



Zoning Ordinance Re-write Final Draft



Public Comment
September 2020

City Council Resolution

R-17-10

- **City Council action initiated review and amendment to the City's Zoning Ordinance.**
- **Adopted February of 2017.**

A RESOLUTION INITIATING THE REVIEW AND SUBSTANTIAL AMENDMENT OF THE PORTSMOUTH ZONING ORDINANCE.

WHEREAS, in furtherance of the general welfare and good zoning practice it is advisable to review and substantially amend the Portsmouth Zoning Ordinance (Chapter 40.1 of the City Code); and

WHEREAS, the purposes of the review and substantial amendment are to ensure clarity, ease of use, and the functionality of the Zoning Ordinance as a means of furthering the goals of development and neighborhood quality, as well as the general welfare of the City and its citizens; and

WHEREAS, subsection 15.2-2286(A)(7) of the Virginia Code authorizes City Council to adopt a resolution initiating the amendment of the Zoning Ordinance; and

WHEREAS, all amendments which are proposed pursuant to this Resolution will be subject to public input, including through the formal public hearing process before the Planning Commission and City Council required by the Virginia Code;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Portsmouth, Virginia, that staff is hereby authorized and directed to commence the process of reviewing and substantially amending the Zoning Ordinance, with the following goals:

- (1) Improving clarity and ease of use;
- (2) Improving the provisions of the ordinance in relationship to the economic development and neighborhood quality goals of the City;
- (3) Repealing and replacing the D2-Form Base Code provisions applicable to the Uptown area of the City;
- (4) Protecting the citizens of Portsmouth while allowing quality infill development and new growth in the community;
- (5) Ensuring consistency with the Code of Virginia and applicable case law; and
- (6) Crafting such other amendments as are consistent with good zoning practice and further the general welfare of the citizens of Portsmouth.

ADOPTED by the Council of the City of Portsmouth, Virginia at a meeting held on February 28, 2017.

Teste:

City Clerk

Zoning Ordinance Re-write Tasks

At the direction of City Council:

- Create a single integrated zoning ordinance
- Simplify and streamline the ordinance
- Ensure ordinance is user-friendly & Municode-friendly
- Remove unnecessary regulations to development/redevelopment
- Ensure consistency with the Code of Virginia
- Eliminate & replace D-2 Form Based Code design based zoning with traditional zoning

Zoning Ordinance Re-write

Progress Timeline

- **2017:** Completion of D2/Uptown Land Use Study by MDC
- **2017:** Parking section updated and adopted
- **2018:** Sign section updated and adopted
- **2018:** Review of current zoning ordinance completed
- **2018:** Adoption of *Build One Portsmouth* Comprehensive Plan
- **Jan. – March 2020:** Draft posted for public comment and ordinance users review
- **March – June 2020:** Incorporated 2020 General Assembly actions and modified for compatibility with City Code and Comprehensive Plan

Zoning Ordinance Re-write Changes

Organization and Format

- **Existing Ordinance - Section 40.1.**

- **Article 1 General Provisions**
- **Article II Administration**
- **Article III Zoning Districts**
- **Article IV Use Standards**
- **Article V Development Standards**
- **Article VI Nonconformities**
- **Article VII Enforcement**
- **Article VIII Definitions**

Additional regulatory documents:

- 1. Appendix A: D1 Zoning District**
- 2. Appendix B: D2 Zoning District**
- 3. Appendix C: RMH District**
- 4. Downtown Master Plan & Waterfront Strategy**
- 5. Downtown Design Manual**

- **New Ordinance - Section 40.2.**

- **Article I General Provisions**
- **Article II Zoning Districts**
- **Article III Community Design**
- **Article IV Nonconformities**
- **Article V Administration**
- **Article VI Definitions**

Zoning Ordinance Re-write Changes

Article I – General Provisions

- Same overall information as the current General Provisions section.
- Language simplified and superfluous wording removed.
- Headings revised for clarity.

Current Zoning Ordinance	Re-write Zoning Ordinance
Title	Short Title
Authority	Authority
General Purpose and Intent	Purpose and Intent
Applicability and Jurisdiction	Severability
Conformance with Adopted Plans	Zoning Map
Relationship to other Codes	Determination of Uncertain Boundaries
Official Zoning Map	Zoning for Areas Previously Unzoned
Transitional Rules	Relationship with other Codes
	Fees
	Uses Generally

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

Zoning Districts Established Table

DISTRICT ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS	
NR	Neighborhood Residential
GR	General Residential
UR	Urban Residential
UR-M	Multi-Family Urban Residential
COMMERCIAL DISTRICTS	
NMU	Neighborhood Mixed-Use
GMU	General Mixed-Use
MU-H	High Intensity Mixed-Use
INDUSTRIAL DISTRICTS	
IL	Light Industrial
IN	Industrial

DISTRICT ABBREVIATION	DISTRICT NAME
SPECIAL DISTRICTS	
WF	Waterfront
C	Conservation
HISTORIC SUB-DISTRICTS	
HR	Historic Residential
HLO	Historic Limited Office
HLB	Historic Limited Business
DOWNTOWN (D1) DISTRICT/SUB-DISTRICTS	
D1 T3 Sub-District	Urban Residential
D1 T4 Sub-District	General Urban
D1 T5 Sub-District	Urban Center
D1 T6 Sub-District	Urban Core
D1 SD Sub-District	Special District

Zoning Ordinance Re-write Changes

Article II – Zoning Districts Zoning Districts Established Table

- **Removed Business District classification**
- **Districts classified in Business separated into Commercial (NMU, GMU, MU-H) and Industrial Districts (IL, IN)**
- **Activity Center Districts removed**
- **UR-H renamed more appropriately to UR-M**
- **P/G renamed more appropriately to C**
- **Table shows D1 sub-districts and historic sub-districts in separate categories for increased clarity**

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

D1 Downtown District

- **Current density maximums based on 2009 market analysis, which does not reflect actual DT growth**
- **Revised density minimums and maximums based on in-depth assessment and research**

D1 Density (DU/AC) Changes

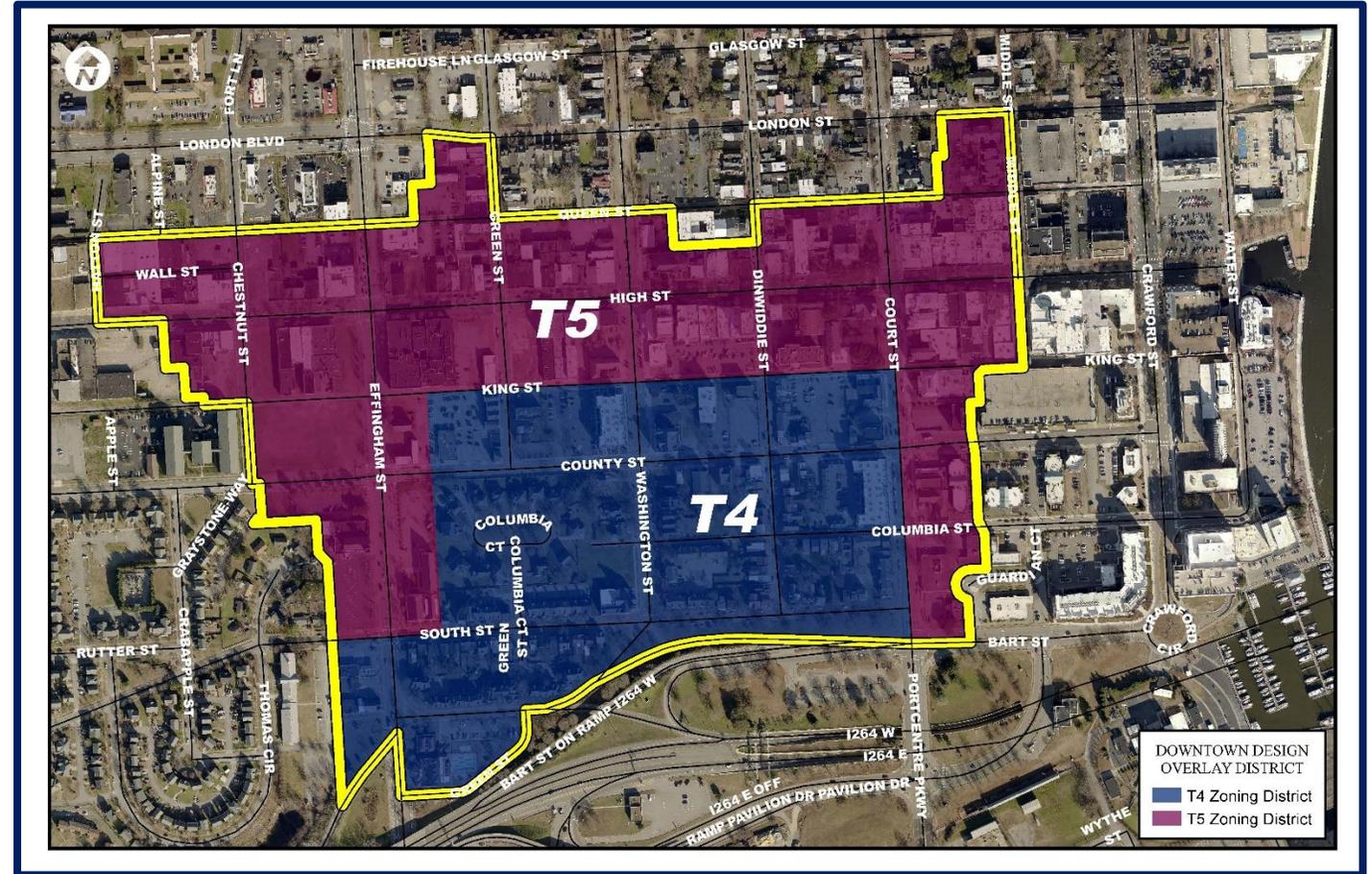
Downtown (D1) Sub-District	Current Code	Re-write
T3	N/A	Max. 20
T4	8-12	24-32
T5	18-24	36-55
T6	60-96	58-100
SD	N/A	N/A

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

Downtown Design (DD) Overlay District

- No change in the jurisdictional boundary of the Downtown Design Committee (DDC)
- Downtown Design Overlay District established to clarify existing regulation
- DD Overlay District will be depicted on Zoning Map
- DD Overlay District only includes area subject to DDC design review based on Downtown Design Manual

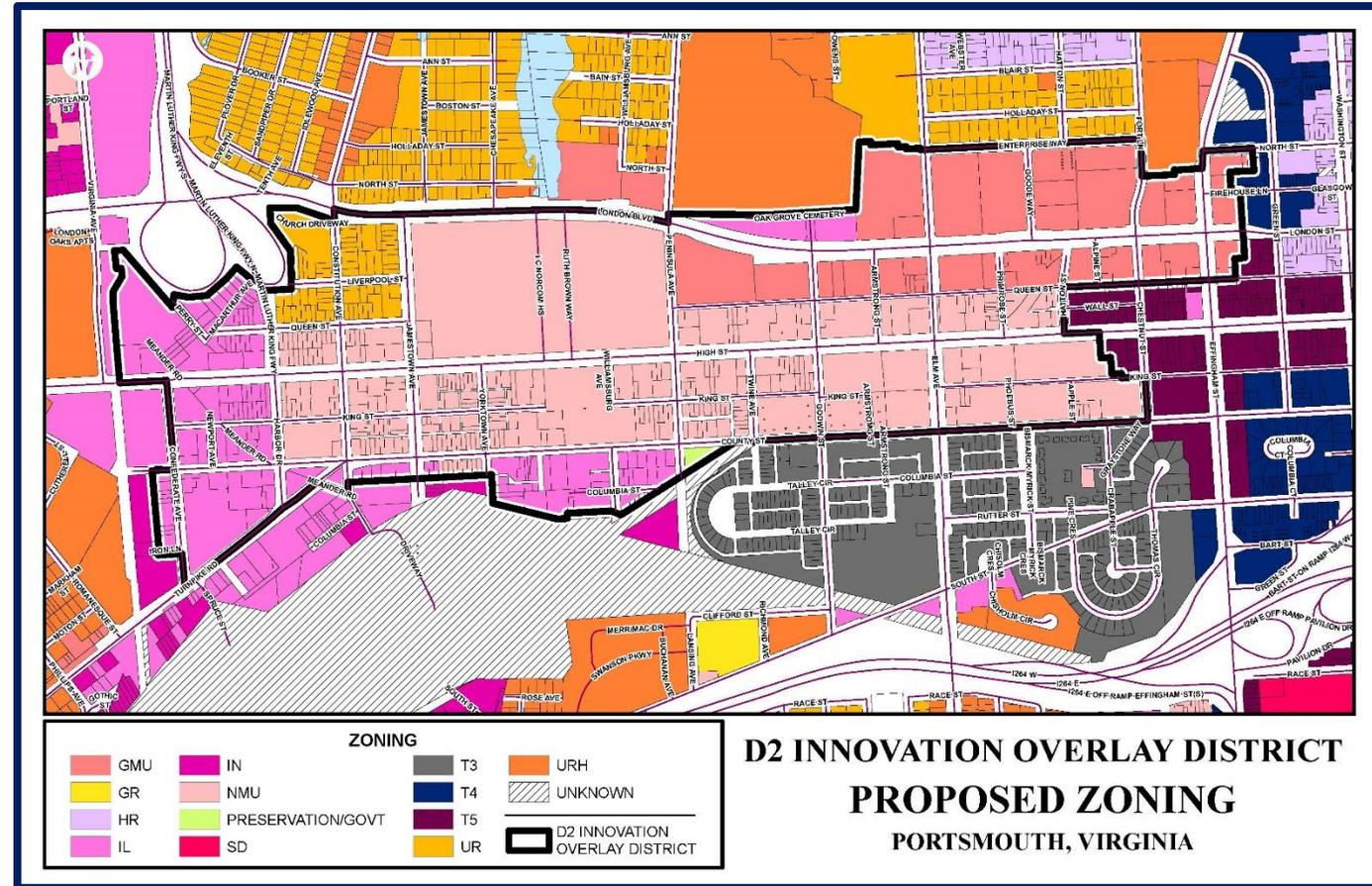


Zoning Ordinance Re-write Changes

Article II - Zoning Districts

D2 Uptown District

- D2 FBC will be rezoned to traditional zoning districts (UR, NMU, GMU, & IL)
- Proposed D2 Zoning Map based on MDC Study, community engagement, and public review
- Map conceptually approved by Council
- Final input from property owners will be obtained before initiating Zoning Map changes



Zoning Ordinance Re-write Changes

Article II – Zoning Districts

D2 Innovation Overlay District

- Created to give identity and facilitate growth in uptown area
- Area assets ideal for an innovation district:
 - Smart City with future fiber ring
 - Location proximity to Downtown
 - Location proximity to local and regional ports
 - Connection to Orsted offshore wind energy investment project coming to Portsmouth Marine Terminal
 - Ample public investment (BHS, Social Services, future HRCHC)
 - Considerable available land for development/redevelopment
- Overlay district establishes sub-districts identifying specific standards aligning with location including:
 - ❖ London Blvd. Corridor ❖ High St. Corridor ❖ County St. Corridor

Zoning Ordinance Re-write Changes

Article II – Zoning Districts Entertainment Overlay District

- **Created to provide additional standards and flexibility for areas with special uses, including a casino gaming establishment**
- **Only permitted in MU-H**
- **Casino gaming establishment only permitted within an entertainment overlay district with a Use Permit**
- **Initial creation of district must be 25 acres in size and created with a rezoning application and master plan**

Zoning Ordinance Re-write Changes

Article II – Zoning Districts Use Definitions

- **Uses condensed for simplicity**
- **Use definitions clearly and consistently defined in section prior to Use Table**
- **Use definitions separated into principal, accessory, and temporary uses.**
- **Uses that could be principal uses or accessory uses identified as such to reduce confusion**
- **Port Facility use added to Warehouse and Freight Movement subcategory**

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

Use Definitions

Entertainment Establishments

- **Current Definition:**

- Uses that offer some form of entertainment (e.g. dancing, comedy performance, amplified music, etc.) for patrons while on the premises. Entertainment establishments may serve alcohol, charge patrons a membership fee, and serve food for on-site consumption.

- **Re-write Definition:**

- Uses that offer some sort of entertainment such as dancing, comedy performances, or presenting music that involves human interaction (to include music presented by a disc jockey, karaoke, and live music) for patrons **AND WHICH POSSES OR APPLY FOR AN ABC LICENSE TO SERVE ALCOHOL**. This use excludes adult entertainment establishments. Also, excluded are locations with single event ABC license.

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

Use Table

- Re-evaluated uses in different zoning districts to promote development
- Casino gaming establishment use added
- Refined IL and IN uses to better distinguish between districts
- Multi-family dwelling – no Use Permit required in D1 T4, T5 and T6 sub-districts
- Where permitted and appropriate, convenience stores with gasoline – no Use Permit required citywide
- Where permitted, drive-throughs – no Use Permit required citywide

Zoning Ordinance Re-write Changes

Article II – Zoning Districts Use-Specific Standards

- **Over-prescriptive/unnecessary development standards removed.**
- **Distance separators removed at Council's direction (except those mandated by state). Examples of removed standards include:**
 - **A warehouse use shall be located at least 500 ft. from a residentially zoned district, school, or day care.**
 - **An entertainment establishment use shall be located at least 250 ft. from a group living, day care, educational facility, hospital or religious institution.**
- **Entertainment establishment use standards revised.**
- **Use standards refined and simplified.**
- **Vending uses and renewable energy uses standards added.**

Zoning Ordinance Re-write Changes

Article II – Zoning Districts

Area, Bulk, Density, Building, & Setback Standards

- **Zoning district dimensional standards tables moved to separate sub-section of Article II.**
 - **One table displays the dimensional requirements for each residential district.**
 - **Another table displays the dimensional requirements for each commercial and industrial district.**
- **Height allowance added for buildings built on top of parking structure and buildings elevated for flood zone**

Zoning Ordinance Re-write Changes

Article III – Community Design Off-Street Parking, Loading, Circulation

- **Language clarified for simplicity**
- **Revised parking standard for self-storage facilities**
- **Revised parking standard for adult/child day care**
- **Curbside pickup standards added**
- **Valet parking standards added**
- **Clarified Alternative Parking Plan**

Zoning Ordinance Re-write Changes

Article III – Community Design Landscaping and Screening

- **Simplified the calculation of landscape requirements**
- **Clarified terminology for increased user-friendliness**
- **Tree Protection sub-section incorporated**
- **Ch. 36 Article 3 of City Code added as Tree Canopy sub-section**
- **Confusing graphics removed**

Zoning Ordinance Re-write Changes

Article III – Community Design Fences and Walls

- **Section re-worked for simplicity.**
- **Unnecessary requirements removed.**
- **Chain link fences now permitted with screening in GMU, NMU, MU-H, and D1 SD, as well as IL and IN.**
- **Residential fence standards revised to be more neighborhood friendly.**

Zoning Ordinance Re-write Changes

Article III – Community Design Exterior Lighting

- Expanded allowance of upwardly-directed lighting
- Standards updated for safety and technology advances

TYPE OF USE	CURRENT MAXIMUM ILLUMINATION AT PROPERTY LINE (FOOTCANDLES)	RE-WRITE MAXIMUM ILLUMINATION AT PROPERTY LINE (FOOTCANDLES)
Residential Use	0.5	0.5
Public and Institutional Use	0.5	1.0
Commercial or Mixed Use	1.0	2.0
D1 T4, D1 T5, D1 T6, D1 SD, and D2IO		2.0
Parking Lots (when stand-alone use)	1.0	2.0

Zoning Ordinance Re-write Changes

Article III – Community Design Signage

- Clarified section structure for user-friendliness.
- Blade sign more appropriately renamed to banner pole sign and standards established.
- Added sign type:
 - ❖ **SIGN, OUTDOOR ADVERTISING** – A sign structure providing displays or display space for general advertising and not primarily or necessarily for advertising related to the premises on which erected or to nearby premises. Such signs, commonly referred to as “billboards,” are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease. Outdoor advertising signs may contain light emitting diode (LED) electronic displays, which comply with state and federal law.

Zoning Ordinance Re-write Changes

Article III – Community Design

Open Space Set-Asides

- **Removed unnecessary specifications and graphic examples.**
- **Standardized open space set-aside requirements for all new development.**
- **The following developments shall set aside 10% of the total development site area for open space:**
 - **Three-to-four-family residential development;**
 - **Townhouse residential development;**
 - **Multi-family residential development; and**
 - **Mixed-use development.**

Zoning Ordinance Re-write Changes

Article III – Community Design Resilient Site and Building Bonuses

- **Section renamed from Green Building Incentives for a more accurate description of its intent.**
- **Menu of features updated to reflect modern sustainable building and design techniques.**
- **Feature added to implement an innovative product or strategy not included in menu to allow creativity for resilient development**

Zoning Ordinance Re-write Changes

Article IV – Nonconformities

- **Clarified provisions for continuation of nonconforming uses, structures, and lots**
- **Development of nonconforming lots expanded to any use permitted in zoning district**
- **Provided a Special Exception process for nonconforming uses, structures, and lots**
- **Eliminated nonconforming site aspect requirement**

Zoning Ordinance Re-write Changes

Article V – Administration

- **Administrative section moved to end of Ordinance.**
- **Authority and role of Zoning Administrator clarified to align with state code.**
- **Moved from criminal to civil penalties for zoning violations.**

Zoning Ordinance Re-write Changes

Article V – Administration Special Exceptions

- **Expanded use of Special Exceptions**
- **Examples include:**
 - **To authorize alternative signage**
 - **To authorize alternative parking**
 - **Expansion of nonconforming uses, structures, and lots**
 - **To authorize fence taller than 8 ft.**

Zoning Ordinance Re-write Changes

Article V – Administration Site Plan

- **Clarified Site Plan types:**
 - **Major Site Plan**
 - **Minor Site Plan**
 - **Single-Family Site Plan**
- **Site Plan submittal requirements and approval authority transferred to City Engineer**

Zoning Ordinance Re-write Changes

Article VI – Definitions

- **Architectural terms minimized.**
- **Definitions revised to be clear, concise, and consistent.**
- **Ensured same term is used throughout.**
- **“Port” defined.**



COMMENTS & QUESTIONS



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