



TO: All Concerned Parties
FROM: Department of Planning, City of Portsmouth
DATE: September 2020
SUBJECT: Zoning Ordinance Re-write Update

ACTION REQUEST:

Adopted on February 28, 2017, City Council Resolution R-17-19 directed staff to review and substantially amend the Portsmouth Zoning Ordinance. City Council directed the Zoning Ordinance re-write to address the following goals:

- (1) Improve 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.

SUMMARY OVERVIEW:

In 2018, the City commissioned the Berkley Group to perform an evaluation of the current zoning ordinance (see <https://www.portsmouthva.gov/DocumentCenter/View/5032/Zoning-Ordinance-Land-Use-Policy-Analysis-Report-04-18>). The report identified inconsistencies with the state code and underlying zoning issues that were hindering development. The Berkley Group worked with city staff, city leaders, members of the local development community, and the public to gather expectations for the Zoning Ordinance re-write and proposed appropriate recommendations for improvement.

A draft of the Zoning Ordinance re-write was posted on the City's website on January 2, 2020 and was available for public comment until April 24, 2020. The public comments were addressed and the draft was revised to reflect necessary changes.

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HIGHLIGHTS OF PROPOSED CHANGES:

- The re-write consolidates all zoning regulations into a single integrated document. Currently, there are five different ordinances and plans that must be consulted for zoning decisions.
- Graphics previously contained in the Zoning Ordinance are being incorporated into a new Development Procedures Manual, which is currently in the early stages of development. The manual will supplement the Zoning Ordinance with details on procedure and include helpful graphics to explain zoning standards.
- The Ordinance was streamlined and simplified to eliminate confusing language and unnecessary regulations to development and redevelopment (including the removal of distance separator use-standards and non-conforming site aspects regulations).
- The authority and role of the Zoning Administrator was clarified to align with the state code and city zoning administration practices.
- Definitions were revised for clarity and simplicity. Consistent terms are used throughout the Ordinance to prevent confusion and misinterpretation. Definitions were removed that did not directly pertain to zoning. The definition of entertainment establishment was revised.
- The Downtown Design Overlay District was established to clearly identify on the official Zoning Map the area subject to design review oversight by the Downtown Design Committee (DDC).
- The D2 Form Based Code (FBC) is proposed for replacement with traditional zoning districts based on recommendations from community engagement, public review, and MDC's D2 Uptown Land Use Study prepared in 2017 as part of the *Build One Portsmouth* Comprehensive Plan process.
(See <https://www.portsmouthva.gov/DocumentCenter/View/4513/D-2-Uptown-Land-Use-Study-06-17>)
- The new D2 Innovation Overlay District is proposed to be superimposed on the proposed new zoning districts for the D2 Uptown area, which will clarify requirements for development and facilitate new growth and development. The development of a D2 Innovation District area plan and placemaking strategy is proposed to follow the establishment of this new concept district.
- An entertainment overlay district section was created to provide additional standards and flexibility for areas with special uses, including a casino gaming establishment.
- At the direction of City Council, multi-family dwellings would not require a Use Permit in D1 T4, T5, and T6 sub-districts. At the direction of City Council, Use Permit requirements for convenience stores with gasoline were eliminated in most districts where the use is allowed. In addition, drive-throughs, where permitted, would not require a Use Permit.
- The landscaping and screening standards were simplified and consolidated.
- The standards for fences and walls were revised for simplicity and to remove unnecessary requirements.
- The exterior lighting standards were updated to reflect modern technology advances and safety of the City's residents.

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- The open space set-aside requirement was standardized for all new development.
- The Green Building Incentives section was renamed Resilient Site and Building Bonuses and updated to reflect modern sustainable building and design techniques.
- The provisions for nonconforming uses, structures, and lots were clarified to provide new process options for potential continuation and/or expansion.

NEXT STEPS:

Next steps in the process include public briefings for both the Planning Commission and City Council. The initial briefing date for the Planning Commission will be October 6, 2020. Other briefing dates and additional scheduling information will be posted as they become available. Please continue to check this website for project updates and other information.

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