things may be done and specific things that must be done. The applicable building envelope standards for a site are determined by its street frontage as per the regulating plan. This produces a coherent street-space and allows the building owner greater latitude behind its **façade**.

**Building Face.** See **Façade**.

**Civic Green or Square.** A public open space designated on the regulating plan. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured small public lawn or park that is primarily unpaved. Civic greens and squares do not include active recreation structures such as ballfields and courts. See the urban space standards for the specific controls on squares and civic greens.

**Civic Use Buildings.** Those buildings that house strictly civic uses located on sites designated on the regulating plan. Civic use buildings and publicly-owned public art are not subject to the building envelope standard prescriptions of this Code. See also Use, Civic.

**Clear Walkway.** An area within the sidewalk that must allow public passage and remain clear of obstructions. The clear walkway width is designated in the street type specifications.

**Code Administrator.** The Director of Planning or their designee shall serve as code administrator. The code administrator shall exercise the authority and perform the duties as set forth herein.

**Common Lot Lines.** Lot lines shared by adjacent private lots.

**Comparative Pedestrian Crossing.** The measured distance, shown on the street type specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted average). This distance/time is calculated in order to provide a relative gauge of the pedestrian crossing comfort level.

**Conservation Line.** A line established to guarantee the preservation of designated areas. Land beyond the conservation line shall not be built upon paved, driven on, re-graded or otherwise disturbed, except as specified in a Master Plan.

**Covered Sidewalk.** A roofed or built structure attached to the **façade** and extending beyond the required building line and over the sidewalk or square, open to the street-space except for supporting columns, piers, or arches. Covered sidewalks shall have a minimum clear height of 13 feet (signage or lighting may encroach) and a minimum clear width (from **façade** frontage or required building line) to inside column face of ten feet. The area within a covered sidewalk shall include a clear walkway. (See building envelope standards for complete specifications.)

**Detached Frontage Building.** Building form and functions resulting from/as determined by the building envelope standard regulations indicated on the regulating plan.

**Dooryard.** The area within the street-space between the **façade** of the building (generally the required building line) and the clear walkway area of the sidewalk. Stoops, balconies, bay windows and, for appropriate commerce uses, temporary displays or **café** seating, and other encroachments as specified by the Code Administrator may be

placed within the dooryard area. The dooryard area is designated in the street type specifications.

**Dormers.** Roofed ancillary structures with windows providing light and air to habitable space within the roof. Dormers are permitted and do not constitute a story (for height measurement purposes) so long as: they do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60 percent of their **required building line façade length**.

**Eave Height.** Eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

**English Basement Unit.** A habitable floor level below the first floor that is partially above and below grade. The ceiling of an English basement is at least 3 feet above sidewalk grade with windows and an entry with direct street-space access. English basement units do not count against the story height limit but do count against the ultimate height measurement.

**Equivalent or Better.** A building material or construction technique that has been determined, by the Code Administrator, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.

**Façade (Building Face).** The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, ALLEYS, and COMMON DRIVES are not FAÇADES.

**Façade Composition .** The arrangement and proportion of material and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FAÇADE.

**Fenestration.** Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). Fenestration is measured as glass area (excluding mullions and similar window frame elements with a dimension greater than one inch) and/or as open area.

**First Floor.** See Ground Story.

**General Frontage Building.** Building form and functions resulting from/as determined by the building envelope standards indicated on the regulating plan.

**General Storefront Frontage Building.** Building form and functions resulting from/ determined by the appropriate building envelope standards indicated on the regulating plan.

**Front Porch.** The ground floor platform attached to the front or required building line side of the main building. Required front porches, where specified in the building envelope standards, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and shall not be otherwise enclosed, above a height of 42 inches, except with insect screening. A front porch may have a single ground floor platform or two to three platforms stacked at the ground and upper story levels.

**Front Yard.** An open space required by certain building envelope standards types extending across the entire width of the lot between the **façade** and the sidewalk. Where double frontage or corner lots exist, any required front yard shall be provided on both streets. This area is contiguous with the street, and includes any front porch.

**Front Yard Fence.** The wood (picket), wrought iron fence, or masonry wall, between 30 and 40 inches in height, located along and surrounding the front yard (generally 1 foot

behind and parallel to the dooryard/sidewalk area of private lots and also along common lot lines to a point at least ten feet back from the required building line.

**Garden Wall.** A masonry wall defining a property line or delineating a private area. Shall be set back (or forward) not more than eight inches from the specified required building line in the regulating plan or building envelope standards. (For height and gate specifications, see the building envelope standards.) A garden wall may serve as a front yard fence.

**Ground Story.** The first habitable level of a building at or above grade. For commerce uses, at least two-thirds of the finished floor elevation within 30 feet of the required building line shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the ground story, the finished floor elevation shall be at least three feet above the fronting sidewalk elevation, unless otherwise specified in the building envelope standards. The next story above the ground story is the second floor or second story.

**Open Area** See Private Open Area.

**Parapet Height.** Where used to limit building height in this Code, parapet height shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the **façade**, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a block corner.

**Parking Setback Line.** A line or plane indicated on the regulating plan which extends vertically (unless otherwise noted) and is generally parallel to the required building line. The parking setback is typically 30 feet behind the required building line unless otherwise designated on the regulating plan. All parking shall be set-back behind this line, excepting where it is below grade. The parking setback line is a permissive minimum distance from the required building line and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

**Pedestrian Pathway.** An interconnecting paved way that providing pedestrian and bicycle passage through blocks running from a street-space to another street-space, an alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way. The easement width for these pathways shall not be less than 20 feet with a paved walkway not less than 10 feet wide, except where otherwise specified on the regulating plan, and shall provide an unobstructed view straight through their entire length.

**Privacy Fence.** An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along alleys and common lot lines (where more than ten feet behind the required building line). See the building envelope standards for height specifications.

**Private Open Area.** An area within the buildable area and behind the parking setback line, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the private open area may be included in each building envelope standard. Private open area shall not be built-upon, used to satisfy minimum stormwater BMP area, parked or driven upon (except for emergency access).

**Regulating Plan.** The implementing plans for the development of the district under this Code. Regulating plans allocate the building envelope standards and street types and provide specific information for the disposition of each building site. The regulating plan

also shows how each site relates to adjacent street-spaces, the overall district, and the surrounding neighborhoods.

**Required Building Line (RBL).** A line or plane indicated on the regulating plan and defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The **façade** shall occur on the required building line - this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate building envelope standard.

**Sidewing.** The portion of a building extending along a common lot line toward the alley or rear of the lot.

**Stoop.** An entry platform on the **façade** of a building. Stoops may be roofed, but they shall not be enclosed. (See the individual building envelope standards for specifications.)

**Storefront (Shopfront).** Ground story **façade** fenestration for retail and commerce uses. For regulating plan designated General and Storefront General Frontages the storefront may encroach up to two (2) feet into the dooryard area. Storefronts have a minimum 40 % fenestration level.

**Story (Story Height).** That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Story height parameters are as specified by the appropriate building envelope standard.

**Street Frontage.** That portion of the lot or building that is coincident with the required building line as required by this Code.

**Street Light.** A luminaire installed on both sides of the street-space, along the street tree alignment line, unless otherwise designated on the regulating plan. Street lights shall be between 9 and 16 feet above ground in height. Lighting standards for street-spaces and alleys should be developed to meet the minimum standards of the Illumination Engineering Society of North America (IESNA), with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas.

**Street-Space.** All space between fronting required building lines (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or alleys.

**Street Tree.** A tree required per this code and listed in the Street Tree List located in urban space standards that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**Street Tree Alignment Line.** A line along which street trees shall be planted and street lights and other such infrastructure are to be placed. It is generally parallel with the street-space and, unless otherwise specified in the regulating plan, is:

for tree lawns of 7 feet or less, 3 feet from the back-of-curb.

for tree lawns greater than 7 feet, 4 feet from the back-of-curb or the tree lawn centerline, whichever is closer to the street-space centerline.

the street tree alignment line for center medians is their centerline.

**Street Wall.** A masonry wall set back not more than eight inches from the required building line which assists in the definition of the street-space in the absence of a building. See the building envelope standard for height and gate specifications.

**Townhouse/Small Apartment Frontage Building.** Building form and functions resulting from/as determined by the building envelope standards indicated on the regulating plan.

**Tree Lawn.** A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the sidewalk, and used for planting street trees and configured to foster healthy street tree root systems. Tree lawn dimensions are specified in the street type specification.

**Use, Civic.** Community uses including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other similar uses.

**Use, Retail.** Includes the following:

**Retail Service.** Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Portsmouth Zoning.

**Retail Sales.** Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

**Workshop Frontage Building.** Building form and functions resulting from/as determined by the building envelope standards indicated on the regulating plan.



# Tab IV

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF AUTHORIZING AND REGULATING CONSTRUCTION/DEMOLITION/DEBRIS LANDFILLS AND TRANSFER STATIONS, INCLUDING BY AMENDING TABLE 40.1-4.1(A) AND SECTION 40.1-8.3, AND BY ADDING NEW SUBSECTIONS 40.1-4.3(D)(4)(e) AND 40.1-4.3(D)(4)(f).**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 September 27, 2016.

Teste:

City Clerk



**TABLE 40.1-4.1(A): USE TABLE**

**P = PERMITTED USE U = USE PERMIT REQUIRED A = ALLOWED BLANK CELL OR SLASH = PROHIBITED USE**

USE CATEGORY	USE TYPE	ZONING DISTRICTS															ADDITIONAL REQUIREMENTS	
		RESIDENTIAL [1]				BUSINESS					ACTIVITY CENTER			SPECIAL [2]				
		N R	G R	U R	U R H	N M U	G M U	M U H	I L	I N	N A C	C A C	R A C	H R	H L O	H L B		P G
	Transfer Station	/	/	/	/	/	/	/	/	U	/	/	/	/	/	/	/	40.1-4.3(D)(4)(f)
	.....																	

**AMENDMENT #: 2**

**SECTION #:40.1-8.3 (Definitions)**

*Section 40.1-8.3 (Definitions) is amended by inserting definitions for Construction/Demolition/Debris Landfill (CDD Landfill) and Transfer Station where alphabetically appropriate. Section 40.1-8.3 is not otherwise amended.*

.....

**CONSTRUCTION/DEMOLITION/DEBRIS LANDFILL (CDD LANDFILL)**

A land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, yard waste, split tires, and white goods or combinations of the above solid wastes. Construction waste means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes.

.....

**TRANSFER STATION**

Any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

.....

**AMENDMENT #: 3**

**SECTION #:40.1-4.3(D)(4)(e)**

*Article 40.1-4 (Use Standards) is amended by adding a new subsection 40.1-4.3(D)(4)(e).*

**(e) Construction/Demolition/Debris Landfill (CDD Landfill)**

In addition to the standards contained in Section 40.1-2.3(B)(4), any Use Permit requested shall be approved only if the applicant has demonstrated that all of the following additional requirements are met, unless they are specifically waived or modified through the Use Permit process approved by City Council in accordance with Section 40.1-2.3(B) of this Ordinance:

**(i) Location and Siting Requirements**

- a.** CDD Landfills shall be located so that truck traffic arriving at or departing from the landfill can access an arterial street without need for travel upon a public street within or adjacent to:
  - 1.** any residentially zoned area as identified in Table 40.1-1.7(H); or
  - 2.** any public park or public recreational area or recreational facility.
- b.** CDD Landfills and expansions of such facilities shall not be located within or encroach into any 100-year floodplain.
- c.** The minimum area of a parcel proposed for development as a CDD Landfill must be 20 acres.
- d.** No disposal unit (disposal cell) or leachate storage unit shall be located within:
  - 1.** 50 feet of the lot line on which the landfill is located; or
  - 2.** 200 feet of a lot line of a residentially zoned property as identified in Table 40.1-1.7(H); or
  - 3.** 200 feet of a lot line of any Educational facility, Health Care facility or religious institution.
- e.** All CDD Landfills shall comply with the requirements of the Virginia Department of Environmental Quality and all required permits shall be maintained throughout all phases of operation and closure of the facility.

**(ii) Design Requirements**

- a.** All facilities shall have an adequately lighted and heated shelter where operating personnel can exercise site control and have access to essential sanitation facilities. Lighting, heat, and sanitation facilities may be provided by portable equipment as necessary.
- b.** The facility shall be designed with sufficient off-street parking and stacking areas to accommodate all employees, visitors, and trucks. Public streets shall not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks.
- c.** The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility

operations by trucks and the use of emergency access ways and fire lanes.

- d.** The off-site road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding all expected loads.
- e.** On-site roads shall be passable by loaded collection and transfer vehicles in all weather conditions.
- f.** The on-site road system shall be designed to avoid the need for the backing of truck traffic.
- g.** Sufficient internal storage areas shall be provided for incoming solid waste.
- h.** A CDD Landfill shall include an eight foot perimeter fence interrupted only by necessary access and maintenance gates, or otherwise secured as determined by the Zoning Administrator in order to control vehicular and public access and prevent illegal disposal. All access will be limited by gates, and such gates shall be securable and equipped with locks. Fencing shall be constructed in accordance with Section 40.1-5.10, Fences and Walls, and may include chain link, wood, vinyl or other materials of similar aesthetic characteristics and quality. The use of barbed wire or electric fencing shall be prohibited.
- i.** The facility shall be surrounded by a buffer yard that is composed of not less than Type C plant units as identified in Section 40.1-5.2(E) so as to screen the facility from public view. The Zoning Administrator shall be authorized to modify or waive the landscaping requirements where the facility is not visible from a public right-of-way or from privately owned property.

**(iii)** Operational Requirements

- a.** Only construction waste, demolition waste, debris waste, yard waste, split tires, and white goods shall be accepted at any CDD Landfill. No other wastes shall be accepted unless specifically identified in an approved Use Permit and permitted by the Virginia Department of Environmental Quality.
- b.** Operating hours shall be limited to 7:00am to 8:00pm Monday through Saturday.
- c.** Trucks or vehicles shall not be parked or stored overnight at the landfill unless screened in a manner that will substantially prevent view of stored vehicles from public rights-of-way. Any vehicle maintenance services shall be a secondary and subordinate use of the site and shall be limited to maintenance of vehicles associated with trash delivery. Junked or inoperable vehicles shall not be stored at the landfill.
- d.** Emergency access ways and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.

- e.** The operation of the CDD Landfill shall be undertaken so as to prevent the attraction, harborage or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin) and to eliminate conditions which cause or may potentially cause harm to the public health and the environment, congregation of birds, safety hazards to individuals and surrounding property, and excessive odor problems, unsightliness, and other nuisances.
  - f.** CDD Landfills shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and litter. Operators shall cause periodic off-site policing and clean-up of trash and litter along all public rights-of-way described in the Truck Routing Plan within 1,760 feet (1/3 of a mile) of the landfill not less than once per week (or more often if needed) to ensure a neat and orderly appearance of the public rights-of-way.
  - g.** Scavenging is prohibited at any CDD Landfill.
- (iv)** In addition to all other materials required by other provisions of this Ordinance or the City Code, the following materials must be submitted by the applicant as part of the Use Permit application process for a CDD Landfill:
  - a.** A conceptual plan of the design and layout of the site demonstrating compliance with the design standards above.
  - b.** Conceptual elevations of any proposed building demonstrating compliance with the requirements above.
  - c.** A Traffic Impact Analysis in accordance with Section 40.1-5.12 of this Ordinance, and including a Truck Routing Plan.
  - d.** An analysis of the structural capacity of the road network serving the landfill, identifying any deficiencies and improvements necessary to accommodate the facility. This analysis shall be of sufficient scope and detail as determined by the City Engineer.
  - e.** A detailed assessment of the proposed design capacity of the landfill in relationship to the overall solid waste system in the region, including, but not limited to the anticipated volumes of solid waste (including average daily volume and maximum daily volume), anticipated sources of waste (i.e. municipal, commercial, industrial, etc.), and the relationship to other facilities in the vicinity and region.
  - f.** An Operation Plan demonstrating compliance with the operational requirements listed above.
  - g.** Other information as required by the City of Portsmouth that is appropriate to the evaluation of the proposed landfill.
- (v)** Emergency Provisions

Deviations from the requirements above and any conditions attached to the approval of the Use Permit may be necessary during times of emergencies, as determined by the City Manager, provided they do not jeopardize public health and safety and all requirements are met upon return to normal operations. Any deviation of the standards or requirements shall be established for a specific period of time (which may be extended by the City Manager) and shall be subject to any conditions established by the City Manager.

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**AMENDMENT #: 4**

**SECTION #: 40.1-4.3(D)(4)(f)**

*Article 40.1-4 (Use Standards) is amended by adding a new subsection 40.1-4.3(D)(4)(f).*

**(f) Transfer Station**

In addition to the standards contained in Section 40.1-2.3(B)(4), any Use Permit requested shall be approved only if the applicant has demonstrated that all of the following additional requirements are met, unless they are specifically waived or modified through the Use Permit process approved by City Council in accordance with Section 40.1-2.3(B) of this Ordinance:

**(i) Location and Siting Requirements**

- a.** Transfer stations shall be located so that truck traffic arriving at or departing from the station can access an arterial street without need for travel upon a public street within or adjacent to:
  - 1.** any residentially zoned area as identified in Table 40.1-1.7(H); or
  - 2.** any public park or public recreational area or recreational facility.
- b.** Transfer stations and expansions of such stations shall not be located within or encroach into any 100-year floodplain.
- c.** The minimum area of a parcel proposed for development as a transfer station is four acres.
- d.** No building or area in which the unloading, storage, processing, or transfer of waste or recyclable materials takes place shall be located within:
  - 1.** 50 feet of the lot line on which the waste transfer station is located; or
  - 2.** 200 feet of a lot line of a residentially zoned property as identified in Table 40.1-1.7(H); or
  - 3.** 200 feet of a lot line of any Educational facility, Health Care facility or religious institution.
- e.** All transfer stations shall comply with the requirements of the Virginia Department of Environmental Quality and maintain valid

permits throughout all phases of operation and closure of the facility.

**(ii)** Design Requirements

- a.** All activities associated with waste transfer, including tipping, sorting, storage, compaction, transfer, reloading, and related activities shall be conducted in a fully enclosed building. No outdoor storage of materials or equipment shall be permitted. Appropriate enclosed office and plumbed employee restroom facilities shall be provided on-site.
- b.** The facility shall be designed with sufficient off-street parking and stacking areas to accommodate all employees, visitors, and trucks. Public streets shall not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks.
- c.** The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility operations by trucks and passenger vehicles (e.g., for household waste), and the use of emergency access ways and fire lanes.
- d.** The off-site road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding all expected loads.
- e.** On-site roads shall be passable by loaded collection and transfer vehicles in all weather conditions.
- f.** The on-site road system shall be designed to eliminate the need for the backing of truck traffic.
- g.** The unloading area shall be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles.
- h.** The unloading and loading pavement areas shall be constructed of concrete or asphalt paving material and a collection and disposal system shall be maintained that will prevent liquids contained in waste materials and generated by normal operations such as wash-out and cleaning of equipment, trucks, and floors (“waste liquids”), from contaminating the soil, surface water, or ground water. Drains shall be connected to either the sanitary sewer system, if permitted by the service provider, or a corrosion-resistant holding tank. Alternate designs may be used with prior written approval of the City if the applicant can show that the alternate design will prevent waste liquids from contaminating the soil, surface water, and ground water.
- i.** Provisions shall be made for weighing or measuring all solid waste transferred to the facility.
- j.** Sufficient internal storage areas shall be provided for incoming solid waste.
- k.** The transfer station design shall include an eight foot perimeter fence interrupted only by necessary access and maintenance gates.

Fencing shall be constructed of brick, block, stone, wood, vinyl or other materials of similar aesthetic characteristics and quality. Use of split-face style cinder block shall be permitted if of a neutral earth-tone color (no un-textured, common gray cinder block will be permitted).

- l.** Gates shall be designed in a manner to balance the aesthetic compatibility of the station fencing materials with station security. Colored metal or wrought iron gates designed to substantially reduce public views into the station are encouraged. Use of chain link materials for gates is prohibited.
- m.** Facility layout, building materials, and building design shall, to the greatest extent possible, be planned to present an aesthetically attractive appearance from off-site locations when viewed through gated openings that will remain open during daylight or business hours.
- n.** The use of chain link fencing within the station shall be limited to areas not visible from any public right-of-way. The use of barbed wire or electric fencing shall be prohibited.
- o.** The facility shall be surrounded by a buffer yard that includes an eight foot perimeter fence and is composed of not less than Type C plant units as identified in Section 40.1-5.2(E). The Zoning Administrator shall be authorized to modify or waive the landscaping requirements where the facility is not visible from a public right-of-way or from privately owned property.

**(iii) Operational Requirements**

- a.** Only household waste, commercial, and industrial waste and recyclable materials shall be accepted at any transfer station. No wastes classified as hazardous in accordance with United States Public Law 96-510, as amended, shall be knowingly accepted. The operator shall employ a plan for proper identification, control, and disposal of hazardous wastes received by the waste transfer station. No asbestos waste shall be knowingly accepted at a transfer station facility. The operator shall employ a plan for proper identification, control, and disposal of hazardous and asbestos wastes.
- b.** All activities associated with processing, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities shall be conducted in a fully enclosed building.
- c.** Operating hours shall be limited to 7:00am to 8:00pm Monday through Saturday.
- d.** Adequate storage space for all waste shall be available at the transfer station in a fully enclosed building. No external storage of wastes shall be permitted. Solid wastes shall not remain at the transfer station for more than 72 hours. Any solid waste that is to be kept overnight at the station shall be stored in an impervious enclosed structure.

- e.** Trucks or vehicles shall not be parked or stored overnight at the transfer station unless screened in a manner that will substantially prevent view of stored vehicles from public rights-of-way. Any vehicle maintenance services shall be a secondary and subordinate use of the site and shall be limited to maintenance of vehicles associated with trash delivery and transfer at the waste transfer station. Junked or inoperable vehicles shall not be stored at the waste transfer station.
  - f.** Emergency access ways and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.
  - g.** The operation of the transfer station and the storage and handling of all solid waste shall be undertaken so as to prevent the attraction, harborage or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin) and to eliminate conditions which cause or may potentially cause harm to the public health and the environment, congregation of birds, safety hazards to individuals and surrounding property; and excessive odor problems, unsightliness, and other nuisances.
  - h.** Transfer stations shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and litter. Operators shall cause periodic policing not less than once every day (or more often as needed) of the entire waste transfer station. Operators shall also cause periodic off-site policing and clean-up of waste, trash, and litter along all public rights-of-way described in the Truck Routing Plan within 1,760 feet (1/3 of a mile) of the station not less than three times per week (or more often if needed) to ensure a neat and orderly appearance of the public rights-of-way.
  - i.** Sanitary conditions shall be maintained through the periodic wash-down or other appropriate cleaning method of the transfer station and transfer vehicles. Frequency of cleaning shall be sufficient to prevent odors and other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.
  - j.** No liquids, other than those used to disinfect, to suppress dust, or to absorb or cover odors from the solid waste, shall be added to the solid waste.
  - k.** Open burning is prohibited on any transfer station site.
  - l.** Scavenging is prohibited at any transfer station.
- (iv)** In addition to all other materials required by other provisions of this Ordinance or the City Code, the following materials must be submitted by the applicant as part of the Use Permit application process for a Transfer Station:

- a. A conceptual plan of the design and layout of the site demonstrating compliance with the design standards above.
- b. Conceptual elevations of the proposed building demonstrating compliance with the requirements above.
- c. A Traffic Impact Analysis in accordance with Section 40.1-5.12 of this Ordinance, and including a Truck Routing Plan.
- d. An analysis of the structural capacity of the road network serving the transfer station, identifying any deficiencies and improvements necessary to accommodate the transfer station. This analysis shall be of sufficient scope and detail as determined by the City Engineer.
- e. A detailed assessment of the proposed design capacity of the transfer station in relationship to the overall solid waste system in the region, including, but not limited to the anticipated volumes of solid waste (including average daily volume and maximum daily volume), anticipated sources of waste (i.e. municipal, commercial, industrial, etc.), and the relationship to other transfer stations in the vicinity and region.
- f. An Operation Plan demonstrating compliance with the operational requirements listed above.
- g. Other information as required by the City of Portsmouth that is appropriate to the evaluation of the proposed transfer station.

**(v) Emergency Provisions**

Deviations from the requirements above and any conditions attached to the approval of the Use Permit may be necessary during times of emergencies, as determined by the City Manager, provided they do not jeopardize public health and safety and all requirements are met upon return to normal operations. Any deviation of the standards or requirements shall be established for a specific period of time (which may be extended by the City Manager) and shall be subject to any conditions established by the City Manager.

**(vi) Violation Abatement Fund**

- a. As a condition of commencing operation of a transfer station to be operated by any entity other than the City of Portsmouth, the operator shall maintain at all times a cash deposit with the City of Portsmouth in an amount determined at the time of application according to a then-current resolution of the City Council establishing the minimum deposit. In the absence of such a resolution, the minimum amount shall be \$2,000.00. This fund shall be known as the “Abatement Fund.”
- b. The Abatement Fund shall assure the prompt and complete performance of the operator with requirements imposed by this Ordinance and any additional conditions of the Use Permit, and, in

particular, the requirement to maintain the use and the truck routes described in any required Truck Routing Plan within 1,760 feet of the use in a neat and orderly appearance.

- c.** The City of Portsmouth shall be authorized at its discretion to draw upon and use all or any portion of the Abatement Fund in order to remedy a violation, pursuant to the following procedures:

  - 1.** The City shall first issue a written notice of violation to the operator or supervisor of the use. Such notice shall provide the specific conditions existing that are deemed in violation of the requirements of this Ordinance or the conditions of approval of the use.
  - 2.** Except in cases where the City Manager or the City Manager's designee determines that the violation presents an imminent threat to public health or safety, the City shall provide twenty-four (24) hours from the delivery of notice (or such longer period as may be determined appropriate by the City Manager or the City Manager's designee) to remedy the cited violation.
  - 3.** If the cited violation is not remedied within the time specified by the notice, or if the City Manager or the City Manager's designee determines that the violation presents an imminent threat to public health or safety, the City may (but is not obligated to) take action to remedy the violation, and the City shall be authorized to apply all or any part of the Abatement Fund to the cost of same.
- d.** The Abatement Fund shall be maintained in an account determined by the City. Interest, if any, earned on such Abatement Fund deposit shall accrue to such account or fund for use in the same manner and purpose as the Abatement Fund.
- e.** At all times the operator shall maintain a balance in the Abatement Fund of not less than the greater of \$2,000.00 or the minimum amount established by City Council from time to time in accordance with subsection (a) hereof. In the event the City draws Abatement Funds in accordance with subsection (c), then within fourteen days after the operator receives notice of the City's draw the operator shall replenish the Abatement Fund as necessary to achieve the minimum balance. Failure to maintain the required minimum balance shall constitute cause for City Council to revoke the Use Permit.
- f.** Nothing in this section shall prevent or preclude the City from pursuing any other remedy or right to enforcement or abatement of violations or nuisances resulting from the operation of a transfer station.

# Tab V

**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**

#### **D. 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.

# Tab VI

# EXHIBIT A

## AMENDMENTS TO THE CITY OF PORTSMOUTH ZONING ORDINANCE OCTOBER 24, 2017

INTERPRETATION: In the amendments listed below, instructions are provided in underlined italics. Where only a portion of a section or a table is to be modified, the language to be deleted is indicated with a **double strikethrough** and the language to be added is indicated by **double underlining**. Where an entire existing section or table is to be deleted, the deletion is noted in the instructions and no strikethrough is provided. Where an entire new section or table is to be added, the addition is noted in the instructions and the new section or table is shown in plain text, without underlining.

**AMENDMENT #: 1**

**TABLE #: 40.1-2.1(A)**

*Table 40.1-2.1(A) is amended by deleting the Type II Development Plan line under the “Development Plans” category and adding a Special Exception line under the “Variances, Adjustments, and Exceptions” category, all as shown below. Table 40.1-2.1(A), including portions thereof not shown below, is not otherwise amended.*

TABLE 40.1-2.1(A) : SUMMARY TABLE OF DEVELOPMENT REVIEW STRUCTURE									
S = STAFF REVIEW		R = REVIEW AND ADVISE		D = DECISION		A = APPEAL		<> = PUBLIC HEARING	
PERMIT OR DEVELOPMENT APPROVAL	SEE SECTION	CITY COUNCIL	PLANNING COMMISSION	BZA	HPC	PLANNING DIRECTOR	ZONING ADMINISTRATOR		
<b>AMENDMENTS AND USE PERMITS</b>									
Zoning Map or Zoning Text Amendment	40.1-2.3(A)	<D>	<R>		R [1]	S			
Use Permit	40.1-2.3(B)	<D>	<R>			S			
<b>DEVELOPMENT PLANS</b>									
Type I Development Plan	40.1-2.3(C)		A			D			
Type II Development Plan	40.1-2.3(D)		D [2]			S			
<b>VARIANCES, ADJUSTMENTS, AND EXCEPTIONS</b>									
Special Exception	40.1-2.3(D)			<D>		S		S	
Variance Permit	40.1-2.3(G)			<D>				S	
Administrative Adjustment	40.1-2.3(H)			<A>		D			
...									

AMENDMENT #: 2

TABLE 40.1-2.1(G)

*Table*

TABLE 40.1-2.1(G): STAFF RESPONSIBILITIES FOR APPLICATION PROCESSING	
APPLICATION TYPE	RESPONSIBLE CITY STAFF MEMBER
Zoning Map or Zoning Text Amendment	Planning Director
Use Permit	
Type I and II Development Plan	
<u>Special Exception</u>	<u>Zoning Administrator</u>
Temporary Use Permit	Zoning Administrator
Zoning Compliance Permit	Zoning Administrator [1]
Certificate of Appropriateness	Planning Director
Variance Permit	Zoning Administrator
Administrative Adjustment	Planning Director
Interpretations	Zoning Administrator
Appeals	Zoning Administrator
NOTES	
[1] The Planning Director shall be responsible for zoning compliance permit applications within the Downtown D2 district.	

40.1-2.1(G) is amended as shown below.

AMENDMENT #: 3

TABLE 40.1-2.2(I)

*Table 40.1-2.2(I) is amended to add Special Exceptions, as shown below.*

TABLE 40.1-2.2(I): REQUIRED PUBLIC HEARINGS				
X= ADVISORY OR DECISION-MAKING BODY REQUIRED TO CONDUCT PUBLIC HEARING				
APPLICATION TYPE	SEE SECTION	ADVISORY OR DECISION-MAKING BODY [1]		
		CITY COUNCIL	PLANNING COMMISSION	BZA
Zoning Map or Text Amendment	40.1-2.3(A)	X	X	
Use Permit	40.1-2.3(B)	X	X	
<u>Special Exception</u>	<u>40.1-2.3(D)</u>			X
Variance Permit	40.1-2.3(G)			X
Appeal	40.1-2.3(K)			X
NOTES: [1] An "X" in more than one column means that the application type requires more than one public hearing. Second readings are not considered as public hearings.				

AMENDMENT #: 4

TABLE 40.1-2.2(J)

*Table 40.1-2.2(J) is amended to add Special Exceptions, as shown below.*

TABLE 40.1-2.2(J): REQUIRED PUBLIC NOTICE		
X= TYPE OF NOTICE REQUIRED		
APPLICATION TYPE	NOTICE REQUIRED	
	WRITTEN (MAILED) [1]	PUBLISHED
Zoning Map Amendment	When an amendment affects 25 or fewer lots, written notice shall be mailed to owners, their agents, or the occupants of all abutting land (including land immediately across the street or in other jurisdictions). When a proposed application affects more than 25 lots, or the amendment decreases allowable residential density, written notice shall be mailed to owners, their agents, or the occupants of all abutting land that is 11,500 square feet in size or larger (including land immediately across the street and lots in other jurisdictions).	Once a week for 2 successive weeks, with the second notice not less than 6 nor more than 21 days prior to first public hearing.

**TABLE 40.1-2.2(J): REQUIRED PUBLIC NOTICE**  
**X= TYPE OF NOTICE REQUIRED**

APPLICATION TYPE	NOTICE REQUIRED	
	WRITTEN (MAILED) [1]	PUBLISHED
Text Amendment	None except when a proposed application affects more than 25 lots, or the amendment decreases allowable residential density, then written notice shall be mailed to owners, their agents, or the occupants of all abutting land that is 11,500 square feet in size or larger (including land immediately across the street and lots in other jurisdictions).	
Use Permit <i>Special Exception</i> Variance Appeal	Written notice shall be mailed to owners, their agents, or the occupants of all abutting land (including land immediately across the street or in other jurisdictions).	Once a week for 2 successive weeks, with the second notice not less than 6 nor more than 21 days prior to first public hearing
Administrative Adjustment	Written notice shall be mailed to owners, their agents, or the occupants of all abutting land (including land immediately across the street or in other jurisdictions) at least 21 days prior to consideration by the Planning Director.	None required
NOTES: [1] Written (mailed) notice shall be provided at least five days prior to the first public hearing (or consideration by the Planning Director in the case of Administrative Adjustments).		

-----  
**AMENDMENT #: 5**

**SUBSECTION 40.1-2.1(D)(5)**

*Subsection 40.1-2.1(D)(5) is amended to add special exception permits, as shown below. Except as shown below Section 40.1-2.1(D) is not hereby amended.*

**(D) Board of Zoning Appeals (BZA)**

...

**(5) Powers and Duties**

In addition to any other authority granted to the BZA by City Council, the City Code, or the Code of Virginia (1950), as amended, the BZA shall have the following powers and duties under this Ordinance:

- (a)** To hear and decide applications for variance permits; and
- (b)** *To hear and decide applications for special exception permits; and*
- (c)** To hear and decide appeals taken from any interpretation or final decision made by the *Planning Director or Zoning Administrator* under this Ordinance *(except for those heard and decided by the Planning Commission).*

-----  
**AMENDMENT #: 6**

**SUBSECTION 40.1-2.3(D)**

Existing Subsection 40.1-2.3(D) (“Type II Development Plan”) is hereby DELETED in its entirety and a new Subsection 40.1-2.3(D) (“Special Exception”) as set forth below is hereby ADDED.

**(D) Special Exception**

**(1) Purpose and Intent**

A use requiring a special exception is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. Special exceptions may also permit variations from other standards in this Ordinance expressly identified in this subsection 40.1-2.3(D), but only to the extent of the authorization. The Board of Zoning Appeals (BZA) authority to consider special exceptions is expressly granted by and subject to the parameters and criteria set by City Council through adoption, and amendment from time to time, of this Ordinance.

**(2) Applicability**

- (a)** A special exception is required for any use designated in Table 40.1-4.1(A), Use Table, as a use requiring a special exception in accordance with this section;
- (b)** A special exception may also be applied for where otherwise expressly authorized by this subsection 40.1-2.3(D), as adopted and amended from time to time by City Council;
- (c)** The BZA shall not take any action that is construed as rezoning property, nor make a decision that is based solely on the general purpose and intent of the Ordinance as stated in Section 40.1-1.3.
- (d)** Any legally established use which existed prior to the adoption of this ordinance, or any subsequent amendments, shall not be considered a nonconforming use where a special exception is now required for establishment of such use. Except as provided below, the use shall be allowed to continue in operation, and the building or structure housing the use may be reconstructed or structurally altered, without the necessity of obtaining a special exception. However, approval of a special exception shall be required, in accordance with this section, when either of the conditions below are present, in the opinion of the Zoning Administrator:
  - (i)** There is a fifteen (15) percent or greater net increase in the square footage of the use or structure proposed for expansion or enlargement; or,
  - (ii)** The expansion or enlargement will substantially alter the site design and layout as it relates to circulation, parking or other site characteristics so as to adversely affect surrounding properties, as determined by the Zoning Administrator.

**(3) Procedure**

**(a) Basic Procedures**

- (i)** The procedures and requirements for the initiation, submission, completeness determination, review, and decision on an

application for a special exception are as established in Section 40.1-2.2, Common Review Procedures.

- (ii) The zoning administrator shall also transmit a copy of the application to the Planning Commission as required by Va. Code § 15.2-2310. The Planning Commission may send a recommendation to the BZA or appear as a party at the hearing.

**(b) Public Hearing, Review, and Determination by the BZA**

- (i) Following staff review and public notification in accordance with Section 40.1-2.2(J), Public Notification, the BZA shall conduct a public hearing on the application in accordance with Section 40.1-2.2(K), Hearing Procedures.
- (ii) After close of the hearing, the BZA shall consider the application, the relevant support materials, the staff report, comments of the Planning Commission, if any, and any comments given by the public, and by a majority vote of a quorum present, take one of the following actions based on the standards in Section 40.1-2.3(D)(4), Special Exception Standards and, if applicable, the standards in Section 40.1-2.3(D)(5), Use Specific Special Exception Standards:
  - Approval of the application as submitted;
  - Approval of the application with conditions (See Section 40.1-2.2(M), Conditions of Approval and Subsection 40.1-2.3(D)(6)); or
  - Denial of the application.

**(4) General Special Exception Standards**

An application for a Special exception shall be approved only upon a finding the applicant demonstrates all of the following standards are met:

- (a) The proposed use complies with the applicable standards of the Ordinance;
- (b) The proposed use is consistent with the comprehensive plan;
- (c) The proposed use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (d) The proposed use is configured to minimize adverse effects, including the visual impacts of the proposed use on adjacent lands;
- (e) The proposed use will directly or indirectly enhance the economic base of the community;
- (f) The proposed use avoids significant deterioration of water and air resources, and other natural resources;
- (g) The proposed use maintains safe and adequate egress and ingress onto the site, and safe road conditions around the site;
- (h) The proposed use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning districts; and
- (i) The use complies with all other city, state, and federal laws and regulations.

**(5) Use Specific Special Exception Standards**

- (a) The BZA may grant a special exception for a modification to the number, form, or nature of the parking requirements contained in Section 40.1-5.1 (Off-Street Parking, Loading, and Circulation) of this Ordinance, provided:
  - (i) The applicant shall demonstrate that safe and convenient pedestrian access is provided from the designated use to an off-site parking facility or that transportation is available from an off-site parking facility to the premises;
  - (ii) The applicant shall demonstrate that off-site parking spaces to either supplement the on-site parking or meet the minimum parking requirement, or a combination of both, are available on a long-term basis of not less than twenty (20) years;
  - (iii) A parking modification which was granted based on an off-site parking plan shall be void in the event that said off-site parking plan is terminated in whole or in part;
  - (iv) The applicant shall provide an adequate amount of parking to accommodate the anticipated demand for parking generated by the specified use;
  - (v) The authorization of parking modifications shall be limited to the specified use or uses for which the special exception is requested. Any enlargement of a building or change in use or uses shall be subject to the parking requirement as specified in this Ordinance or as otherwise approved for increase or reduction as provided in this Ordinance; and
  - (vi) The applicant has demonstrated to the satisfaction of the City Engineer that any off-site or on-street parking requested would not have a negative impact on the surrounding neighborhood or to any existing or proposed parking program or parking district impacted by the request.

(b) *Reserved.*

**(6) Conditions of Approval**

In authorizing a special exception, the BZA may impose such conditions regarding the location, character, and other features of the proposed special exception as may be deemed necessary to ensure compliance with the general intent and purposes of this Ordinance and to prevent or minimize adverse effects from the proposed use. Conditions, where imposed, shall be included as part of the approval.

**(7) Effect of Decision**

- (a) A special exception authorizes only the particular use(s) and associated development that is approved. A special exception, including any approved plans and conditions, shall not be affected by a change in ownership unless specifically conditioned as part of the approval.
- (b) No Zoning Compliance Permit shall be issued unless the use meets all conditions of approval.
- (c) No application for substantially the same special exception request shall be considered for a period of one year from the date of the decision by the BZA.

**(8) Expiration**

- (a) Special exceptions run with the land. Unless otherwise specified in the special exception or by the Code of Virginia (See Va. Code § 15.2-2209.1), an application for a building permit, business license or land disturbing permit (whichever is appropriate) shall be applied for and approved within two years of the date of the approval of the special exception; otherwise, the special exception shall become null and void, and automatically expire. Permitted timeframes do not change with successive owners.
- (b) Upon written application submitted at least 30 days prior to the expiration of the special exception by the applicant, and upon a showing of good cause, the BZA may grant one extension not to exceed one year. The approval shall be deemed extended until the BZA has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the special exception null and void, and the development approval shall automatically expire.
- (c) After the approved use has been developed in accordance with a special exception permit, the special exception automatically expires and is immediately null and void when there is a change in use, or when the use approved in the special exception is inactive for a period greater than two years.

**(9) Revocation of Special Exceptions**

A special exception may be revoked or modified by the BZA after noticing a public hearing in the same manner as the original special exception pursuant to Section 40.1-2.2(J), Public Notification, and conducting a public hearing in accordance with Section 40.1-2.2(K), Hearing Procedures. The permit shall be revoked only upon a finding by the BZA that:

- (a) The special exception was obtained or extended by fraud or deception;
- (b) The applicant has failed to comply with one or more of the conditions of approval;
- (c) There is a change in conditions affecting the public health, safety, and welfare, since adoption of the special exception; or
- (d) There are repeated violations of this Ordinance or other local, state and/or federal law(s) related to the development approved by the special exception.

**(10) Interpretation and Amendments.**

- (a) Any conditions to a special exception shall be interpreted by the Zoning Administrator and any appeals of the interpretation shall be considered by the BZA under the procedures for an appeal set forth in Section 40.1-2.3(K) (Appeal) of this Ordinance.
- (b) A special exception may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

All uses of the term “Type II Development Plan”, and all associated language which solely references or refers to Type II Development Plans, in Chapter 40.1 (including Appendices A and B) are hereby **DELETED**.

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**AMENDMENT #: 8**

**Section 702 of Appendix B**

Section 702 of Appendix B is amended to delete subsection (b), as shown below.

**702. Other Applicable Regulations**

- A. The requirements of Chapter 32, Streets, Sidewalks and Local Improvements, apply to all parking and loading areas under this Code.
- B. Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

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**AMENDMENT #: 9**

**Section 703 of Appendix B**

Section 703 of Appendix B is amended as shown below.

**703. Scope of Regulations**

- A. The parking requirements set forth in Section 40.1-5.1 and Table 40.1-5.1(E)(4) of the Zoning Ordinance are applicable to the D2-FBC District, unless superseded by the standards for the D2-FBC District contained in this Appendix B. Sites under 8,000 square feet in commercial floor area have no minimum parking requirements.
- B. Sites over 8,000 square feet in land area (and all residential uses) have the following requirements.
  - 1. A minimum of 1 and ¼ parking space per residential unit, of which a minimum of ¼ parking space per residential unit shall be provided as shared parking. There are no maximum limits on shared parking.
  - 2. A minimum of one and ¼ parking spaces per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as shared parking; there are no set maximum limits on shared parking. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for shared parking. Any limitations on the shared parking (time limits or hours of the day) shall be subject to approval by the CODE ADMINISTRATOR which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the code administrator determines that the primary public use will be for commercial or residential uses.
  - 3. Reserved parking above the maximum (see Section 704 below) may be provided upon payment to the City. Reserved parking includes all parking that is not shared parking. The code administrator shall establish the amount of payment annually based on the approximate cost to build structured parking.
- C. Achieving parking requirements.

1. Parking requirements may be met either on-site or within an 800 foot walking distance of the development.
  2. In lieu of minimum parking requirements, the City may accept a one-time payment per each space of shared parking. The CODE ADMINISTRATOR shall establish the amount of payment annually based on the approximate cost to build structured parking.
- CD.** Shared parking shall be designated by appropriate signage and markings as determined by the CODE ADMINISTRATOR.
- E.** Sites over 10,000 square feet in land area have the following requirements for bicycle parking:
1. For COMMERCE development, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 18,000 square feet of GFA.
  2. For RESIDENTIAL development, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units.
  3. Bicycle parking facilities are to be highly visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.
  4. On-street bicycle parking spaces may be counted toward the minimum customer/visitor bicycle parking requirement.
- DF.** Existing parking and loading facilities.  
Required off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served or located elsewhere shall not hereafter be reduced below or, if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.
- EG.** Permissive parking and loading facilities.  
Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.
- FH.** Submission of site plan.  
Any application for a building permit, or for a business license where no building permit is required and there is a change in use, shall be accompanied by a site plan, drawn to scale and fully dimensioned, showing off-street parking or loading facilities to be provided in compliance with this ordinance. For parking facilities providing more than twenty (20) parking spaces or more than two loading spaces, the plans shall be prepared by a certified engineer licensed by the Commonwealth of Virginia.

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**AMENDMENT #: 10**

**Section 704 of Appendix B**

*Section 704 of Appendix B is amended as shown below.*

**704. Maximum Parking Spaces**

**A. Reserved Parking**

- 1. Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards in this Section or in Section 40.1-5.1(E) are not exceeded:


**B. Maximum Surface Parking**

Surface parking may not exceed 110 percent of the required parking. Structured or underground parking may exceed the required quantity of parking without the imposition of maximum standards.

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**AMENDMENT #: 11**

**Section 705 of Appendix B**

*Section 705 of Appendix B is amended by deleting subsections 705(C)(2) and 705(C)(3) and subsection (D) as shown below. Section 705 of Appendix B, including those subsections not show below, is not otherwise amended.*

**705. Special Parking Standards**

...

**C. Off-Site Parking**

- 1. Off-site parking must be located within a walking distance of 800 feet from the site served by the off-site parking.
- 2. The off-site parking shall be located within the Uptown D2 District.
- 3. The off-site parking must be the subject of a long-term lease approved as to form by the City Attorney, or permanently dedicated for off-site parking use.

**D. Tandem Parking**

- 1. Tandem parking is allowed for:
  - a. Single-family projects; and
  - b. Multifamily projects and the RESIDENTIAL component of mixed-use projects.
- 2. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.
- 3. Up to 75 percent of the total off-street parking spaces provided for residential projects may incorporate tandem parking. For residential projects, both tandem spaces shall be assigned to the same dwelling unit. Tandem parking may not be used to provide guest parking.

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**AMENDMENT #: 12**

**Section 706 of Appendix B**

*Section 706 of Appendix B is hereby **DELETED**.*

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**AMENDMENT #: 13**

**Section 707 of Appendix B**

*Section 707 of Appendix B is hereby **DELETED**.*

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**AMENDMENT #: 14**

**Section 40.1-5.1**

*Existing Section 40.1-5.1 (“Off-Street Parking, Loading, and Circulation”) is hereby **DELETED** in its entirety and a new Section 40.1-5.1 (“Off-Street Parking, Loading, and Circulation”) as set forth below is hereby **ADDED**.*

## **40.1-5.1 OFF-STREET PARKING, LOADING, AND CIRCULATION**

### **(A) Purpose and Intent**

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards in this section are intended to provide for adequate off-street parking while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve city policies of supporting development and redevelopment of the activity centers, commercial corridors, and downtown areas. The standards are proposed to accommodate appropriate infill development and encourage pedestrian-oriented development, while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

### **(B) Applicability**

#### **(1) General**

Except where exempted by Section 40.1-5.1(E) (2) (b), Exceptions, the off-street parking, loading, and circulation standards of this section shall apply to all new development in the city.

#### **(2) Time of Review**

Review of proposed development to ensure compliance with the standards of this section shall occur at time of Development Plan (Section 40.1-2.3 (C) & (D)), Master Plan associated with an Amendment to the Zoning Map to establish an Activity Center (AC) district (Section 40.1-3.5), Preliminary Subdivision Plat (Chapter 33.1 of the City Code) or Zoning Compliance Permit (Section 40.1-2.3(E)), whichever occurs first.

### **(C) General Standards for Off-Street Parking, Stacking, and Loading Areas**

#### **(1) Use of Parking Area, Stacking Area, or Loading Space**

All vehicular parking areas, stacking areas, methods of vehicular ingress and egress, internal aisles, and loading spaces required by this section may be referred to as “vehicular use area” as well as off-street parking areas. This section, 40.1-5.1(C), does not apply to bicycle parking areas.

**(a) Business, Activity Center, and Special Districts**

A vehicular use area or off-street parking area shall be used solely for the parking of licensed motorized vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

**(b) Residential Districts**

In addition to the standard driveway parking spaces provided in conjunction with any single-family residence, up to one additional off-street parking space may be provided for a commercial vehicle on a single-family lot in accordance with the standards in Section 40.1-5.1(F), Off-Street Parking Within Residential Districts, and Section 40.1-4.4(C) (15), Storage or Parking of Heavy Trucks, Trailers, Major Recreational Equipment, or Mobile Homes.

**(2) Identified as to Purpose and Location**

Off-street parking areas of four or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles and other circulation features.

**(3) Surfacing**

- (a)** All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone pavers, aligned concrete strips, or an equivalent material.
- (b)** Single-family detached residential development may use an alternative surfacing material in accordance with Section 40.1-5.1(F), Off-Street Parking Within Residential Districts.
- (c)** Development subject to the standards of this section may include an alternative surfacing material as part of an alternative parking plan in accordance with Section 40.1-5.1(M), Off-Street Parking Alternatives, except industrial development in the IN district is not required to submit an alternative parking plan for use of crushed stone or a comparable surfacing material.
- (d)** In cases where alternative surfacing materials are allowed, the surfaces shall be maintained in a smooth, well-graded, and dust-free condition.

**(4) Arrangement**

**(a) Convenient Access**

Off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians and vehicles. Off-street parking areas with four or more spaces shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and an automobile may be parked or un-parked without moving another automobile (except as provided in Section 40.1-5.1(K)(6), Tandem Parking).

**(b) Backing onto Streets Prohibited**

Except for parking areas serving Single-Family Detached, Townhouse, and Two-to Four-Family Dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back from such areas directly onto a street.

**(5) Drainage**

All off-street parking and loading areas shall be properly drained so as not to cause any nuisance on adjacent land. Drainage may be directed to shared, community stormwater management devices.

**(a) Calculations**

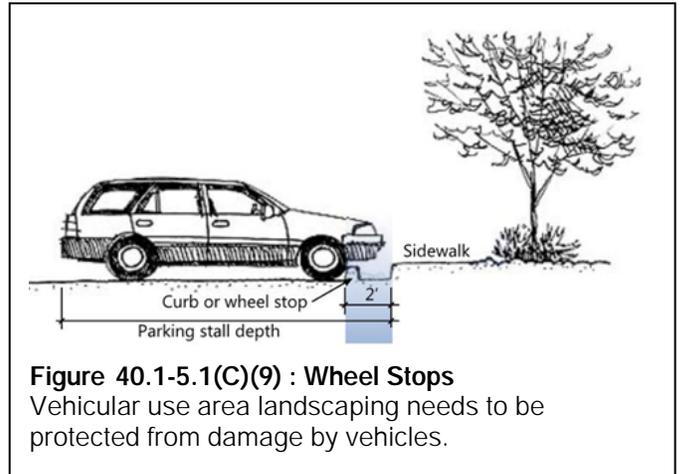
Stormwater calculations must address material used on site including entrances, parking areas and sidewalks.

**(6) Exterior Lighting**

When lighted, off-street parking and loading areas shall be lighted so as to prevent glare or illumination exceeding maximum allowable levels on adjacent land (See Table 40.1-5.9(E)(3), Maximum Illumination Levels), and unless exempted, shall comply with the standards of Section 40.1-5.9, Exterior Lighting.

**(7) Landscaping**

Except for off-street parking areas serving Single-Family Detached Dwellings, as well as Two-to-Four-Family Dwellings and Townhouse Dwellings of 5,000 square feet or less in floor area, all off-street parking and loading areas shall comply with the standards of Section 40.1-5.2(D), Vehicular Use Area Landscaping.



**(8) Maintained in Good Repair**

**(a) Maintained at All Times**

All off-street parking, loading, and circulation areas shall be maintained in a safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land. Poorly maintained parking shall not count toward required parking minimum.

**(b) Periodically Restored**

All off-street parking, loading, and circulation areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking stalls or loading areas.

**(9) Markings**

**(a) General**

Each required off-street parking space and off-street parking facility must be identified by surface markings and must be maintained in a manner so as to be readily visible and accessible at all times. Such markings must be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition includes striping, directional arrows, lettering on signs and in handicapped-designated areas.

**(b) Car Accessible**

One-way accesses into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe the length of the access. This requirement does not apply to aisles.

**(10) Placement**

The location or placement of off-street parking areas on a development site shall be limited in accordance with the standards of this section, Section 40.1-5.5, Multi-Family Development Standards, Section 40.1-5.6, Commercial Development Standards, and Section 40.1-5.7, Transitional Standards, as appropriate.

**(11) Minimum Separation**

**(a)** All off-street parking areas shall be separated at least seven feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area.

**(b)** In the event foundation plantings are required in accordance with Section 40.1-5.2(G), Site Landscaping and Building Foundation Priming, additional minimum separation may be needed to maintain a minimum five-foot-wide pedestrian clear zone along with the minimum area needed for landscaping.

**(c)** This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

**(12) Completion**

All off-street parking, loading, and circulation areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, off-street parking, loading, and circulation areas should only be provided for portions of the development with development plan or subdivision approval.

**(D) Calculation of Required Off-Street Parking Spaces**

**(1) Fractions**

When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.

**(2) Multiple Uses or Mixed Use Development**

Unless otherwise approved, development containing more than one use must provide off-street parking in an amount equal to the total requirements of all individual uses. This does not apply to multi-tenant retail centers.

**(3) Seat Based Standards**

Except as otherwise provided in this section, where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.

- (4) **Floor-Area Based Standards**  
Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area.
  - (5) **Occupancy or Capacity-Based Standards**  
Except as otherwise provided in this section, where the minimum number of off-street parking spaces required is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), maximum enrollment (for students), or the maximum fire-rated capacity (for residents), whichever is applicable.
  - (6) **On-Street Parking**  
When available, on-street parking on public or private streets, driveways, or drives may be used to satisfy the off-street parking standards of this section.
  - (7) **Driveways Used to Satisfy Requirements**  
For single-family detached, attached, townhouses, and two- to four-family dwellings, driveways may be used to satisfy minimum off-street parking standards, provided sufficient space is available to satisfy the standards of this section and this Ordinance.
- (E) **Off-Street Parking Standards**
- (1) **Parking Plan Required**
    - (a) Uses with four or more spaces, or parking areas proposed that could accommodate four (4) or more standard parking spaces and access facilities, shall submit a parking plan along with an application for a Development Plan (Section 40.1-2.3(C) & (D)), or a master plan associated with a Zoning Map Amendment to establish an AC District (Section 40.1-3.5), as appropriate.
    - (b) The parking plan shall be drawn to scale, and accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development the facilities are designed to serve.
  - (2) **Minimum Number of Spaces Required**  
Unless otherwise expressly stated in this section, the minimum number of off-street parking spaces shall be provided in accordance with Table 40.1-5.1(E)(2), Off-Street Parking Standards. Any property that has commercial sales, and does not fall into a use category listed in Table 40.1-5.1(E)(2), shall be required to have a minimum of two (2) parking spaces on site that meet the Section 40.1-5.1(K).
    - (a) **Exclusions to Parking Requirements**  
The following areas shall be excluded from the calculation of parking requirements established in Table 40.1-5.1(E)(2), Off-Street Parking Standards.
      - (i) Indoor areas used for vehicle storage or display.
      - (ii) Outdoor storage, display, or sales areas, unless otherwise specified.
      - (iii) Service bays for vehicles, including repair, painting, fueling, washing, and detailing.
      - (iv) Animal kennel cage space, indoor and outdoor.

- (v) Parking located in the D2 District will be as shown in table 40.1-5.1(E)(4), D2 Parking Requirements.

**(b) Exceptions to Parking Requirements**

**(i) Existing Development**

**a. Change in Use**

- i. A change in use of an existing development shall provide the additional off-street parking and loading facilities required to comply with this section, except as follows:
  - (a) No additional automobile or bicycle parking spaces are required if the change in use would result in an increase of spaces of less than 25%. The percent increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.
  - (b) When two or fewer additional automobile or bicycle parking spaces are required under this subsection as a result of a change in use, such additional parking is not required to be installed.
  - (c) Where there is any change of use of an existing development, on-site surface parking must comply with Section 40.1-5.1 (K).

**b. Expansion and Enlargement**

- i. Unless otherwise modified by Section 40.1-6.6, the off-street parking, loading, landscaping and circulation standards of this section apply when an existing structure or use is expanded or enlarged, except as follows:
  - (a) No additional automobile or bicycle parking spaces are required if the expansion or enlargement would result in an increase of spaces of less than 25%. The percent increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.
  - (b) When two or fewer additional automobile or bicycle parking spaces are required under this subsection as a result of an expansion or enlargement, such additional parking is not required to be installed.
  - (c) When an existing structure or use is expanded or enlarged by 25% or more

of GFA, on-site surface parking must comply with Section 40.1-5.1 (K).

**(c) Nonconforming Parking or Loading Facilities**

Expansion or enlargement of an existing development on a site that does not comply with the standards of this Section 40.1-5.1 (E) (2) shall require a Special Exception approval by the Board of Zoning Appeals.

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
<b>RESIDENTIAL USE CLASSIFICATION</b>				
Household Living	Dwelling, live/work	1 per DU	1 per 4 DU	85%
	Dwelling, upper			
	Dwelling, multi-family	1.5 per DU	1 per 4 DU	85%
	Dwelling, townhouse			
	Dwelling, single-family attached	2 per DU	None	
	Dwelling, two-to four-family			

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
Group Living	Dormitory	1 per 2 resident beds	1 per 4 beds	85%
	Family care home	3 per home	None	
	Fraternity or sorority house	1 per every 2 resident beds	1 per 4 beds	85%
	Group home	1 per employee + 1 per every 3 adults	None	
	Rooming or boarding house	1 per guest room	None	
	Single room occupancy (SRO) facility	0.75 per guest room	1 per 4 beds	85%
<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>				
Community Services	Community center	1 per 500 sf	10% of automobile parking provided	25%
	Cultural facility			
	Library			
	Museum			
	Senior center			
	Youth club facility			
Day Care	Adult day care center	3 per home	None	
	Child day care center			
	Family child day care home (6 to 12 children)	2 plus minimum residential parking requirement	None	
	Home child day care for 5 or fewer children	1 plus residential minimum requirement	None	
Educational Facilities	College or university	1 per 500 sf, exclusive of dormitories	5% of automobile parking provided	25%
	School, elementary	1 per classroom	3 per classroom	50%
	School, middle			
	School, high	1 per 500 sf	5% of automobile parking provided	50%
	Vocational or trade school	1 per 500 sf	5% of automobile parking provided	25%
Government Facilities	Government maintenance, storage, or distribution facility	1 per 1000 sf	None	
	Government offices	1 per 500 sf	5% of automobile	25%
	Other Government Facilities			

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
	Post office		parking provided	
Health Care Facilities	Hospital	1 per 300 sf	5% of automobile parking provided	25%
	Medical or dental clinic	1 per 500 sf	5% of automobile parking provided	
	Blood/tissue collection facility			
	Drug or alcohol treatment facility			
	Medical or dental lab			
	Medical treatment facility			
Outpatient facility				
Institutions	Auditorium	1 per 500 sf	5% of automobile parking provided	
	Convention center			
	Halfway house	3 per house	1 per 4 beds	85%
	Assisted living facility	1 per 2 beds	None	
	Nursing home			
	Psychiatric treatment facility			
	Religious institution	1 per every 6 seats in worship area	1 per 1,500 SF of assembly area	
	Civic, social, or fraternal clubs or lodges	1 per 500 sf	5% of automobile parking provided	
Shelter	1 per 2 beds	None		
Parks and Open Areas	Arboretum or botanical garden	None	None	
	Cemetery, columbaria, mausoleum			
	Community garden			
	Golf course, public [publicly owned]	2 per tee plus 1 per 200 sf of clubhouse, restaurant and event facilities	1 per 2,500 sf of clubhouse, restaurant and event facilities	
	Park, public	Less than 1 acre, none	Greater of 10 or 5% of automobile parking provided	
	Park, private	1 acre or more, See Table 40.1-5.1(E)(2)(A)		
Public Safety	Correctional facility	1 per employee on largest shift plus 2 per maximum visitors allowed at one time plus 1 per 1,000 sf	None	
	Fire or EMS facility	1 per employee on largest shift	None	
	Fire or police substation			
	Police station			
Transportation	Airport	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
	Helicopter landing facility	None	None	
	Passenger terminal, surface transportation	1 per 500 sf of office space, plus 1 per 4 seats in waiting area when there are more than 20 seats	None	
Utilities	Telecommunications antenna, collocation on existing tower	1	None	
	Telecommunications antenna, placement on existing building			
	Telecommunications tower, freestanding			
	Utility, minor			
	Utility, major	Lesser of 1 per 500 sf or 1 per 2 employees on largest shift	None	
<b>COMMERCIAL USE CLASSIFICATION.</b>				
Adult Uses	Adult bookstore	1 per 500 sf	10% of automobile parking provided	
	Adult entertainment establishment	1 per 250 sf	10% of automobile parking provided	
	Adult motion picture theatre	1 per 5 seats	10% of automobile parking provided	
Animal Care	Animal grooming	1 per 500 sf	1 per 2,500 sf	
	Animal shelter			
	Veterinary clinic			
	Kennel, indoor			
	Kennel, outdoor			
Conference and Training Centers	Conference or training center	1 per 5 persons of design capacity	5% of automobile parking provided	
Eating Establishments	Dinner theatre	1 per 4 seats	10% of automobile parking	10%

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
	Restaurant, with indoor and outdoor seating	1 per 200 sf, plus 1 per 5 seats for any outdoor seating areas	10% of automobile parking provided	
	Restaurant, with drive-through service			
	Restaurant, without drive-through service			
	Restaurant, Brew-pub			
	Specialty eating establishment			
Offices	Offices, business services	1 per 500 sf	10% of automobile parking provided	25%
	Offices, financial services			
	Offices, professional services			
	Offices, sales (including real estate)			
	Radio and television broadcasting studio	1 per 500 sf	10% of automobile parking provided	25%
Parking, Commercial	Parking lot	None	None	
	Parking structure			
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)
	Theater	1 per 4 seats	10% of automobile parking provided	10%

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
Recreation/Entertainment, Outdoor	Arena, amphitheater, or stadium	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)
	Commercial recreation, outdoor	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)
	Country club	2 per tee plus 1 per 200 sf of clubhouse, restaurant and event facilities	1 per 2,500 sf	
	Golf course, public [privately owned]			
	Golf driving range	1 per tee	1 per 2,500 sf	
	Marina	1 per every 2 slips + 1 per every 4 dry storage spaces	1 per 2,500 sf	
	Marina, pleasure boats only			
	Membership sports or recreation club	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)	See Section 40.1-5.1(E)(5)
	Multi-tenant Retail Center	See Section 40.1-5.1[E][2][d]	See Section 40.1-5.1[E][2][d]	See Section 40.1-5.1[E][2][d]
	Bar, nightclub, or cocktail lounge Entertainment establishment	1 per 250 sf	1 per 2,500 sf	
	Microbrewer/Micro-Distillery/Micro-Winery/Micro-Cidery	1 per 1000 sf plus 1 per 250 sf of areas of accessory use for patrons	1 per 2,500 sf	
	Gasoline sales	2	None	
	Crematory	None	None	
	Dry cleaning and laundry drop-off establishment Laundry, self-service	1 per 500 sf	None	
	Funeral home	1 per 5 seats in viewing area	None	
	Flea market	1 per 500 sf	None	
	Special events house	1 per 200 sf + 1 per every 4 persons of maximum outdoor facility capacity	None	
	Tattoo parlor/body piercing establishment	1 per 500 sf	1 per 2,500 sf	
	Massage therapy			
	Personal services establishment			
	Repair establishment			
	Convenience store, with gas sales	1 per 500 sf	1 per 2,500 sf	
	Convenience store, without gas sales			

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
	Financial institution, without drive-through service			
	Financial institution, with drive-through service			
	Drug store or pharmacy, without drive-through service			
	Drug store or pharmacy, with drive-through service			
	Grocery store			
	Retail sales establishment, large			
	Other retail sales establishments			
Self-Service Storage	Mini-warehouse	3 for single-level facilities 1 per 500 sf  3 plus 1 per 25 storage units for multi-level facilities	1 per 2,500 sf  None	
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance			
Automotive paint and body shop				
Automotive wrecker service				
Transmission shop				
Boat and marine rental and sales				
Truck stop				
Vehicle Sales and Services, Light	Automotive parts and installation	1 per 500 sf	None	
Automobile repair and servicing, without painting/body work				
Automobile sales or rentals				
Automotive wrecker service				
Car wash auto detailing				
Motorcycle sales				
Recreational vehicle sales or rental				
Taxicab service				
Tire/muffler sales and mounting				

**TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS**

USE CATEGORY	USE TYPE	AUTO SPACES (MINIMUM)	BICYCLE SPACES (MINIMUM)	BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)
Visitor Accommodations	Bed and breakfast	Visitor parking at 1 per 4 campsite or similar 1 per guest bedroom	None None	85%
	Tourist home			
	Campground or recreational vehicle park			
	Hotel or motel, extended service			
	Hotel or motel, full service			
<b>INDUSTRIAL USE CLASSIFICATION</b>				
Industrial Services	Port facilities	1 per every 2 guest rooms plus 25% of spaces required for on-site accessory uses	1 per 20 guest rooms	
	Building, heating, plumbing, or electrical contractor			
	Electric motor repair			
	Fuel oil/bottled gas distributor			
	Fuel oil storage			
	General industrial service			
	Heavy equipment sales, rental, or storage			
	Heavy equipment servicing and repair			
	Laundry, dry cleaning, and carpet cleaning plants			
	Machine shop			
	Repair of scientific or professional instruments	Lesser of 1 per 500 sf or 1 per 2 employees on largest shift	None	
	Research and development			
	Tool repair			
Manufacturing and Production	Brewery/Distillery/Winery/Cidery	1 per 1000 sf plus 1 per 250 sf of areas of accessory use for patrons	None	
	Concrete plants			
	Asphalt plants			
	Manufacturing of chemicals, fertilizers, paint, and turpentine			
	Manufacturing, heavy			
	Manufacturing, light			
	Petroleum Refining			
Rendering				

<b>TABLE 40.1-5.1(E)(2): OFF-STREET PARKING STANDARDS</b>				
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>AUTO SPACES (MINIMUM)</b>	<b>BICYCLE SPACES (MINIMUM)</b>	<b>BICYCLE SPACES (LONG TERM % OF TOTAL BICYCLE SPACES)</b>
Warehouse and Freight Movement	Bulk fuel sales and storage	Lesser of 1 per 500 sf or 1 per 2 employees on largest shift	None	
	Cold storage plant			
	Outdoor storage, as principal use			
	Parcel services			
	Shipping container storage yard			
	Truck or freight terminal			
	Warehouse (distribution)			
	Warehouse (storage)			
Waste-Related Services	Energy recovery plant	Lesser of 1 per 500 sf or 1 per 2 employees on largest shift	None	
	Hazardous waste collection site			
	Incinerator			
	Recycling and salvage center			
	Salvage and junkyard			
	Tire disposal or recycling			
	Waste composting			
Wholesale sales	All uses	Lesser of 1 per 500 sf or 1 per 2 employees on largest shift	None	
<b>NOTES:</b> [1] DU = dwelling unit; sf = square feet (of floor area unless otherwise noted)				

<b>TABLE 40.1-5.1(E)(2)(A): MINIMUM PARKING REQUIREMENTS FOR PUBLIC AND PRIVATE PARK ACTIVITIES</b>	
<b>USE CATEGORY</b>	<b>AUTO SPACES</b>
Sport fields	20 per field
Tennis and other courts for fewer than 8 players	2 per court
Basketball and other courts for 8 or more payers	4 per court
Swimming facilities	25 per pool or sprayground
Golf facilities	2 per tee plus 1 per 200 sf of clubhouse, restaurant and event facilities
Group picnic shelter	25 per shelter
Individual picnic table	1 per table

**(d) Multi-Tenant Retail Center Parking Requirements**

- (i) Parking requirements for multi-tenant retail centers are calculated based on the gross floor area total for all uses, rather than by individual uses.
- (ii) The minimum required automobile parking is 1 space per 500 sf. The minimum required bicycle parking is 1 per 2,500 sf. Loading requirements are per Section 40.1-5.1(P)(1), Number of Required Off-street Loading Berths.
- (iii) Where a retail center also includes residential space, the residential parking requirements shall be additional, per Table 40.1-5.1(E)(4), D2 Parking Requirements, depending on zoning.

**(3) Parking Requirements for Certain Elderly Housing**

Multi-family that is designated as “housing for older persons” by the US Department of Housing and Urban Development under the Fair Housing Act is allowed a 20 percent reduction of the required parking in Table 40.1-5.1(E)(2), Off-Street Parking Standards.

**(4) Parking Requirements for the D2 District**

Parking requirements for the D2 District shall be provided in accordance with Table 40.1-5.1(E)(4), D2 Parking Requirements. As indicated in the table, for multifamily residential uses and non-residential uses, some of the required minimum automobile spaces shall be unrestricted, that is, available to any resident or visitor. Spaces that are not reserved for specific residents or employees are subject to the maximum parking requirements shown in the table. There are no maximum parking requirements for spaces that are unrestricted.

<b>TABLE 40.1-5.1(E)(4): D2 PARKING REQUIREMENTS</b>				
	<b>AUTO SPACES MINIMUM</b>	<b>AUTO SPACES MINIMUM UNRESTRICTED</b>	<b>AUTO SPACES MAXIMUM RESERVED</b>	<b>BICYCLE SPACES MINIMUM</b>
<b>RESIDENTIAL</b>				
Single Family	1 per DU	None	2 per DU	None
Multifamily - 1 bedroom	1 per DU	0.25 per DU	1 per DU	1 per 4 DU
Multifamily - 2 bedroom	1 per DU	0.25 per DU	1 per DU	1 per 4 DU
Multifamily - 3 bedroom	1 per DU	0.25 per DU	2 per DU	1 per 4 DU
Dwelling, live/work and upper	0.5 per DU	None	1.5 per DU	1 per 4 DU
<b>NON-RESIDENTIAL</b>				
≤ 5,000 sf	None	None	None	None
>5,000 sf	1.25 per 1,000 sf	1.25 per 1,000 sf	1 per 1,000 sf	10% of automobile parking provided

**(a) Achieving parking requirements**

- (i) Surface parking may not exceed 150 percent of the required parking. Structured or underground parking may exceed the

required quantity of parking without the imposition of maximum standards.

**(b) Existing parking and loading facilities**

- (i)** Required off-street parking and loading facilities in existence on the effective date of this ordinance shall not be reduced below or, if already less than, shall not be further reduced below, the requirements of this ordinance.

**(5) Uses with Variable Parking Demand Characteristics**

Uses that reference this subsection in Table 40.1-5.1(E)(2), Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Zoning Administrator shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Zoning Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

**(6) Unlisted Uses**

Upon receiving a development application for a use not expressly listed in this section, the Zoning Administrator is authorized to apply the off-street parking standard in the listed use that is deemed most similar to the use, or establish the off-street parking requirements by reference to standard parking resources published by the National Parking Association or the American Planning Association. Alternatively, the Planning Director may require the applicant to submit a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

**(F) Off-Street Parking within Residential Districts**

Off-street parking serving Single-Family Detached or Two-to-Four Family Dwellings and located within front yard and/or corner side yard areas shall comply with the following standards:

**(1) Parking in Vehicular Use Area Required**

Commercial vehicles, whether parked or stored, shall be located in a vehicular use area. For the purposes of this subsection, “vehicles” shall include but not be limited to, passenger vehicles, all trucks under 20,000 pounds of gross vehicle weight (GVW), vans, golf carts, or other similar vehicles, whether operable or otherwise. Vehicles exceeding 20,000 pounds GVW are subject to the standards in Section 40.1-4.4(C)(15), Storage or Parking of Heavy Trucks, Trailers, Major Recreation Equipment, or Mobile Home.

**(2) Maximum Area Available for Vehicular Use**

Vehicular use areas located within the front or corner side yard (as measured from the edge of the lot line to the closest portion of the building) shall be limited to the lesser of 33 percent of the entire front and/or corner side yard area, or 880 square feet. For parcels with lot widths less than 50 feet, the vehicular use area shall be limited to the lesser of 50 percent of the entire front/or corner side area yard area (as measured from the edge of the lot line to the closest portion of the building), or 500 square feet. Nothing in this subsection shall be construed to limit the size of the vehicular use area located beyond the setback line of a front or corner side yard area, nor does it apply to indoor parking. This not applicable to historic districts or any other “district” that has specific or special parking provisions.

**(3) In Historic Districts**

Off-street parking in the Front yards is prohibited except as normally exists in driveways.

**(G) Motorcycle Parking**

**(1)** Parking for motorcycles, mopeds and motor-driven cycles may substitute for up to 2 spaces, or 5 percent of required automobile parking, whichever is greater.

**(2)** Motorcycle parking spaces shall be a minimum of 4’ wide and 8’ deep, accessible by an aisle at least 5’ wide.

**(H) Low-Emission Vehicles**

Spaces within parking lots and structures may include designated parking spaces for battery-electric vehicles, hybrid vehicles, and fuel cell vehicles. Spaces reserved for low-emission vehicles count towards minimum parking space requirements.

**(I) Provision of Electric Vehicle Charging Stations**

Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count towards minimum parking space requirements.

**(1) Spaces available for public use**

**(a)** Where electric vehicle charging stations are available for public use, spaces reserved for electric vehicle charging counts towards minimum parking space requirements at the rate of two per each space reserved for electric vehicle charging.

**(b)** To be considered “available for public use”, spaces reserved for electric vehicle charging shall be available and accessible to the public during all hours that the parking facility is open.

**(J) Accessible Parking Spaces for Physically Disabled Persons**

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically dimensioned, designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act.

**(K) Dimensional Standards for Automobile Parking Spaces and Aisles**

**(1) General**

Car parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 40.1-5.1(K)(1), Dimensional Standards for Parking Spaces and Aisles, and the illustrations in Figure 40.1-5.1(K)(1), Parking Stall Measurement. The following dimensional standards

apply to automobile parking spaces other than those provided per Section 40.1-5.1(J):

<b>TABLE 40.1-5.1(K)(1): DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES</b>					
<b>PARKING ANGLE (A)</b>	<b>STALL WIDTH (B)</b>	<b>CURB LENGTH (C)</b>	<b>AISLE WIDTH FOR ONE-WAY TRAFFIC (D)</b>	<b>AISLE WIDTH FOR TWO-WAY TRAFFIC (D)</b>	<b>STALL DEPTH PERPENDICULAR TO AISLE (E)</b>
<b>STANDARD SPACES</b>					
Parallel	8.0 ft	22.0 ft	12 ft	24 ft	8.0 ft
45 degrees	9.0 ft	12.7 ft	14 ft	n/a	19.0 ft
60 degrees	9.0 ft	10.4 ft	18 ft	24 ft	20.0 ft
90 degrees	9.0 ft	9.0 ft	n/a	24 ft	18.0 ft
<b>COMPACT SPACES</b>					
Parallel	8.0 ft	20.0 ft	12 ft	24 ft	8.0 ft
45 degrees	8.0 ft	11.3 ft	12 ft	24 ft	18.0 ft
60 degrees	8.0 ft	9.3 ft	16 ft	24 ft	19.0 ft
90 degrees	8.0 ft	8.0 ft	n/a	24 ft	17.0 ft

Notes:

For parking other than 90 degrees or parallel, the stall depth perpendicular to aisle may be reduced by 2' if the rows of angle parking are interlocked rather than abutting a wall or curb.

**(2) Compact Spaces**

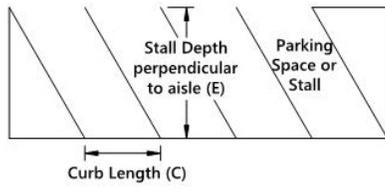
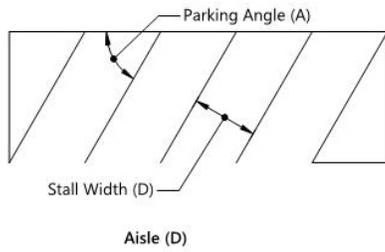
Up to 25% of all spaces may be reduced to compact spaces. All compact spaces must be clearly marked for "Compact Cars Only".

**(3) Vertical Clearance**

All off-street parking spaces must have a minimum overhead clearance of seven feet.

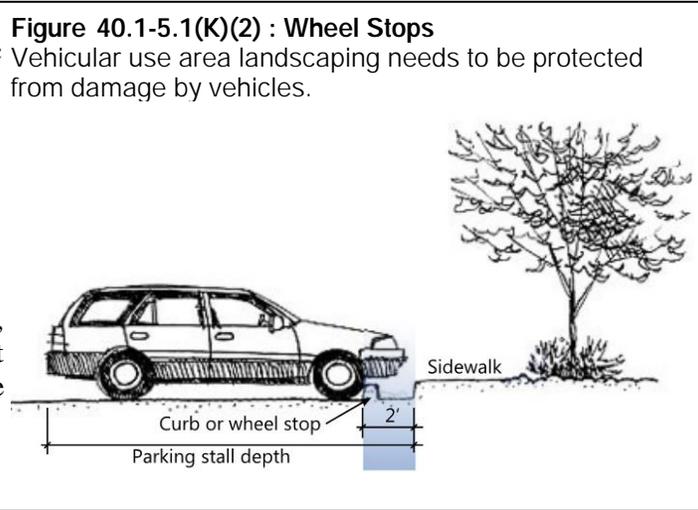
**Figure 40.1-5.1(K) (1) , Parking Stall Measurement**

Stall width and length is measured from the face of the curb or the edge of the striping.



**(4) Vehicle Overhang**

When a parking space abuts a public right-of-way, sidewalk, walkway, landscape area, or adjacent property, off-street parking and loading areas shall provide curbs, motor vehicle stops, or similar devices at a minimum distance of 2 feet as to prevent vehicles from overhanging (see Figure 40.1-



5.1(K)(2). Wheel Stops).

**(5) Spaces Near Obstructions**

- (a) When the side of a parking space abuts a wall, column, or other structure that is taller than six inches, the width of the parking spaces shall be increased by two feet on the obstructed side. This does not apply to columns in a parking garage.
- (b) Columns, poles, bollards or similar, positioned at the front of a parking space, may protrude up to 6 inches into the required parking stall dimensions.
- (c) Columns, poles, bollards or similar, positioned at the front corner of a parking space, may protrude up to 12 inches along the front or side of the required parking stall dimensions.

**(6) Tandem Parking**

Tandem parking is allowed for residential projects, including the residential component of mixed-use projects, when both tandem spaces are assigned to the same dwelling unit. Up to 75 percent of the total off-street parking spaces provided for residential projects may incorporate tandem parking.

**(L) Bicycle Parking**

Bicycle Parking Spaces may be classified as Long-Term or Short-Term. Long-term bicycle parking spaces are intended to primarily serve residents and employees whose bicycles will be left for longer periods of time and require a safe and weatherproof storage area. Long term bicycle parking shall be located in an enclosed, limited access area designed to protect bikes from precipitation and theft. Short-term bicycle parking spaces are intended to primarily serve visitors, such as retail patrons, whose bicycles will be left for short stops, requiring a high degree of convenience.

**(1) Required Number of Bicycle Parking Spaces**

**(a) General:**

- (i) The required number of bicycle parking spaces is shown in Tables 40.1-5.1(E)(2), Off-Street Parking Standards, and 40.1-5.1(E)(4), D2 Parking Requirements.
- (ii) The minimum number of parking spaces provided when required shall be two (2).

- (iii) For residential land uses with individual garages, each garage shall account for one (1) long term bicycle space up to a maximum of 90% of long-term bicycle parking requirement.
- (b) **Exemptions:**
  - (i) No bicycle parking spaces are required for any commercial facility of less than 1,000 sf.
  - (ii) Requirements for a percentage of bicycle parking to be Long-Term shall not apply when the required amount of Long-Term bicycle parking is two (2) or fewer.
- (c) **Design of Bicycle Parking Spaces**
  - (i) **Location**
    - a. Short-term bicycle parking spaces shall be located as close as the closest vehicular parking space or within 50 feet of a publicly accessible entrance to the building or buildings containing the use or uses it serves, whichever is greater.
    - b. Long-term bicycle parking spaces shall be located indoors or fully covered, which can be achieved through use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area. Where bicycle parking is not located within a building or locker, the cover design shall be of permanent construction, designed to protect bicycles from rainfall, snow, and inclement weather, and with a minimum vertical clearance of seven feet. Required bicycle parking for residential uses may not be provided within dwelling units.
    - c. Bicyclists shall not be required to travel over stairs to access parking. Access routes to bicycle parking areas must have a minimum five-foot width, with an allowable constriction of no less than 3' for distances totaling no more than 5'. Access and egress for bicycle parking in a parking structure shall not be via gated or ramped entrance/exit lane shared with motor vehicles.
    - d. The property owner may make suitable arrangement to place required bicycle parking spaces in the public right-of-way as approved by the City Engineer.

**(M) Off-Street Parking Alternatives**

The Zoning Administrator shall be authorized to approve an alternative parking plan that proposes alternatives to providing the number of required off-street parking spaces required by Tables 40.1-5.1(E)(2), Off-Street Parking Standards and 40.1-5.1(E)(4), D2 Parking Requirements, in accordance with the standards listed below. The alternative parking plan shall be submitted with an application for a Development Plan (Section 40.1-2.3(C) & (D)), Master Plan associated within an Amendment to the Zoning District Map to establish an AC district (Section 40.1-3.5), or Zoning Compliance Permit (Section 40.1-2.3(E)), as appropriate. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

**(1) Shared Parking**

Shared parking is feasible when the same parking spaces can be used to serve two or more individual lands uses without conflict or encroachment. Requests for shared parking shall comply with all of the following standards:

**(a) Location**

- (i)** Shared parking spaces shall be located within 800 linear feet of the building served.
- (ii)** Shared parking spaces shall not be separated from the use they serve by an arterial or collector road unless the shared parking area or parking structure is served by an improved pedestrian crossing.

**(b) Pedestrian Access**

Adequate and safe pedestrian access must be provided from and to the shared parking areas.

**(c) Maximum Shared Spaces**

The maximum reduction in the total number of parking spaces required for the uses sharing the parking area shall be 50 percent of the total required parking for each individual use.

**(d) Directional Signage**

Directional signage that complies with the standards of this Ordinance shall be provided to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to utilize these spaces.

**(e) Shared Parking Plan**

**(i) Justification**

Those requesting to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking plan as part of an alternative parking plan that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

**(ii) Recorded Agreement**

A shared parking plan portion of an alternative parking plan shall be enforced through written agreement among all owners of record. A shared parking agreement may be revoked only if all required off-street parking spaces are provided in accordance with the requirements of Table 40.1-5.1(E)(2), Off-Street Parking Standards.

**(2) Off-Site Parking**

Requests to locate required off-street parking spaces on a separate lot from the lot on which principal uses are located, shall comply with all of the following standards.

**(a) Ineligible Uses**

The off-site parking shall not be used to satisfy the off-street parking standards for residential uses (except for guest parking), convenience stores or other convenience-oriented uses. In addition, required parking spaces reserved for persons with disabilities may not be located off-site.

**(b) Location**

No off-site parking space shall be located more than 800 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route), unless a remote parking shuttle bus service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or a remote parking shuttle bus service is provided.

**(c) Zoning Classification**

The zoning district classification of the off-site parking area is the same or a more intensive zoning classification than that required for the use served.

**(d) Agreement for Off-Site Parking**

- (i)** In the event that an off-site parking area is not under the same ownership as the principal use served, the off-site parking arrangement shall be established in a written agreement between the record owners.
- (ii)** An off-site parking plan portion of an alternative parking plan shall be enforced through written agreement among all owners of record.

**(3) On-Street Parking**

As approved by the City Engineer, the use of on-street parking to meet a portion of the minimum off-street parking requirements shall comply with the following:

- (a)** Adequate on-street parking exists within 800 linear feet from the primary entrance of the proposed development;
- (b)** The developer plans on utilizing on-street parking; and
- (c)** There is no negative impact to existing or planned traffic circulation patterns or on-street parking demand.

**(N) Vehicular Circulation**

**(1) Stacking Spaces for Drive-through and Related Uses**

- (a)** In addition to meeting the off-street parking standards in Tables 40.1-5.1(E)(2), Off-Street Parking Standards and 40.1-5.1(E)(4), D2 Parking Requirements, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide the minimum number of stacking/standing spaces established in Table 40.1-5.1(N)(1), Required Stacking/Standing Spaces.
- (b)** The entrance to any building with a bay (i.e. car wash, auto shop, etc.) shall be located to allow the required stacking/standing distance without encroaching on public right-of-way.
- (c)** Stacking spaces shall be provided between the drive-through window and the menu board. Additional spaces shall be provided past the menu board to allow for stacking. If two or more drive-through lanes are provided, then stacking/standing spaces required beyond the menu board may be divided by the number of available stacking lanes.

**(2) Design and Layout**

Required stacking spaces are subject to the following design and layout standards.

**(a) Size**

Stacking spaces shall be a minimum of eight feet by 20 feet in size.

**(b) Location**

Stacking spaces shall not impede onsite or offsite traffic movements or movements into or out of off-street parking spaces.

**TABLE 40.1-5.1(N)(1) : REQUIRED STACKING/STANDING SPACES**

USE OR ACTIVITY [1]	MINIMUM NUMBER OF STACKING/STANDING SPACES	MEASURED FROM EACH [2]
Automated teller machine	3	Teller machine
Automobile repair and service (all types)	2 per bay	Bay entrance
Bank Teller	3	Teller window
Car wash, automatic	2	Bay entrance
Car wash, self-service	1 per bay	Bay entrance
Drug store or pharmacy, with drive-through service	4 per lane	Agent window
Dry cleaner, with drive-through service	4 per lane	Window
Nursing home	3	Main building entrance
Personal services with drive-through (e.g., laundry/dry-cleaning establishment)	3 per lane	Agent window
Restaurant, with drive-through service	4	Pick-up window
	plus 3	Menu Board
Other	Uses not specifically listed are determined by the Zoning Administrator based on standards for comparable uses.	
NOTES: [1] See Table 40.1-4.1(A): Use Table [2] Distance measured from window where products are delivered, when more than one window is present.		

**(3) Stacking Lanes for Parking Lot Entrances.**

Except in the UR-H, NMU, NAC, D-1 and D-2 districts, nonresidential uses shall provide stacking areas for entering vehicles in accordance with the minimum stacking lane distance established in Table 40.1-5.1(N)(2), Stacking Lanes for Parking Lot Entrances:

TABLE 40.1-5.1(N)(2): STACKING LANES FOR PARKING LOT ENTRANCES	
NUMBER OF OFF-STREET PARKING SPACES [1]	MINIMUM STACKING LANE DISTANCE (FEET) [2]
1-24	10
25-49	20
50-249	40
250 or more	100

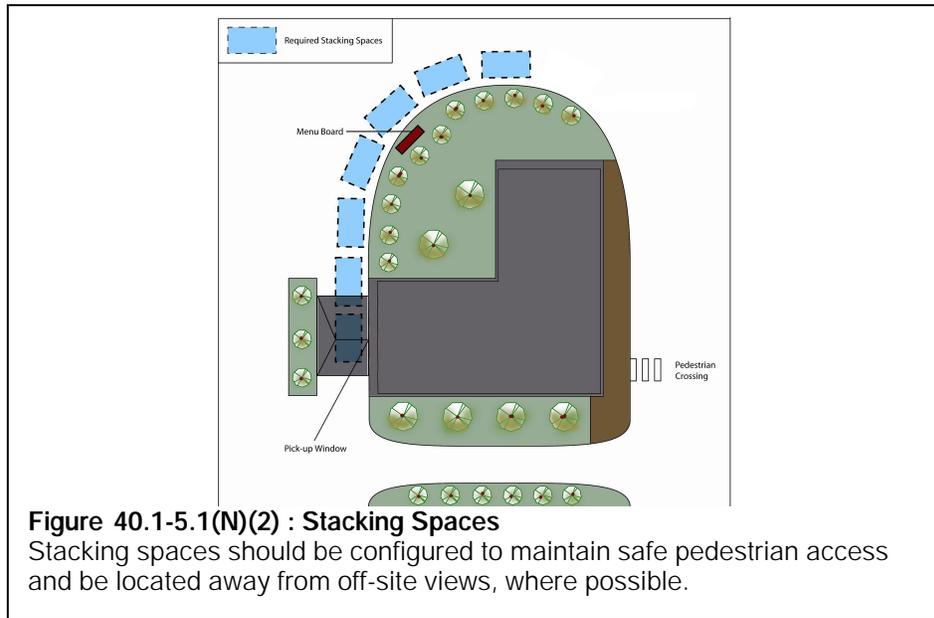
NOTES:  
 [1] Entrances into parking structures may be credited towards the stacking lane distance requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.  
 [2] Stacking lane distance is measured within the driveway apron from the right-of-way line along the centerline of the stacking lane to its intersection with the centerline of the adjacent drive aisle.

**(a) Design and Layout**

Required stacking spaces are subject to the following design and layout standards.

**(i) Size**

Stacking spaces shall be a minimum of eight feet by 20 feet in size.



**(ii) Location**

Stacking spaces shall not impede onsite or offsite traffic movements or movements into or out of off-street parking areas.

**(iii) Design**

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Planning Director for traffic movement and safety.

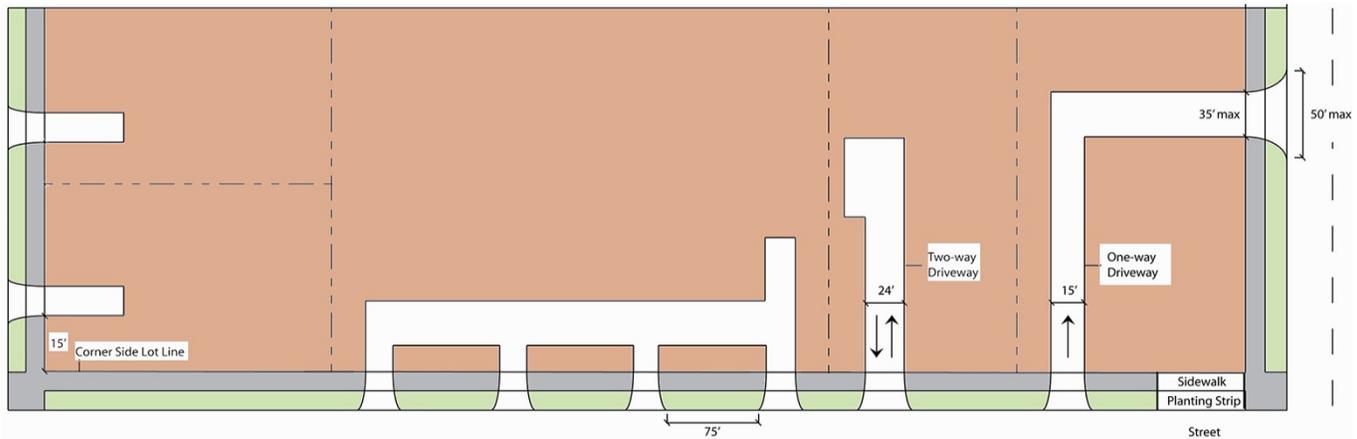
**(4) Medians in Driveway Entrances**

Medians may be provided within driveway entrances provided:

- (a) The median is surrounded by valley or “roll” curbing;
- (b) No signage is included within sight triangles;
- (c) Planted material within the median is limited to understory trees, shrubs, and ground cover to not block sight triangles and sight distance; and
- (d) The minimum aisle width is maintained for each travel and turning lane.

**(O) Driveway Standards**

- (1) Any required parking area shall have direct access to a public or private street via a driveway.
- (2) Unless otherwise approved by the City Engineer, no driveway shall exceed 50 feet in width at the curbline or more than 35 feet at the front lot line.
- (3) One-way driveways shall have a minimum width of 15 feet, and two-way driveways shall be at least 24 feet wide.
- (4) Driveway aprons shall be constructed to standards furnished by the City Engineer and shall be provided between the curbline and the front lot line.
- (5) No driveway shall be located within 15 feet of a corner side lot line or closer than five feet from the end of a curb radius.
- (6) Lots with two or more driveways along the same street frontage shall provide at least 75 feet between driveways.
- (7) In no instance shall the number of driveways serving a single lot along a single street frontage exceed a maximum of four.



**Figure 40.1-5.1(O)(1): Driveway Standards**

Driveways should be separated from one another and major intersections to maintain street capacity.

**(P) Loading Space Standards**

- (1) **Number of Required Off-Street Loading Berths**

The following uses shall provide on-site loading areas or berths in accordance with the requirements in Table 40.1-5.1(P)(1), Required Off-Street Loading Berths.

**(a) Exceptions for Older Buildings**

Buildings that were built prior to 2017 and do not currently have any loading berths are exempt from off-street loading requirements.

**(b) Maximum Number of Required Off-Street Loading Berths**

No property is required to provide more than three loading berths.

<b>TABLE 40.1-5.1(P)(1): REQUIRED OFF-STREET LOADING BERTHS</b>		
<b>USE OR ACTIVITY</b>	<b>GROSS FLOOR AREA (GFA) [1]</b>	<b>MINIMUM NUMBER OF LOADING BERTHS</b>
Offices and personal service establishments	50,000 sf or more	1
All other commercial or industrial use types	20,000 sf - 70,000 sf	1
	Greater than 70,000 sf	1 + 1 per every additional 50,000 sf of GFA
NOTES: [1] Residential floor area within a mixed-use development is not included within the GFA.		

**(c) Design of Off-Street Loading Berths Minimum Dimensions**

Each loading space required by this subsection shall be at least 10 feet wide by 35 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

**(d) Location**

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

**(e) Delineation of Loading Spaces**

All loading spaces shall be delineated by signage and striping and labeling of the pavement.

**(f) Access to a Street**

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot. Off-street loading spaces shall be configured to avoid

the need for vehicles to back up within the street right-of-way, to the maximum extent practicable.

**(g) Paving**

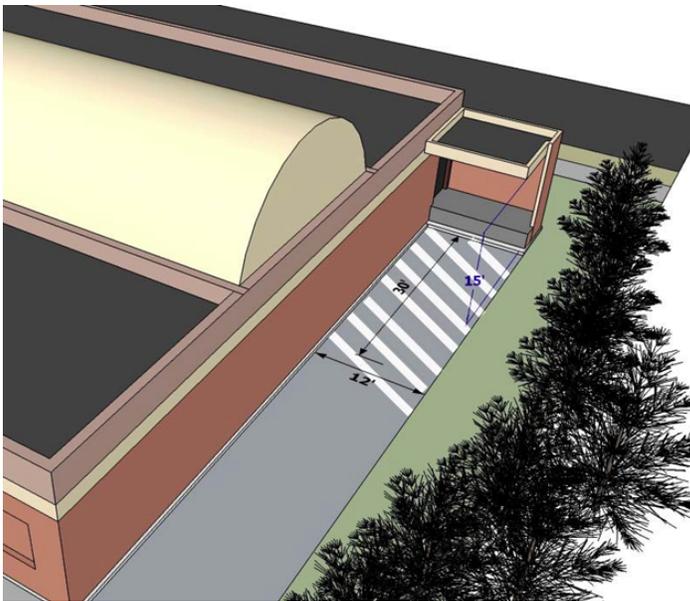
The ground surface of loading areas shall be paved with a durable, dust free, and hard material, such as surface and seal treatment, bituminous hot mix, Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

**(h) Landscaping**

Loading areas shall be landscaped in accordance with Section 40.1-5.2(D), Vehicular Use Area Landscaping.

**(i) Exterior Lighting**

Exterior lighting for loading areas shall comply with the standards in Section 40.1-5.9, Exterior Lighting.



**Figure 40.1-5.1(P)(1): Loading Zone**

Loading zones shall be striped and located to the side or rear of buildings.

---

**AMENDMENT #: 15**

**SECTION 40.1-9.7 of  
APPENDIX A**

*Section 40.1-9.7 of Appendix A to the zoning ordinance is amended as shown below.*

**Section 40.1-9.7. Parking**

No off-street parking or loading facility shall be required for those properties zoned T4, T5 or T6 and which are located downtown north of Interstate 264. Where parking or loading is provided, parking shall be designed in accordance with the requirements of Section 40.1-5 of this Ordinance, with the exception of Section 40.1-5.1(D) and (E). Parking in the T3 district and T4 district south of Interstate 264 shall be in accordance with the number of spaces required in Table 40.1-5.1(E) (2). Single family residences are exempt from the 30 foot parking setback contained in this section.

# Tab VII

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF AMENDING SELF-SERVICE STORAGE REGULATIONS, INCLUDING BY AMENDING SUBSECTION 40.1-4.3(C)(10) AND SECTION 40.1-8.3.**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 January 9, 2018.

Teste:

City Clerk

## EXHIBIT A

INTERPRETATION: In the amendments listed below, instructions are provided in underlined italics. Where only a portion of a section or a table is to be modified, the language to be deleted is indicated with a double strikethrough and the language to be added is indicated by double underlining.

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### AMENDMENT #: 1 4.3(C)(10)

### SUBSECTION 40.1-

Subsection 40.1-4.3(C)(10) is amended by merging portions of subsections 40.1-4.3(C)(10)(a)-(f) into a new subsection (a), deleting the portions of subsections 40.1-4.3(C)(10)(a)-(f) not so merged, and adding new subsections 40.1-4.3(C)(10)(b) and (c), all as shown below.

### Section 40.1-4.3

...

#### (C) Commercial Uses

...

#### (10) Self-Service Storage

Self- service storage or mini-warehouse uses shall comply with the following standards:

(a) **Site Layout**General Standards for all Facilities

(i) The minimum lot area shall be at least two acres.

(ii) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

(b) **Operation**

(i) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site. The owner/operator shall be allowed to sell moving and packaging materials and related items and to hold auctions on site for the disposal of goods stored on the premises.

(ii) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(iii) No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

- (iv) Except as otherwise authorized in this subsection, all personal property shall be stored on the site shall be enclosed entirely within enclosed buildings.
  - (v) Hours of public access to a self-service storage use facility abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 A.M. and 10:00 P.M., unless modified by an approved Use Permit.
- (c) **Parking and Circulation**
- (i) Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
  - (ii) The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
  - (iii)(vi) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisle ways.
  - (iv)(vii) All access ways shall be paved with asphalt, concrete, or comparable paving materials.
- (d) **Building Appearance**
- (i)(viii) Garage doors or roll-up doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
  - (ii)(ix) With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, tThe maximum height of a self-service storage facility shall be 20 feet in accordance with the applicable district standards contained in Article 40.1-3.
  - (iii)(x) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 40.1-5.9, Exterior Lighting.
  - (iv)(xi) The exterior facades of all structures facing a public street shall be masonry (brick or split-faced CMU) or a combination of said masonry and other building products that have the appearance of a textured finish.
  - (v) Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
  - (vi)(xii) A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral or earth-tone, and shall not be used to call attention to the use.

**(vii)(xiii)** Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.

**(viii)(xiv)** All mechanical equipment and dumpsters shall be fully screened from off-site views.

**(e) Fencing**

All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:

**(i)** Fences shall be no shorter than six feet or taller than eight feet.

**(ii)** Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that compliment the buildings.

**(iii)** Chain link fencing is prohibited except where the use abuts lots with a business zoning designation, but in no instance shall chain link fencing be visible from a public street.

**(iv)** Metal fences shall include brick pilasters or supports located with consistent on-center spacing.

**(v)** Wooden or chain link entry gates into the use are prohibited.

**(f) Open Storage**

**(xv)** Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

**(i)a.** No outdoor storage shall be visible from off-site at street level from a public right of way.;

**(ii)b.** The storage shall occur only within a designated area, which shall be clearly delineated;

**(iii)c.** The size of the storage area shall not exceed 25 percent of the buildable area of the site;

**(iv)d.** Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high;

**(v)e.** Storage shall not occur within the areas set aside for minimum building setbacks;

**(vi)f.** No dry stacking of boats shall be permitted on-site; and

**(vii)g.** Portable shipping containers are prohibited.; and

**(viii)** Vehicles shall be allowed on the premises for storage only.

**(xvi)** Where an existing building is being converted to a self-storage use, the use specific standards may be varied through an approved Use Permit.

- (b) Additional Standards for Single Story Facilities:**
- (i)** The minimum lot area shall be at least two acres.
  - (ii)** In a single-story self-service storage facility interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
  - (iii)** All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:
    - a.** Fences shall be no shorter than six feet or taller than eight feet.
    - b.** Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that complement the buildings.
    - c.** Chain link fencing is prohibited.
    - d.** Metal fences shall include brick pilasters or supports located with consistent on-center spacing.
    - e.** Wooden or chain link entry gates into the use are prohibited. Gates installed shall open horizontally, not vertically to ensure unencumbered access for emergency equipment.
  - (iv)** In a single-story self-service storage facility the one- or two-way traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
- (c) Additional Standards for Multi-Story Facilities.**
- (i)** All multi-story facilities shall have interior elevators.
  - (ii)** No less than 20% of the front façade facing the primary street shall consist of a non-reflective glazing material.
  - (iii)** Where interior ramps are proposed for use by motor vehicles the interior aisle ways shall meet or exceed the requirements of Section 40.1-5.3(10)(b)(ii) above.
  - (iv)** If approved by a Use Permit, other uses compatible with the surrounding land uses may be permitted on the first floor of the multi-story facility.
  - (v)** A loading dock or loading area shall be provided.
  - (vi)** Individual storage units shall not be directly accessible from the exterior of the multi-story facility.

Section 40.1-8.3 is amended by deleting the defined term “Mini-Warehouse” and by adding the defined term “Self-Service Storage Facility”, as shown below. Except as expressly shown below, Section 40.1-8.3 is not hereby amended.

**40.1-8.3 DEFINITIONS**

...

**MINI-WAREHOUSE**

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.)

...

**SELF-SERVICE STORAGE FACILITY**

A building or group of buildings within a controlled access or fenced environment divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses. Also referred to as “mini-warehouse.”

# **Tab VIII**

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF AMENDING SIGNAGE REGULATIONS, INCLUDING BY AMENDING AND RESTATING SECTIONS 40.1-5.11 (SIGNAGE) AND 40.1-6.5 (NONCONFORMING SIGNS) IN THEIR ENTIRETY, AMENDING SECTION 40.1-8.3 (DEFINITIONS), AMENDING SECTION 407 OF APPENDIX B, AND DELETING SECTION 607 OF APPENDIX B.**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 January 9, 2018.

Teste:

City Clerk

## EXHIBIT A

INTERPRETATION: In the amendments listed below, instructions are provided in underlined italics. Where only a portion of a section or a table is to be modified, the language to be deleted is indicated with a **double strikethrough** and the language to be added is indicated by **double underlining**. Where an entire existing section or table is to be deleted, the deletion is noted in the instructions and no strikethrough is provided. Where an entire new section or table is to be added, the addition is noted in the instructions and the new section or table is shown in plain text, without underlining.

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### AMENDMENT #: 1 40.1-5.11

### SECTION

Existing Section 40.1-5.11 (“Signage”) is hereby **DELETED** in its entirety and a new Section 40.1-5.11 (“Signage”) as set forth below is hereby **ADDED**.

### Section 40.1-5.11 SIGNAGE

#### (A) Purpose and Findings

##### (1) Findings

The City Council finds:

- (a) Signs provide a vital function for the convenience of the public and for the efficient communication of commercial and noncommercial speech.
- (b) Unlike oral speech, signs may cause harm by virtue of the physical space they occupy by obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The city has a substantial and compelling interest in all of the purposes set forth below and has a substantial and compelling interest in regulating signs in such a way that the harms caused by signs might be reduced and mitigated.
- (c) Signs are essential to the health and economic well-being of the city by:
  - (i) Facilitating consumer transactions and other commercial and industrial activities that allow businesses to be successful, which in turn provides employment and supports a stable tax base; and
  - (ii) Providing information and directions for the safe and efficient travel of motor vehicles, bicycles, and pedestrians.
- (d) Signs have a strong visual impact on the character and aesthetic appearance of the city.
  - (i) They are a prominent part of the cityscape and, as such, can enhance or detract from the city's image and character and facilitate or impede the creation of an attractive and harmonious environment in the city.

- (ii) Their suitability or appropriateness helps to define the way in which the city and neighborhoods within the city are perceived.
  - (e) The visual environment and character of the city are important factors in the city's economic well-being because they influence Portsmouth's appearance and land values.
  - (f) The visual environment and character of the city, as well as the orderly flow of traffic and safety of travel, are diminished when visual clutter results and the vision of motorists, bicyclists, and pedestrians is obstructed by the unrestricted proliferation and placement of signs, or from the improper maintenance of signs.
  - (g) Regulation of the size, height, number, and spacing of signs throughout the city is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons in the city.
  - (h) For these reasons, the needs of individual citizens, property owners, and businesses to convey their commercial and noncommercial messages must be balanced against the goals of the city to ensure the safety of its roads and pedestrian-ways, maintain its desired character, and preserve and enhance the property values of property owners and businesses. The provisions of this Sec. 40.1-5.11 do not entirely eliminate all of the harm that may be created by the installation and display of signs. Instead, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harm caused by signs.
  - (i) The provisions of this Sec. 40.1-5.11 do not apply to every form and instance of visual speech that may be displayed within the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth below.
  - (j) The provisions of this Sec. 40.1-5.11 are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any messages and content that might appear on them.
- (2) **Purpose**  
The purpose of this Sec. 40.1-5.11 is to:
- (a) Promote and protect the public health, safety, and welfare of those within the city;
  - (b) Promote the efficient use of signs as a means of communication;

- (c) Ensure that the right to free speech is protected;
- (d) Maintain and enhance a visual environment that allows the city to attract sources of economic development and supports the economic well-being of the city's businesses;
- (e) Protect and enhance the character, quality, and viability of the city's development and neighborhoods;
- (f) Protect scenic views and avoid sign clutter;
- (g) Reduce the distractions, obstructions, and hazards to pedestrian, bicycle, and automobile traffic caused by the excessive number, size, height, illumination, movement, indiscriminate placement, overconcentration, or unsafe construction or maintenance of signs;
- (h) Reasonably accommodate:
  - (i) The identification and advertising needs of businesses, institutions, and other entities; and
  - (ii) The needs of persons moving through the public spaces of the city to identify and locate destinations and find desired products and services;
- (i) Ensure signs are compatible with their surroundings, and minimize potential adverse effects on nearby properties;
- (j) Enhance property values and business opportunities; and
- (k) Enable efficient and consistent permitting and enforcement.

**(B) Applicability**

**(1) General**

Unless exempted in accordance with subsection (2) below, any installation, erection, construction, alteration, or maintenance of a sign shall comply with the standards in this Sec. 40.1-5.11. Signs located in the D1 and D2 districts shall be permitted with a zoning compliance permit and shall be subject to the provisions of this Article, and either the Downtown Design Guidelines or the D2 Form Based Code, as applicable. The more restrictive regulations shall apply in cases of conflict.

**(2) Exemptions**

Where not prohibited by subsection 40.1-5.11(D)(2), Prohibited Signs, the following signs are exempt from the standards in this Sec. 40.1-5.11:

- (a) Any sign carved into masonry that is integral to a structure;
- (b) Any sign consisting of a solid plate of bronze or similar corrosion-resistant metal that is permanently attached to a building and does not exceed four square feet in area;
- (c) Gravestones;
- (d) Traffic control signs and devices and similar signs erected by a government agency for public safety purposes;
- (e) Any sign erected on city-owned property by a public agency that is under the control of the City Manager;
- (f) Any sign required to be erected by city, state, or federal law;
- (g) Any sign the city is prohibited from regulating by state or federal law, to the extent of the prohibition;

- (h) Any sign applied directly and entirely to, and flush with, a horizontal surface paved with asphalt, concrete, or a similar material;
- (i) Any permanent sign that is located in a parking lot or parking structure or adjacent to a loading area, if the sign is less than two square feet in area and, if freestanding, less than four feet in height and not located closer than the height of the sign from adjoining properties;
- (j) Political campaign yard signs placed on private property pursuant to Code of Virginia, § 15.2-109; and
- (k) Any sign that is applied directly to and flush with the body of a motor vehicle, as defined in Code of Virginia, § 46.2-100, that is operable and duly licensed.

**(3) Signs Not Requiring a Zoning Compliance Permit**

The following are subject to the standards in this Sec. 40.1-5.11 but do not require issuance of a zoning compliance permit in accordance with subsection (4) below:

- (a) Routine maintenance of a sign or changing of lettering or parts of signs designed to be regularly changed, including sign face changes;
- (b) For each residential structure, and for each public entrance to a nonresidential or mixed-use structure, one sign that is permanently attached to the structure if the sign does not exceed two square feet in area;
- (c) For each roadway frontage on a parcel of land upon which construction activities of any type are being performed, one temporary sign that does not exceed 32 square feet in area in a commercial or industrial zoning district or 24 square feet in area any other zoning district;
- (d) A temporary sign securely and tautly affixed to temporary protective fencing erected around an area where construction activities of any type are being performed;
- (e) For each roadway frontage on a parcel of land that is actively marketed for sale, lease, or rent, one yard sign that does not exceed four square feet in a residential zoning district, eight square feet in a mixed-use zoning district, and 16 square feet in any other zoning district;
- (f) In addition to signage required by state or federal law, signs attached to a gas pump that do not exceed four square feet in area;
- (g) Window signs located in the NMU, GMU, IL, IN, and WF districts, and, if consistent with applicable adopted design standards, window signs located in the MU-H, NAC, CAC, and RAC districts; and
- (h) Signs oriented toward the interior of and intended to be viewed from within an outdoor recreation or entertainment establishment or facility.

**(4) Procedure for Compliance**

Unless not required in accordance with subsection (3) above, a zoning compliance permit issued in accordance with Sec. 40.1-2.3(F), Zoning Compliance Permit, is required prior to any activity that is subject to this Sec. 40.1-5.11. The Zoning Compliance Permit application may be reviewed concurrently with a Type I Development Plan application for the same site.

**(C) Definitions**

Terms as used in this Sec. 40.1-5.11 have the following definitions:

**AWNING**

See Sec. 40.1-8.3, Definitions.

**CANOPY**

See Sec. 40.1-8.3, Definitions.

**LARGE-SCALE DEVELOPMENT**

See Sec. 40.1-8.3, Definitions.

**MARQUEE**

See Sec. 40.1-8.3, Definitions.

**PENNANT**

A lightweight plastic, fabric, paper or similar material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**SIGN**

A surface, fabric, display, device, figure, painting, drawing, message, placard, poster, billboard, or other structure which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from a street or bicycle or pedestrian path or from property other than the lot on which it is located. This term does not include flags displayed from flagpoles or staffs.

**SIGN, A-FRAME**

A sign designed to rest on the ground that consists of two sign faces connected together at the top to form an "A" shape sign with a broad base and narrow top when viewed from the side.



## **SIGN, ATTACHED**

A sign that is attached, directly or indirectly to a building (e.g. wall sign, marquee sign) or structure that has a principal purpose other than supporting the sign (e.g. fence, light pole).

## **SIGN, AWNING**

A sign that is part of or attached to the surface of an awning.



## **SIGN, BANNER**

A sign constructed of cloth, canvas, fabric, paper, or other light materials, that does not have an integral supporting framework.

## **SIGN, BLADE**

A sign constructed of lightweight material and attached to and projecting from a light pole or similar structure, but not from a building.



### **SIGN, CANOPY**

A sign attached to a canopy.



### **SIGN, FREESTANDING**

A sign installed upon the ground directly or through a structure designed for the exclusive purpose of supporting the sign, and not attached to a building or other structure.

### **SIGN, GROUND**

A permanent freestanding sign that is not a monument sign (e.g., because the sign is not wider than it is tall), a pole sign (e.g., because there is less than two feet of open air under the sign), or an off-premises sign.

### **SIGN, INFLATABLE**

A sign that requires air pressure to maintain its shape.

### **SIGN, MARQUEE**

A sign attached to or hung from a marquee.



## **SIGN, MONUMENT**

A freestanding sign permanently mounted on or affixed to a solid decorative base or pedestal with no open air between the sign and the ground, that has, including the support structure, a total width that exceeds its height.



## **SIGN, NONCONFORMING**

A sign lawfully existing on January 9, 2018 or the effective date of amendment to this Ordinance, that does not conform to all the standards and regulations of this Ordinance or the amendment.

## **SIGN, OFF-PREMISES**

A sign that draws attention to or communicates information about a business, service, commodity, product, event or any goods or services conducted, sold or offered at a location other than the premises on which the sign is located.

## **SIGN, PERMANENT**

A sign that is intended for other than temporary use or a limited period. A permanent sign is affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

## **SIGN, POLE**

A freestanding sign permanently affixed to one or more masts, poles, or open braces that are secured permanently to the ground and have as their principal purpose support of the sign, such that there is a minimum of two vertical feet of open air under any portion of the bottom of the sign.



## **SIGN, PORTABLE OR WHEELED**

A sign that is designed to be transported on wheels or that is constructed on a chassis.

## **SIGN, PROJECTING**

A sign that is attached to and oriented approximately perpendicular to the wall or parapet of a building, the building having a principal function other than support of the sign.

## **SIGN, ROOF**

A sign affixed to the roof of a building or to the wall of a building, and extending above the roofline.



## **SIGN, TEMPORARY**

A temporary sign or display that is intended or constructed for display during a limited period of time only, and generally constructed of lightweight materials and installed in a manner so as to be easily removed.

### **SIGN, T-FRAME**

Any sign designed to rest on the ground and consisting of a sign face mounted perpendicular to its base to form an upside-down "T" shape when viewed from the side.



### **SIGN, WALL**

Any sign painted on or attached to the outside wall of any building and supported by such wall or building, and which displays only one surface.



### **SIGN, WIND SAIL**

Any sign temporarily mounted along its edge on a single, flexible pole, and which generally resembles the shape of a feather, sail, bow, teardrop, or other similar shape.



## **SIGN, WINDOW**

A sign which is painted on, applied to, or attached to a window or door, or located within three feet of the interior of the window or door, and which is legible and intended to be read from the exterior of the building.

## **SIGN, YARD**

A lightweight temporary freestanding sign that is not a wind sail sign, inflatable sign, or A-frame or T-frame sign. A yard sign is generally installed in the ground on a wooden post or a thin frame made of metal.



### **(D) General Sign Standards**

#### **(1) Classification of Sign Types**

For purposes of this Sec. 40.1-5.11, signs are generally classified as either permanent or temporary, and as either freestanding or attached. Table

40.1-5.11(D)(1): Classification of Sign Types, identifies signs according to their classification.

<b>TABLE 40.1-5.11(D)(1): CLASSIFICATION OF SIGN TYPES</b>		
	<b>ATTACHED</b>	<b>FREESTANDING</b>
<b>PERMANENT</b>	Awning sign Canopy sign Marquee sign Off-premises sign Projecting sign Wall sign Window sign	Ground sign Monument sign Off-premises sign Pole sign
<b>TEMPORAR Y</b>	Banner sign Blade sign Inflatable sign Window sign	A-frame or T-frame sign Inflatable sign Wind sail sign Yard sign

**(2) Prohibited Signs**

The following signs are prohibited in all zoning districts:

- (a) Roof signs;
- (b) Pennants;
- (c) Balloons which meet the definition of “sign” and are greater than two feet in diameter with a tether more than two feet long extending from a roof or structure by means of a rope, string, or other device;
- (d) Obsolete signs containing sign copy, print, or graphics which advertise an activity, business, product, or service no longer produced or conducted on the premises. An exception to the immediate removal of obsolete sign copy, print or graphics will occur where the owner or lessor of the premises on which the sign is located is seeking a new tenant, in which event the sign copy, print or graphics shall be removed by the owner or lessor at least two years from the date of vacancy of the premises on which the obsolete sign is located;
- (e) Portable or wheeled signs and portable or nonstructural signs with no permanently mounted, self-supporting structure, including signs mounted on wheels and otherwise constructed to be used as a temporary sign display, but not including signs applied directly to and flush with the body of a motor vehicle, as defined in Code of Virginia, § 46.2-100, that is operable and duly licensed;
- (f) Off-premises signs, except in accordance with subsection 40.1-5.11(E)(3)(d) or subsection 40.1-5.11(E)(4)(d);
- (g) Signs that include movement or animation, other than changeable copy in accordance with subsection 40.1-5.11(D)(7);
- (h) Signs located in the right-of-way, except A-frame and T-frame signs in accordance with subsection 40.1-5.11(F)(3)(a) and signs

placed in the right-of-way in accordance with Chapter 32 of the City Code;

- (i) Signs of a size, location, movement, content, coloring, or manner of illumination that may cause them to be misconstrued as traffic-control devices or signs; and
  - (j) Signs that hide from view any traffic or street sign or signal or that obstruct the view at a street or road intersection, as determined by the City Engineer.
- (3) **Measurement of Height and Sign Area**

(a) **Sign Height**

The height of a sign shall be measured from the top edge of the sign to the ground level measured at the edge of the pavement of the public street on which the sign faces.

(b) **Sign Area**

The area of a sign shall be computed as the area within the smallest standard geometric shape that encloses the extreme limits of lettering, representations, emblems, or other figures, together with all surrounding material, trim, or ornamentation that either form the integral part of the display or differentiate the sign from the background where it is placed (see Figure 40.1-5.11(D)(3)(b): Sign Area). The structural supports for a sign, whether they be columns, pylons or a building or part thereof, shall not be included in the sign area unless they are designed as integral parts of the sign for the purpose of illustration or attraction.

**Figure 40.1-5.11(D)(3)(b): Sign Area**



- (4) **Building Code Compliance and Installation**
- (a) **Building Code Compliance**  
The requirements of this section are supplemental to the Uniform Statewide Building Code and other applicable codes. Nothing herein shall exempt any sign from compliance with these codes.
- (b) **Signs to be Permanent**  
Except for temporary signs installed in accordance with subsection 40.1-5.11(F), Temporary Sign Standards, all signs shall be permanently installed as defined by the Uniform Statewide Building Code. Installation using ropes, cords, and the like is not considered permanent.
- (5) **Materials**
- (a) **Generally**  
Permanent signs shall be constructed of durable, weather-proof materials.
- (b) **D1 District**  
In the D1 district, a sign shall not be constructed of:
- (i) Unfinished materials, including unpainted wood;
  - (ii) Highly reflective materials;
  - (iii) Plastic; or
  - (iv) If the Downtown Design Guidelines apply, any material that the Downtown Design Committee determines is inconsistent with the Downtown Design Guidelines.
- (6) **Illumination and Brightness**
- (a) Illumination, where permitted, shall be designed, installed and maintained in a manner that avoids glare on adjoining properties and that avoids glare or reflection which in any way interferes with traffic safety.
- (b) Where illumination is by a source external to the sign, the source of illumination shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from off-site areas.
- (c) The luminance of a sign shall not exceed 1500 nits during daylight hours and 150 nits at all other times. Signs incorporating displays that use light emitting diodes (LEDs), charge coupling devices (CCDs), plasma, or functionally equivalent technologies shall be equipped with automatic dimming technology and certified by the manufacturer or a qualified professional to be compliant with the maximum luminance standards in this subsection (6)(c).
- (d) In the UR, UR-H, and Historic zoning districts, signs shall be illuminated only by a source external to the sign.
- (e) In the D1 district, any illumination of a sign shall be directed at the sign from an external, shielded lamp, emitting a warm light, similar to daylight, except:
- (i) Backlighting of individual letters is allowed; and

- (ii) If approval of the sign by the Downtown Design Committee is required, the Committee may allow internal sign illumination, such as neon in limited amounts or incandescent bulbs, or other sign illumination, if the Committee determines the proposed illumination is compatible with the character of the street and with the historic character of individual buildings and the district as a whole.

**(7) Automatic Changeable Copy**

- (a) Signs incorporating automatic changeable copy are prohibited outside of the NMU, GMU, MU-H, NAC, CAC, RAC, IL, and IN districts.
- (b) A sign that incorporates automatic changes in display or copy shall comply with the following standards:
  - (i) The display or copy shall remain static prior to each change for a period of not less than eight seconds.
  - (ii) Each change of the display or copy shall be accomplished within 0.25 seconds or less if the change is effected by digital means, or 2 seconds if the change is effected by mechanical means.
  - (iii) Each change of the display or copy shall be accomplished without the use of animation, scrolling, or simulated movement.
  - (iv) The device that automatically changes the display or copy shall be designed and equipped to maintain a static display if a malfunction occurs.

**(8) Substitution**

The replacement of commercial content with noncommercial content on any sign permitted by this Sec. 40.1-5.11 is expressly allowed.

**(9) Maintenance**

Each sign shall be maintained in good condition at all times. Maintenance shall include, but is not limited to, the following:

- (a) Each sign shall be kept free of holes, tears, and fraying;
- (b) Each sign shall be kept free of rust, rot, and similar degradation; and
- (c) Cracked, shattered, or similarly damaged parts of a sign shall be replaced.

**(E) Permanent Sign Standards**

**(1) Permanent Sign Types Allowed in Each Zoning District**

The types of permanent signs allowed in each zoning district are identified in Table 40.1-5.11(E)(1): Permanent Sign Types Allowed in each Zoning District. The types of signs that are allowed are indicated by "yes" in the zoning district column, and the types of signs that are not allowed are indicated by "no" in the zoning district column. For each type of sign, the right-most column in Table 40.1-5.11(E)(1) references the specific standards that apply to that type of sign.

**TABLE 40.1-5.11(E)(1): PERMANENT SIGN TYPES ALLOWED  
IN EACH ZONING DISTRICT**

TYPE OF SIGN	ZONING DISTRICT												STANDARDS SPECIFIC TO SIGN TYPE
	NR, GR	UR, UR-H	NMU	GMU	MU-H, NAC, CAC, RAC [1]	IL, IN	D1	D2	WF	PG	HLO, HLB	HR	
<b>ATTACHED SIGNS</b>													
Awning sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(E)(3)(a)
Canopy sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(E)(3)(b)
Marquee sign	no	no	no	yes	no	no	yes	yes	no	no	no	no	40.1-5.11(E)(3)(c)
Off-premises sign	no	no	no	no	no	yes	no	no	no	no	no	no	40.1-5.11(E)(3)(d)
Projecting sign	no	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(E)(3)(e)
Wall sign	no	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(E)(3)(f)
Window sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(E)(3)(g)
<b>FREESTANDING SIGNS</b>													
Ground sign	no	no	yes	yes	yes	yes	no	no	yes	yes	no	no	40.1-5.11(E)(4)(b)
Monument sign	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	40.1-5.11(E)(4)(c)
Off-premises sign	no	no	no	no	no	yes	no	no	no	no	no	no	40.1-5.11(E)(4)(d)
Pole sign	no	no	yes	yes	yes	yes	no	no	yes	Yes	no	no	40.1-5.11(E)(4)(e)

NOTES:  
[1] Sign types indicated as allowed in the MU-H, NAC, CAC, and RAC districts are allowed unless inconsistent with the adopted design standards applicable to the district.

**(2) Maximum Total Sign Area per Lot for Permanent Signs**

On any lot, the maximum total sign area of all permanent signs and any additional sign area restrictions for permanent attached signs and permanent freestanding signs are established in Table 40.1-5.11(E)(2): Maximum Total Sign Area Per Lot for Permanent Signs, for the zoning district in which the sign(s) is located.

**TABLE 40.1-5.11(E)(2): MAXIMUM TOTAL SIGN AREA PER LOT FOR PERMANENT SIGNS**

ZONING DISTRICT	MAXIMUM TOTAL SIGN AREA PER LOT FOR ATTACHED AND FREESTANDING SIGNS (EXCLUDING WINDOW SIGNS)	ADDITIONAL SIGN AREA RESTRICTIONS FOR ATTACHED SIGNS	ADDITIONAL SIGN AREA RESTRICTIONS FOR FREESTANDING SIGNS
NR, GR	Ten percent of the area of the front building facade, or one square foot for every five linear feet of street frontage, whichever is greater, provided, no individual	None	Not more than 36 square feet, or one square foot for every eight linear feet of street frontage,

<b>TABLE 40.1-5.11(E)(2): MAXIMUM TOTAL SIGN AREA PER LOT FOR PERMANENT SIGNS</b>			
<b>ZONING DISTRICT</b>	<b>MAXIMUM TOTAL SIGN AREA PER LOT FOR ATTACHED AND FREESTANDING SIGNS (EXCLUDING WINDOW SIGNS)</b>	<b>ADDITIONAL SIGN AREA RESTRICTIONS FOR ATTACHED SIGNS</b>	<b>ADDITIONAL SIGN AREA RESTRICTIONS FOR FREESTANDING SIGNS</b>
	sign shall have a sign area in excess of 18 square feet		whichever is less
UR, UR-H, HR, HLO, HLB	Ten percent of the area of the front building facade, or one square foot for every two linear feet of street frontage of the lot, whichever is greater, provided, no individual sign shall have a sign area in excess of 18 square feet	None	Not more than 36 square feet, or one square foot for every three linear feet of street frontage, whichever is less, provided, no sign shall have a sign area in excess of 18 square feet
NMU, GMU, MU-H, IL, IN, NAC, CAC, RAC, WF, PG	Ten percent of the area of the front building facade or one square foot for every one linear foot of street front of the lot, whichever is greater, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	None
D1	Ten percent of the area of the front building facade, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	N/A
D2	Ten percent of the area of the front building facade, provided, no sign located on a lot having less than 40 linear feet of street frontage shall have a sign area in excess of 40 square feet	None	Not more than 40 square feet, or one square foot for every two linear feet of street frontage, whichever is less

**(3) Permanent Attached Sign Standards (On-Site and Off-Premises)**

The general standards established for each type of permanent attached sign in subsections (a) through (g) below apply in all zoning districts, unless explicitly stated otherwise for specific zoning districts.

**(a) Awning Sign**

**(i) General Standards**

- a.** One awning sign is allowed on a lot for each public street on which the lot has frontage.
- b.** Awning signs are allowed only on awnings attached to the ground floor of a building.
- c.** An awning sign that is suspended from the bottom of an awning shall:
  - 1.** Not extend horizontally beyond the edges of the awning; and
  - 2.** Maintain a minimum vertical distance of eight feet between the bottom of the sign

and the grade directly below the bottom of the sign.

- d. An awning sign that is applied directly to the surface of an awning shall not be illuminated internally or have any form of backlighting.
- e. An awning sign that is mounted on the front or side of an awning shall not extend above the highest point where the awning attaches to the building.

**(ii) D1 District**

If the Downtown Design Guidelines apply, the color of the sign shall be in accordance with the Downtown Design Guidelines, as determined by the Downtown Design Committee.

**(iii) D2 District**

In the D2 district, the vertical dimension of the sign area shall not exceed six inches on the vertical face of the curb side of the awning.

**(b) Canopy Sign**

**(i) General Standards**

- a. One canopy sign is allowed on each side of a canopy visible from a public street on which the lot has frontage.
- b. A canopy sign shall not extend above, beyond, or below any edge of the vertical face of the canopy roof structure.
- c. The sign area of a canopy sign shall not exceed 20 percent the area of the vertical face of the side of the canopy roof structure to which it is attached.

**(ii) D1 District**

If the Downtown Design Guidelines apply, the color of the sign shall be in accordance with the Downtown Design Guidelines, as determined by the Downtown Design Committee.

**(iii) D2 District**

The vertical dimension of the sign area shall not exceed six inches on the vertical face of the curb side of the canopy.

**(c) Marquee Sign**

**(i) General Standards**

A marquee sign shall maintain a minimum vertical distance of eight feet between the bottom of the sign and the grade directly below the bottom of the sign.

**(d) Off-Premises Sign (Attached)**

**(i) IL and IN Districts**

Off-premises signs are permitted only in the IL and IN districts after a use permit for the sign has been approved by the City Council in accordance with Sec. 40.1-2.3(B), Use Permit.

**(ii) General Standards**

An off-premises sign (attached) shall comply with the following standards:

- a.** The maximum sign area shall not exceed 672 square feet;
- b.** The maximum height shall not exceed 50 feet;
- c.** An off-premises sign (attached) shall be:
  - 1.** Oriented in only one direction;
  - 2.** Located not less than 25 feet from the right-of-way of any public street;
  - 3.** Located not less than 15 feet from any other property line, or, if the property line adjoins property in the NR, GR, UR, or UR-H district, by a distance at least equal to the height of the sign; and
  - 4.** Erected not less than 500 feet from any other off-premises sign on the same side of the same street.
- d.** Off-premises signs within 660 feet of the right-of-way of any highway classified as an interstate highway or as a federal aid primary highway shall also comply with Virginia Code, §§ 33.1-351 et seq.

**(e) Projecting Sign**

**(i) General Standards**

A projecting sign shall:

- a.** Not extend more than six feet from a building to which it is attached;
- b.** Be perpendicular to the building to which it is attached;
- c.** Maintain a minimum vertical distance of eight feet between the bottom of the sign and the grade directly below the bottom of the sign;
- d.** Not exceed 12 square feet in area;
- e.** Not be illuminated; and
- f.** If located within the public right-of-way, comply with the provisions of Section 32-7 of the City Code pertaining to street encroachments.

**(ii) D1 District**

In the D1 district, only one projecting sign is permitted per storefront.

**(iii) D2 District**

In the D2 district, a projecting sign shall not measure more than two feet vertical by three feet horizontal, or three feet vertical by two feet horizontal.

**(f) Wall Sign**

**(i) D1 District**

In the D1 district, a wall sign shall not obscure moldings or transoms.

**(ii) D2 District**

In the D2 district, a wall sign shall comply with the following standards:

- a.** The vertical dimension of the sign area of a wall sign shall not exceed three feet;
- b.** A sign may not be located closer than two feet from an adjacent common lot line; and
- c.** A sign shall not be painted on the front façade, unless existing prior to July 2009, but may be painted on the other exterior walls (side, rear, and courtyard).

**(g) Window Sign**

- (i)** On any story of a building, the total sign area of window signs shall not exceed 20 percent of the façade area comprised of windows.
- (ii)** A window sign shall not be illuminated by any source other than a source external to the sign.

**(4) Permanent Freestanding Sign Standards (On-Site and Off-Premises)**

The general standards established for permanent freestanding signs in subsection (a) below and for each type of permanent attached sign in subsections (a) through (e) below, apply in all zoning districts, unless explicitly stated otherwise for specific zoning districts.

**(a) General Standards**

A freestanding sign shall comply with the following standards:

- (i)** One freestanding sign support structure is allowed on a lot for each public street on which the lot has frontage. The sign support structure shall not support multiple co-located signs unless they are placed parallel to a common plane and arranged in one or a combination of the following ways:
  - a.** Back-to-back;
  - b.** In rows; or
  - c.** In columns.
- (ii)** A freestanding sign and its supporting structure shall be located not less than:
  - a.** Seven feet from the front property line; and
  - b.** Fifteen feet from any adjoining property located in the NR, GR, UR, UR-H, HR, HLO, or HLB zoning district.

**(b) Ground Sign**

**(i) General Standards**

A ground sign shall not exceed a height of 25 feet.

**(ii) NR or GR District**

In the NR or GR district, a ground sign shall:

- a.** Not exceed six feet in height; and

- b. Not be illuminated by any source other than a source external to the sign.

**(iii) UR or UR-H District**

In the UR or UR-H districts, a ground sign shall not exceed ten feet in height.

**(c) Monument Sign**

**(i) General Standards**

- a. A monument sign shall not exceed a height of 12 feet.
- b. The base or pedestal of a monument sign shall be constructed of brick, stone, concrete, or a material of similar bulk, weight, and durability.
- c. A monument sign shall not be located less than one foot from any right-of-way.

**(ii) NR or GR District**

In the NR or GR district, a monument sign shall:

- a. Not exceed six feet in height; and
- b. Not be illuminated by any source other than a source external to the sign.

**(iii) UR or UR-H District**

In the UR or UR-H district, a monument sign shall not exceed eight feet in height.

**(d) Off-Premises Sign (Freestanding)**

A freestanding off-premises sign shall comply with the standards in subsection 40.1-5.11(E)(3)(d), Off-Premises Sign.

**(e) Pole Sign**

**(i) General Standards**

A pole sign shall not exceed a height of 25 feet.

**(ii) NR or GR District**

In the NR or GR District, a pole sign shall:

- a. Not exceed six feet in height; and
- b. Not be illuminated by any source other than a source external to the sign.

**(iii) UR or UR-H District**

In the UR or UR-H districts, a pole sign shall not exceed ten feet in height.

**(F) Temporary Sign Standards**

**(1) Temporary Signs Allowed in Each Zoning District**

The types of temporary signs allowed in each zoning district are identified in Table 40.1-5.11(F)(1): Temporary Signs Allowed in each Zoning District. The types of signs that are allowed are indicated by "yes" in the zoning district column, and the types of signs that are not allowed are indicated by "no" in the zoning district column. For each type of sign, the right-most column in Table 40.1-5.11(F)(1) references the specific standards that apply to that type of sign.

**TABLE 40.1-5.11(F)(1): TEMPORARY SIGNS ALLOWED IN EACH ZONING DISTRICT**

TYPE OF SIGN	ZONING DISTRICT											STANDARDS SPECIFIC TO SIGN TYPE
	NR, GR	UR, UR-H	NMU, GMU	MU-H, NAC, CAC, RAC	IL, IN	D1	D2	WF	PG	HR, HLB	HLO	
<b>ATTACHED SIGNS</b>												
Banner sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	40.1-5.11(F)(2)(a)
Blade sign	no	yes	yes	yes	yes	yes	yes	yes	no	yes	no	40.1-5.11(F)(2)(b)
Inflatable sign	no	no	no	no	yes	no	no	no	no	no	no	40.1-5.11(F)(2)(c)
Window sign	no	yes	yes	yes	yes	yes	yes	yes	no	no	yes	40.1-5.11(F)(2)(d)
<b>FREESTANDING SIGNS</b>												
A-frame or T-frame sign	no	no	no	no	no	yes	yes	no	no	no	no	40.1-5.11(F)(3)(a)
Inflatable sign	no	no	no	no	yes	yes	no	no	no	no	no	40.1-5.11(F)(3)(b)
Wind sail sign	no	yes	yes	yes	yes	no	yes	yes	yes	no	no	40.1-5.11(F)(3)(c)
Yard sign	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	40.1-5.11(F)(3)(d)

**(2) Standards for Temporary Attached Signs**

**(a) Banner Sign**

Unless affixed to temporary protective fencing in accordance with subsection 40.1-5.11(B)(3)(d), a temporary banner sign shall not be displayed for a cumulative period of time longer than 30 days in any calendar year.

**(b) Blade Sign**

**(i) General Standards**

A blade sign shall maintain a minimum eight feet clear height above the ground.

**(ii) D2 District**

A blade sign shall not measure more than two feet vertical by three feet horizontal, or three feet vertical by two feet horizontal.

**(c) Inflatable Sign (Attached)**

Temporary inflatable attached signs shall:

- (i)** Project no more than 30 feet above the roof line or top of the building or structure to which they are attached;
- (ii)** Not be designed to generate animation or movement; and
- (iii)** Be displayed no more than once per year per lot, for a period of time not to exceed seven days.

**(d) Window Sign (Temporary)**

A temporary window sign shall comply with the standards in Sec. 40.1-5.11(E)(3)(g), Window Sign.

**(3) Standards for Temporary Freestanding Signs**

**(a) A-frame or T-frame Sign**

- (i)** One sign is permitted per establishment.
- (ii)** Sign area shall not exceed two feet in the horizontal dimension and three-and-one-half feet in the vertical dimension.
- (iii)** The sign shall be located in front of, and within 16 feet of the main entrance to, the premises.
- (iv)** The placement of signs must not interfere with pedestrian traffic, curb ramps, or access to buildings, driveways, or fire escapes
- (v)** The sign shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (vi)** The sign shall be internally weighted so that it is stable and windproof.

**(b) Inflatable Sign (Freestanding)**

Temporary inflatable freestanding signs shall:

- (i)** Have a height not exceeding 30 feet above ground level;
- (ii)** Not be designed to generate animation or movement; and
- (iii)** Be displayed no more than once per year per lot, for a period of time not to exceed seven days.

**(c) Wind Sail Sign**

- (i)** One temporary wind sail sign is allowed on a lot that has at least 25 feet of street frontage. One additional temporary wind sail sign is allowed on the lot for each additional 50 feet of lot street frontage above 25 feet;
- (ii)** A wind sail sign shall not exceed nine feet in height;
- (iii)** A wind sail sign shall not be located within 25 feet of another wind sail sign on the same lot.
- (iv)** A wind sail sign shall not be located less than seven feet from the right-of-way.

**(d) Yard Sign**

- (i)** In addition to signs identified in subsection 40.1-5.11(B)(3), Signs not Requiring a Zoning Compliant Permit, up to four temporary yard signs having a combined sign area not exceeding 24 square feet are allowed per lot.
- (ii)** A yard sign shall not exceed six feet in height.

**(G) Alternative Signage Plan**

**(1) Eligibility**

Large-scale development with common design elements (such as a shopping center, an office park, or large institutions such as a university or medical center with multiple buildings on a campus) may apply for a special exception permit to authorize alternative signage in accordance with an Alternative Signage Plan that proposes a comprehensive set of

signage standards in-lieu of compliance with standards in this Sec. 40.1-5.11.

**(2) Approval and Amendment Process**

**(a) Special Exception Permit**

Application, consideration, and approval or denial of a special exception permit for an Alternative Sign Plan, and any subsequent amendments to an approval, shall conform to and be governed by the procedures set forth in Sec. 40.1-2.3(D), Special Exception Permit. In addition to the special exception permit standards in Sec. 40.1-2.3(D), prior to approval of the special exception permit, the Board of Zoning Appeals shall also find that the proposed Alternative Sign Plan is consistent with the purpose of this Sec. 40.1-5.11, includes common elements and a consistent design scheme, is consistent with the purposes of the zoning district in which it is located, and is compatible with surrounding development.

**(b) Reserved.**

**(H) Alternative Sign Overlay Districts**

**(1) Purpose**

Certain large-scale development with common design elements, including but not limited to office parks, corporate centers, and medical centers having a multi-building campus, or development that is unique in its design, operating characteristics, and presence in the city, including but not limited to outdoor performing arts centers, may present unique development opportunities of special value to the city. In order to ensure that the economic, social, and cultural benefits of that type of development are optimized, the establishment of one or more localized alternative sign overlay districts is authorized to address the unique signage needs and opportunities associated with the development.

**(2) Applicability**

The type of large-scale development described in subsection (1) above may be classified to an Alternative Sign Overlay District in accordance with subsection (3) below. All properties located within Alternative Sign Overlay District shall be subject to the signage standards of the Alternative Sign Overlay District in-lieu of the standards in this Sec. 40.1-5.11.

**(3) Procedure for Establishment**

An application for the establishment of an Alternative Sign Overlay District shall be submitted, reviewed, and decided upon in accordance with Sec. 40.1-2.3(A), Zoning Map Amendment (Rezoning) or Text Amendment. Such an application shall include, at a minimum, the following:

- (a)** A description of the boundaries of the proposed district;
- (b)** A statement of the reasons for the request; and
- (c)** A comprehensive set of signage standards proposed by the applicant to be applied within the district.

**(4) Comprehensive Signage Standards**

Comprehensive signage standards in an Alternative Sign Overlay District shall consist of a comprehensive design scheme that:

- (a) Includes common elements;
- (b) Is compatible with the character of the underlying base district;
- (c) Is consistent with the purpose of this Sec. 40.1-5.11; and
- (d) Is consistent with surrounding development.

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**AMENDMENT #: 2**  
**40.1-6.5**

**SECTION**

Existing Section 40.1-6.5 (“Nonconforming Signs”) is hereby **DELETED** in its entirety and a new Section 40.1-6.5 (“Nonconforming Signs”) as set forth below is hereby **ADDED**.

**40.1-6.5 NONCONFORMING SIGNS**

The following additional restrictions shall apply to signs which were legally erected prior to January 9, 2018, but which do not conform to provisions of this Ordinance:

- (1) Any nonconforming on-premises sign and sign structure shall be removed or brought into conformance with this Ordinance if for any period of at least two years it does not advertise a business or service located on the same lot with the sign;
- (2) Any nonconforming off-premises sign and sign structure shall be removed or brought into conformance with this Ordinance if for any period of at least two years it does not contain copy or messages on the advertising display area;
- (3) In accordance with Code of Virginia, § 15.2-2307(G), the city may require the property owner to remove any non-conforming sign and/or sign structure which has been abandoned if the business for which the sign was erected has not been in operation for at least two years, or the city may remove the sign and structure after giving notice and reasonably attempting to contact the property owner and charge the cost of removal to the property owner; and
- (4) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all of the provisions of this Ordinance. All remnants of the former sign or sign structure not incorporated into the repaired, reconstructed or replaced signage shall be removed from the property. For purposes of this section, a nonconforming sign is “destroyed” if damaged to the extent that the cost of repairing the sign to its former condition equals or exceeds the value of the sign so damaged.

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**AMENDMENT #: 3**  
**40.1-8.3**

**SECTION**

Section 40.1-8.3 is amended by adding, deleting, and/or otherwise amending certain defined terms as shown below. Except as expressly shown below, Section 40.1-8.3 is not hereby amended.

## **AWNING**

A cover constructed of fabric, plastic, or a similar lightweight material that is entirely supported by the building to which it is attached, that has the purpose of shielding a doorway, window, porch, terrace, or platform from the elements. This term does not include a marquee or a canopy, entirely supported by the building to which it is attached, which has the purpose of shielding a doorway, window, porch, terrace, or platform from the elements.

## **CANOPY**

A roofed shelter that is not enclosed by walls but is attached to and supported by columns extending from the ground or by a combination of a building and columns extending from the ground permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

## **LARGE-SCALE DEVELOPMENT**

A site containing a minimum of five acres of contiguous land and 60,000 square feet of gross floor area that is developed as a cohesive unit with common design elements. Examples of common large-scale developments are shopping centers, office parks, and large institutions such as a university or medical center with multiple buildings on a campus.

## **MARQUEE**

A permanent roof-like shelter constructed of durable material that is supported solely by the building to which it is attached, and projects from the building face. A marquee is generally located at the main entrance to a building. This term does not include a canopy or an awning Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

## **PENNANT**

For the definition of the term pennant, see Section 40.1-5.11(C), Definitions. Any lightweight plastic, fabric, paper or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

## **SIGN**

For the definition of the term sign and other definitions related to signage, see Section 40.1-5.11(C), Definitions. Any surface, fabric, display, device, figure, painting, drawing, message, placard, poster, billboard, or other structure which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any public street or from any public or private property other than the zone lot on which it is located.

### **SIGN, INCIDENTAL**

Any sign which has no independent purpose but which has a purpose incidental to the use of the zone lot. Not by way of limitation but by way of example, "no parking, entrance, loading only" and other similar signs on private property are incidental signs.

### **SIGN, CANOPY**

Any sign that is part of or is attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy. The advertising display area shall be confined to the vertical surface of any canopy or awning and shall consist only of the name and/or logo of the business or institution sewn, painted, stenciled or otherwise placed on the surface.

### **SIGN, CHANGEABLE COPY**

A sign that is designed so that characters, letters or illustrations can be changed or rearranged, mechanically, manually, electrically or electronically, without altering the face or the surface of the sign. Changeable copy signs shall not be considered to be animated or flashing simply because the copy is changed electrically or electronically. Changing time and temperature or stock market indicator signs shall be considered changeable copy signs.

### **SIGN, FREESTANDING**

Any sign which is supported by a structure or supports in or upon the ground and which is independent of support from any building or other structure.

### **SIGN, INSTITUTIONAL CANOPY**

A religious, educational or other public or quasi-public institutions shall be entitled to a certificate of compliance for one canopy sign per street frontage, subject to all other applicable requirements of this chapter, except that such signs may be up to 12 feet in height.

### **SIGN, MARQUEE**

Any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond

the building's wall and generally designed and constructed to provide protection against weather.

### **SIGN, NAME PLATE**

Name plates may include the name of the building, the name of the occupants, the address and the hours of operation for any business which is operated on the premises.

### **SIGN, NONCOMMERCIAL**

A sign that is intended to display a religious, charitable, cultural, governmental, informational, political, educational, or artistic message, that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include signs advertising incidental and temporary commercial activities conducted by churches and nonprofit businesses, clubs, groups, associations or organizations.

### **SIGN, OFF PREMISES**

Any sign that draws attention to or communicates information about a business, service, commodity, product, event or any good or activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

### **SIGN, ON PREMISES**

Any sign which is not an off-premises, incidental or real estate sign or which does not qualify under the standards for name plates and historical markers as defined in this Ordinance.

### **SIGN, PERMANENTLY MOUNTED BANNER**

Any sign or display constructed of cloth, canvas, fabric, paper, or other light materials, hung either with or without frames possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind, and installed in a permanent fashion. National flags, military flags, flags of the commonwealth, city or symbolic flags of any institution or business shall not be considered banners or signs for the purposes of this chapter. There shall be no more than one permanent banner sign per establishment per zone lot.

### **SIGN, PORTABLE**

Portable signs shall include:

- Any sign not permanently attached to the ground or to a permanent structure;
- Any sign designed to be transported, including but not limited to, a sign designed to be transported by means of wheels;

- Any sign with chassis or support construction without wheels;
- Any sign converted to or constructed as an A-frame or a T-frame except as permitted as a temporary sign, defined below; or
- Any sign attached to or painted on a motor vehicle parked and visible from the public right-of-way, where said motor vehicle is left in the same area for a length of time in excess of 60 days so that said motor vehicle has ceased to be used as a means of transportation in the normal operation of the business.

### **SIGN, PROJECTING**

Any sign other than a wall sign affixed to any building or wall having a principal function other than support of the sign whose leading edge extends beyond such building or wall.

### **SIGN, RESIDENTIAL FREESTANDING**

Residential freestanding signs shall contain no commercial message except one advertising the premises for sale or lease. Residential freestanding signs shall not exceed three square feet per side in area.

### **SIGN, ROOF**

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

### **SIGN, TEMPORARY**

A temporary sign or display is a sign constructed of cloth, canvas, fabric, paper, plywood or other light materials.

### **SIGN, WALL**

Any sign painted on or attached to the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

### **SIGN, WINDOW**

Any sign or letters, pictures, symbol or combination thereof to communicate information about a business, service, commodity, event, sale or other activity placed inside a window or upon window panes or glass and which is intended to be seen from the exterior.

Section 407 of Appendix B is amended by deleting subsection 407(D)(2). Except as expressly shown below Section 407 of Appendix B is not otherwise amended.

**407. Martin Luther King Highway Frontage**

...

**D. Architectural Standards**

**1. Windows and Doors**

**a. Materials**

The requirements for upper story window light transmission do not apply.

**b. Configurations and Techniques**

The requirements for upper story windows do not apply.

**2. Signage**

For upper stories:

**a.** Wall signs are allowed anywhere above the second story floor

level.

**b.** The maximum limits on lettering size, blade sign size are increased by a factor of three (3).

**c.** There is no limit on the size and location of blade signs.

**d.** Marquee signs are permitted.

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**AMENDMENT #: 5**  
**SECTION 607**

**APPENDIX B,**

Section 607 of Appendix B (“Signage”) is hereby deleted.

# Tab IX

**AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF AMENDING LOT SIZE AND LOT WIDTH REQUIREMENTS FOR NEW SUBDIVISIONS OR RESUBDIVISIONS IN RESIDENTIAL DISTRICTS, INCLUDING BY AMENDING SECTIONS 40.1-3.3(A) AND (B), ADDING NEW TABLE 40.1-3.3(B), AND ADDING NEW REFERENCES IN SUBSECTIONS 40.1-3.3(D), (E) AND (F).**

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

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 June 12, 2018.

Teste:

City Clerk

## EXHIBIT A

INTERPRETATION: In the amendments listed below, instructions are provided in *underlined italics*. Where only a portion of a section or a table is to be modified, the language to be deleted is indicated with a **double strikethrough** and the language to be added is indicated by **double underlining**.

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### AMENDMENT #: 1

### SUBSECTIONS 40.1-3.3(A) & (B)

*Subsections 40.1-3.3(A) and (B) are amended by merging existing Subsections 40.1-3.3(A) and (B) and adding a new Subsection 40.1-3.3(B) as shown below.*

### 40.1-3.3 RESIDENTIAL BASE ZONING DISTRICTS

#### (A) General Purposes

The residential base zoning districts established in this section are intended to provide diverse housing options in a comfortable, healthy, safe, and pleasant environment in which to live, recreate, and shop at a neighborhood level. More specifically, they are intended to:

- (1) Provide appropriately located lands for residential development that are consistent with the comprehensive plan;
- (2) Ensure adequate light, air, privacy, and recreational and open space areas for each Dwelling Unit, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- (3) Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- (4) Provide for a diverse range of residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- (5) Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
- (6) Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- (7) Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives; and
- (8) Preserve the unique character and resources of the traditional neighborhoods and the community.
- (9) The Residential Mobile Home (RMH) district standards are included in Appendix C of this Ordinance.**

**(B) Residential Mobile Home (RMH) District Lot Size and Lot Width Requirements for New Subdivisions or Resubdivisions in Residential Districts.**

The RMH district standards are included in Appendix C of this Ordinance.

- (1) Effective June 12, 2018 all new subdivisions of property or resubdivisions of existing lots in the General Residential (GR), Urban Residential (UR) and Urban Residential – High (UR-H) zoning districts shall adhere to the minimum lot size and lot width requirements in Table 40.1-3.3(B) below:

<u>Zoning District</u>	<u>Minimum Lot Size (In Square Feet)</u>	<u>Minimum Lot Width</u>	<u>Notes</u>
<u>General Residential (GR)</u>	<u>12,500</u>	<u>75 ft.</u>	<u>The minimum lot width may be reduced to no less than the average lot width within the same entire block on the same side of the street.</u>
<u>Urban Residential (UR)</u>	<u>6,000</u>	<u>60 ft.</u>	
<u>Urban Residential – High (UR-H)</u>	<u>7,500</u>	<u>50 ft.</u>	

- (2) Individual lots of record existing prior to the effective date of this subsection 40.1-3.3(B) shall not be deemed to be non-conforming lots due to these provisions.
- (3) Multiple adjoining lots under the same ownership shall be subject to the provisions of Section 40.1-6.4(D), Lot Consolidation, and shall comply with the requirements of Table 40.1-3.3(B) above.
- (4) Any application submitted to the City and deemed by the City to be complete as of June 12, 2018 shall be exempt from this Subsection 40.1-3.3(B) provided (a) the plat of subdivision or resubdivision is approved on or before September 10, 2018 or (b) if the applicant has been unable to obtain plat approval by September 10, 2018 despite continuous and diligent efforts, then plat approval is obtained as soon thereafter as reasonably practicable in the exercise of commercially reasonable diligence.

**AMENDMENT #: 2**

**SUBSECTION 40.1-3.3(D)**

*Subsection 40.1-3.3(D) is amended by adding the following reference below the existing language in the Lot Size, Minimum and Lot Width, Minimum rows of the Residential Uses column:*

**SEE SUBSECTION 40.1-3.3(B) FOR SUBDIVISIONS.**

**AMENDMENT #: 3**

**SUBSECTION 40.1-3.3(E)**

*Subsection 40.1-3.3(E) is amended by adding the following reference below the existing language in the Lot Size, Minimum and Lot Width, Minimum rows of the Single-Family Detached Uses column:*

**SEE SUBSECTION 40.1-3.3(B) FOR SUBDIVISIONS.**

**AMENDMENT #: 4**

**SUBSECTION 40.1-3.3(F)**

*Subsection 40.1-3.3(F) is amended by adding the following reference below the existing language in the Lot Size, Minimum and Lot Width, Minimum rows of the Single-Family Detached Uses column:*

**SEE SUBSECTION 40.1-3.3(B) FOR SUBDIVISIONS.**

# Tab X

**AN ORDINANCE TO AMEND SUBSECTION 40.1-4.5(F)(8) OF CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) FOR THE PURPOSE OF PERMITTING THE OPERATION OF FOOD TRUCKS IN CONJUNCTION WITH A MICROBREWERY OR MICRODISTILLERY.**

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

1. That Section 40.1-4.5(F)(8) of Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments 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 July 24, 2018.

Teste:

City Clerk

## Exhibit A

INTERPRETATION: In the amendment listed below, new language to be added is indicated in red and underlined.

Section 40.1-4.5(F)(8) of Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) is hereby amended as shown below. Except as expressly shown herein, Section 40.1-4.5(F)(8) is not otherwise amended.

### **40.1-4.5(F)(8) Food Trucks on Private Property**

**(a) Location**

Food trucks that have been permitted by the City may operate on private property in all zoning districts, subject to the compliance with subsection 40.1-4.5(F)(8)(b) below.

**(b) Standards**

- (1)** All food trucks must have a valid city food truck permit.
- (2)** All food trucks must possess a valid and unrescinded signed letter from the owner of the property stating that the owner has given permission for the food truck to operate in a specific location during a specific time period not to be earlier than 7:00 a.m. or later than 9:00 p.m.
- (3)** Food trucks shall not vend on vacant or unimproved properties, unless the property is owned or leased by the City and permission has been granted by the City.
- (4)** Food trucks shall operate in accordance with the requirements of Article X of Chapter 32 of the City Code, as the same may be amended, moved or superseded, and with all regulations and guidelines adopted by the City Manager pursuant thereto.
- (5)** Food trucks operating in all business districts, activity center districts, or special districts (as categorized in Table 40.1-3.2) shall meet the following standards:
  - (i)** Food trucks must park only in a designated parking area. Food trucks shall not park in or in any way block or infringe on drive aisles, sidewalks, other access to loading/service areas, or emergency access and fire lanes.
- (6)** Food trucks operating in residential districts (as categorized in Table 40.1-3.2) shall meet the following standards:
  - (i)** Food trucks may operate on residential property only for the purpose of catering private events. In such cases, food trucks may only sell food and beverages to people attending the private event and who are entirely on the property owned by the person or persons holding the event. Food trucks shall not operate on the same parcel more than three times in the same calendar month. The property owner must inform the Planning Department prior to allowing a food truck to operate on residential property.
  - (ii)** Food trucks must be located on a paved surface.

- (iii) No portion of the food truck shall extend onto an adjacent property or into any right-of-way.
  - (iv) The owner and employees of a food truck may not use the food truck for catering or any other such uses on their own property.
- (7) Notwithstanding subsection (6) 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, activity center districts, or special districts set forth in subsection (5) hereinabove.
- (8) Food trucks operating in conjunction with and at the request of a microbrewery or microdistillery shall be subject to the same regulations as food trucks operating in business districts, activity center districts, or special districts as described above, with the exception that they shall not be subject to the buffer separating food trucks and restaurants.
- (9) Food trucks operating in conjunction with and at the request of a microbrewery or microdistillery shall be allowed to operate in the Downtown area.

# Tab XI

**AN ORDINANCE TO AMEND AND REORDAIN SECTION 40.1-8.3 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) (DEFINITIONS) FOR THE PURPOSE OF INCLUDING REAL ESTATE BROKER AND AGENT OFFICES WITHIN THE DEFINITION OF PROFESSIONAL SERVICES OFFICES.**

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

1. That Section 40.1-8.3 of the Code of the City of Portsmouth, Virginia (2006) be amended and reordained by amending the definitions of “Professional Services Offices” and “Sales Offices” as shown on Exhibit A hereto.
2. That this ordinance shall take effect immediately on the date of its adoption.

**ADOPTED** by the Council of the City of Portsmouth, Virginia, at a meeting held on November 27, 2018.

Teste:

City Clerk

## EXHIBIT A

*INTERPRETATION: Deletions are shown by **double strikethroughs**. Additions are shown by **double underlines**. Portions of Section 40.1-8.3 not expressly shown hereon as amended are not amended by this ordinance.*

### Sec. 40.1-8.3 DEFINITIONS.

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#### **OFFICES, PROFESSIONAL SERVICES**

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, real estate brokers and agents, and similar professions.

#### **OFFICES, SALES (INCLUDING REAL ESTATE)**

A room or group of rooms used for conducting the affairs of a business engaged in the buying and/or selling of real or personal property, services, or other products, such as real estate sales, artwork, artifacts, or other specialized services.

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# Tab XII

**AN ORDINANCE TO AMEND AND REORDAIN SUBSECTION 40.1-6.4(D) OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) (NONCONFORMING LOTS/LOT CONSOLIDATION) FOR THE PURPOSE OF EXEMPTING EXISTING SINGLE FAMILY RESIDENCES FROM CERTAIN LOT CONSOLIDATION REQUIREMENTS.**

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

1. That Subsection 40.1-6.4(D) of the Code of the City of Portsmouth, Virginia (2006) be amended and reordained as shown on Exhibit A hereto for the purpose of exempting single family residences from certain lot consolidation requirements.
2. That this ordinance shall take effect immediately on the date of its adoption.

**ADOPTED** by the Council of the City of Portsmouth, Virginia, at a meeting held on December 11, 2018.

Teste:

City Clerk

## EXHIBIT A

**INTERPRETATION:** Deletions are shown by *double strikethroughs*. Additions are shown by *double underlines*. Portions of Section 40.1-6.4 not expressly shown hereon as amended are not amended by this ordinance.

### Sec. 40.1-6.4 NONCONFORMING LOTS

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#### (D) Lot Consolidation

- (1) 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.
- (2) Except on lots within a historic district, if 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: If all of the contiguous lots in common ownership are consolidated and the resulting lot remains nonconforming, it still may be developed in accordance with Section 40.1-6.4(E), Development of Nonconforming Lots.
  - (a) Lots within a historic district; and
  - (b) Preexisting non-conforming lots occupied by a detached single family residence where the principal building, associated accessory building[s] and related site improvements cross interior lot lines shall be determined to be a single lot of record. Such interior lot lines may be vacated at the request of the property owner. However, no lot of record shall be resubdivided unless all new lots so created are in conformity with the lot requirements of the district in which the subdivision is located.
- (3) If all the contiguous lots in common ownership are consolidated and the resulting lot remains nonconforming, it still may be developed in accordance with Section 40.1-6.4(E), Development of Nonconforming Lots.