

AN ORDINANCE TO AMEND CHAPTER 40.2 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING FOR THE PURPOSE OF ADDRESSING VARIOUS DENSITY, HEIGHT, USE, LANDSCAPING, OPEN SPACE, AND SIGNAGE REQUIREMENTS, AND TO CORRECT SCRIVENER'S ERRORS.

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

1. That Chapter 40.2 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 October 12, 2021.

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.

AMENDMENT #: 1

Subsection 40.2-207 (“Downtown D1 District and Sub-Districts”) is amended by adding new subsections (D) and (I) and changing the numbers of the other subsections to conform to the amendment, as shown below.

Sec. 40.2-207 – Downtown D1 District and Sub-Districts

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(D) Conversions of Existing Structures

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

~~(D)~~ **(E) Fenestration Standards**

(1) Street-level

(a) Nonresidential Uses

For nonresidential uses, a minimum of 50 percent of the building façade between two (2) and eight (8) feet in height along the street frontage shall be comprised of windows and/or doors.

(b) Residential Uses

For residential uses, windows shall comprise a minimum of 30 percent of the building façade between two (2) and eight (8) feet in height along the street frontage, relative to the finished floor elevation.

~~(E)~~ **(F) Site Access and Screening**

- (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 unless modified by the City Engineer.
- (2)** Ground-level mechanical and electrical equipment including, but not limited to, air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone transformers, meters or boxes, garbage cans, storage tanks and similar elements may not be stored or located within any right-of-way and shall be screened from all offsite views, including the Seawall.
- (3)** Roof mounted equipment shall be screened from all offsite views from the public right-of-way, including the Seawall.

(EG) Signs

See Sec. 40.2-307 Signage for sign standards in the D1 district.

(EH) Exterior Lighting

See Sec. 40.2-306 Exterior Lighting for lighting standards in the D1 district.

(I) Landscaping and Screening

See Sec. 40.2-304 Landscaping and Screening for landscaping and screening standards in the D1 district.

AMENDMENT #2:

Table 40.2-206(1) (“Dimensional Requirements within Historic Districts”) is hereby amended by changing the measurement for Maximum Height for New Construction from feet to number of stories as shown below.

{See following page}

Table 40.2-206(1): DIMENSIONAL REQUIREMENTS WITHIN HISTORIC DISTRICTS				
HISTORIC DISTRICT	USE TYPE	MINIMUM LOT SIZE (Square Feet)	MAXIMUM BUILDING COVERAGE (%)	MAXIMUM HEIGHT FOR NEW CONSTRUCTION (Feet) (# of Stories)
Truxtun	Single-family detached or two-family dwelling	2,500	70	20 <u>2</u>
	Three-family dwelling	2,500		
	Four-family dwelling	4,500		
	Nonresidential use	2,500		
Cradock	Single-family detached or two-family dwelling	4,500	70	20 <u>2</u>
	Three-family dwelling	13,500	35	
	Four-family dwelling	16,500		
	Nonresidential use	2,500	70	
Port Norfolk	Single-family detached or two-family dwelling	5,600	70	30 <u>3</u>
	Three-family dwelling	8,400		
	Four-family dwelling	11,200		
	Nonresidential use	2,500		
Olde Towne and Park View	Single-family detached or two-family dwelling	3,045	70	30 <u>3</u>
	Three-family dwelling	4,570		
	Four-family dwelling	6,090		
	Nonresidential use	2,500		

AMENDMENT #3:

Section 40.2-213 (“Commercial Uses”) is amended by adding a new definition for “Event Space/Banquet Hall” in the Recreation/Entertainment, Indoor category as shown below. The definition of “Event Space/Banquet Hall” shall be placed immediately after the definition of “Entertainment Establishment” and immediately before the definition of “Shooting Range, Indoor”.

Sec. 40.2-213 – Commercial Uses

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EVENT SPACE/BANQUET HALL

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

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AMENDMENT #4:

Table 40.2-216 (“Use Table”) is amended by adding “Event Space/Banquet Hall” to the “Recreation/Entertainment, Indoor” section between “Entertainment Establishment” and “Shooting Range, Indoor” and to designate Event Space/Banquet Halls as approvable by Use Permit in the NMU, GMU, MU-H, D1-T5, D1-T6 and HLB districts and subdistricts, as shown below.

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

AMENDMENT #5:

Article VI, Section (C) (“Definitions”) is hereby amended by adding the defined term “Event Space/Banquet Hall” as shown below. The defined term shall be placed between “Established Grade” and “Exterior Lighting”.

Article VI. – Definitions

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(C) The following definitions shall apply in the administration of this Ordinance:

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EVENT SPACE/BANQUET HALL

See Sec. 40.2-213.

...

AMENDMENT #6:

Section 40.2-215 (“Accessory Use Definitions”) is hereby amended by deleting the definition of “Garage Sales/Residential Sales”.

Sec. 40.2-215 – Accessory Uses

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~~GARAGE SALES/RESIDENTIAL SALES~~

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

...

AMENDMENT #7:

Table 40.2-216 (“Use Table”) is hereby amended by deleting “Garage Sales/Residential Sales”.

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

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

AMENDMENT #8:

Article VI, Section (C) (“Definitions”) is hereby amended by deleting the defined term “GARAGE SALES/RESIDENTIAL SALES”.

Article VI. – Definitions

...

(C) The following definitions shall apply in the administration of this Ordinance:

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~~GARAGE SALES/RESIDENTIAL SALES~~

~~See Sec. 40.2-215.~~

...

AMENDMENT #9:

Table 40.2-216 (“Use Table”) is hereby amended by designating “Religious Institution” as a Permitted Use in the GMU and HR Zoning Districts, as shown below.

Table 40.2-216: USE TABLE

LIST OF USES	ZONING DISTRICT																	Additional Requirements		
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C	WF
...																				
Religious Institution	U	P	P	P	P	P	P			P	P	P			P		P			
...																				

AMENDMENT #10:

Table 40.2-216 (“Use Table”) is hereby amended by designating “Crematory” as a Permitted Use in the UR-M, NMU, GMU, D1-T5, and HLB Zoning Districts and as a use approvable by Use Permit in the UR Zoning District, as shown below.

Table 40.2-216: USE TABLE

LIST OF USES	ZONING DISTRICT																	Additional Requirements		
	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB		C	WF
...																				
Crematory			U	P	P	P	U	P	P			P					P			
...																				

AMENDMENT #11:

Table 40.2-216 (“Use Table”) is amended by adding “Broadcasting or Communication Tower” as an approved use in the IN Zoning District, as shown below.

LIST OF USES	NR	GR	UR	UR-M	NMU	GMU	MU-H	IL	IN	D1-T3	D1-T4	D1-T5	D1-T6	D1-SD	HR	HLO	HLB	C	WF	Additional Requirements	
...																					
Broadcasting or Communication Tower					U	U	U	U	U					U						U	
...																					

AMENDMENT #12:

Section 40.2-218 (“Area, Bulk, Density, Building, and Setback Standards”) is amended by deleting subsection (A)(1)(d) and modifying the designation of subsections (A)(1)(e) and (f) to take into account the deletion of (d), as shown below.

Sec. 40.2-218 - Area, Bulk, Density, Building, and Setback Standards

...

(A) Area

(1) Lot Size/Lot Area

- (a) The lot size or lot area is the amount of land area, measured horizontally, included within the lot lines of a parcel.
- (b) Lands located within any private easement shall be included within the lot size.
- (c) Public rights-of-ways, areas below the mean high-water mark, marshlands, wetlands, or drainage areas located below the normal water level are not to be included in calculating lot size, except where specifically allowed by this Ordinance.
- ~~(d) Townhouse dwellings may be developed without complying with the minimum lot size standard provided the development does not exceed eight (8) units an acre and it complies with all other dimensional standards.~~

- ~~(d)~~ (d) Minimum lot size is applied to the entire development for two-family, three-to-four-family, and multi-family dwellings.
- ~~(e)~~ (e) Community gardens may be developed without complying with the minimum lot size standard of the zoning district.

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AMENDMENT #13:

Table 40.2-301(1) (“Minimum Off-Street Parking Standards”) is amended by changing the required Auto Spaces for Single-Family Detached Dwellings from 1.5 spaces per Dwelling Unit to 2 spaces per Dwelling Unit, as shown below.

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

AMENDMENT #14:

Table 40.2-304(2) (“Buffer Type Application”) is amended as shown below to identify specific zoning districts of abutting land rather than types of zoning district, as shown below.

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

All other Residential	A	N/A	N/A	N/A	N/A
Mixed-Use and Public/Institutional	B	A	N/A	N/A	N/A
Commercial	C	B	A	N/A	N/A
Industrial	D	D	D	C	N/A

AMENDMENT #15:

Table 40.2-307(2) (“Permanent Sign Types Allowed in Each Zoning District”) is amended as shown below to make Ground Signs permissible in the UR and UR-M Zoning Districts.

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

AMENDMENT #16:

Section 40.2-308 (“Open Space Set-Asides”) is amended as shown below by adding townhouse residential to the list of exemptions in subsection 40.2-308(B)(1), deleting townhouse residential from the Open Space Set-Aside Standards in subsection 40.2-308(C)(1), and modifying the numbering of subsections 40.2-308(B)(1) and (C)(1) to account for the changes.

Sec. 40.2-308 – Open Space Set-Asides

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(B) Applicability

(1) Unless exempted, the provisions of this section shall be applied to development of all land in the city.

(2) Exemptions

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

(C) Open Space Set-Aside Standards

(1) The following developments shall set-aside 10 percent of the total development site area for open space:

- (a) Three-to-four-family residential development;
- ~~(b)~~ ~~Townhouse residential development;~~
- ~~(c)~~ (b) Multi-family residential development; and
- ~~(d)~~ (c) Mixed-use development.

...

AMENDMENT #17:

Section 40.2-404 (“Nonconforming Lots”) is amended as shown below by deleting subsections 40.2-404(B)(2)(a) and (b) in their entirety, as shown below.

Sec. 40.2-404 – Nonconforming Lots

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(B) Continuation of Nonconforming Lots

A nonconforming lot may continue, subject to the provisions, conditions, and prohibitions set forth herein.

...

(2) Nonconforming Lot Subdivision Requirements

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

~~(a) If a nonconforming lot of record has continuously been in separate ownership from any contiguous lot on the same existing or proposed public right-of-way since April 25, 1961,~~

~~the nonconforming lot may be developed in accordance with the applicable standards in this Ordinance.~~

~~(b) If a nonconforming lot of record has, at any time since April 25, 1961, been in common ownership with any contiguous lot on the same existing or proposed public right of way, such lots shall be consolidated with the following exceptions:~~

~~(i) Lots within an historic district;~~

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

~~(iii) Preexisting nonconforming lots occupied by a detached single family residence that has been damaged or destroyed by fire, natural disaster or other act of God.~~

...

AMENDMENT #18:

Article VI(C) (“Definitions”) is amended by modifying the definitions of “LOT, FRONT OF” and “YARD, FRONT” as shown below.

Article VI. – Definitions

...

(C) The following definitions shall apply in the administration of this Ordinance:

...

LOT, FRONT OF

The front of a lot shall be considered to be that boundary of the lot which abuts on a public street. An alley shall never be considered the front of a lot. For a corner lot, the front shall be the shorter of the two (2) frontages OR for commercial and industrial uses, the front shall be the predominant frontage. For a corner lot with equal frontage on two (2) or more streets AND for a double frontage lot, the lot shall be considered to front on the street on which the greatest number of lots have been platted within the same block ~~or the lot shall be considered to front on the lower volume street of the two frontages~~. Where a front of lot is not obviously evident through this determination process, the Zoning Administrator shall determine the front of lot. See Sec. 40.2-218(D).

...

YARD, FRONT

An open space on the same lot as a building between the front façade and the front lot line, and extending across the full width of the lot. For a corner lot, the front shall be the narrower of the two (2) frontages OR for commercial and industrial uses, the front shall be the predominant frontage. For a corner lot with equal frontage on two (2) or more streets AND for a double frontage lot, the front yard shall be considered the frontage on the street on which the greatest number of lots have been platted within the same block ~~or the frontage on the street with the lower volume street of the two (2) frontages~~. Where a front yard is not obviously evident through this determination process, the Zoning Administrator shall determine the front yard.

...

AMENDMENT #19:

The following amendments are for the purpose of correcting ministerial errors in the adopted Zoning Ordinance.

a. Table 40.2-216 (“Use Table”) is amended as shown below to correct the citations in the “Additional Requirements” column for “Hotel or Motel, Full Service” and “Hotel or Motel, Extended Stay”.

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

b. Section 40.2-217 (“Use-Specific Standards”) is amended by modifying subsection 40.2-217(D)(1)(d)(iv)f.3 as shown below.

Sec. 40.2-217 – Use-Specific Standards

...

(D) Residential Uses

(1) Household Living

...

(d) Dwelling, Multi-Family

In addition to general requirements, multi-family dwellings shall comply with the following standards:

...

(iv) Building Design

...

f. Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing:

...

3. Vacant land designated as single-family on the Future Land Use Map of the comprehensive plan ~~in the comprehensive plan.~~

c. Section 40.2-217 (“Use-Specific Standards”) is amended by modifying subsection 40.2-217(E)(3) by moving subsections (a) and (b) thereof, with minor modifications, to subsection (e), and making corresponding numbering changes to the other subsections, as shown below.

Sec. 40.2-217 – Use-Specific Standards

...

(E) Public and Institutional Uses

...

(3) Utilities

~~(a) Telecommunication antennas and co-locations of telecommunication equipment shall be considered a minor utility and comply with Sec. 40.2-217(E)(3)(e) in addition to general requirements.~~

~~(b) Co-location of Small Cell Facilities~~

~~(i) Notwithstanding any other provision hereof, applications for the co-location of small cell facilities on existing structures located on private property, as said terms are defined in Code of Virginia §15.2-2316.4, shall be governed by all requirements set forth in Division 2 of Article XI of Ch. 32 of the City Code other than §32-317.~~

~~(ii) Small cell facilities located on private property shall be dismantled and removed within six (6) months of abandonment.~~

~~(e)~~ **(a) Broadcasting or Communication Tower**

In addition to general requirements, all new and replacement towers shall comply with the following standards:

- (i) No zoning permit for any radio, television, or microwave towers shall be issued until the applicant provides evidence that the Federal Aviation Administration (FAA) has granted a permit for said tower or that no permit is required.

~~(d)~~ **(b) Telecommunication Tower, Freestanding**

In addition to general requirements, all new and replacement towers shall comply with the following standards:

- (i) No zoning permit for any radio, television, or microwave towers shall be issued until the applicant provides evidence that the Federal Aviation Administration (FAA) has granted a permit for said tower or that no permit is required.
- (ii) The applicant shall provide a copy of the Federal Aviation Administration (FAA) report and documentation that the application presents no hazard to any airport, or documentation that FAA review is not required.
- (iii) Space shall be provided for at least three (3) cellular or similar providers, unless expressly approved for less as a condition of the Use Permit.
- (iv) The applicant shall provide a listing of all structures within one-half (0.5) a mile that are of a similar elevation along with an explanation of why a collocation on another tower is not possible, to the extent permitted by law.

~~(e)~~ **(c) Utility, Minor**

(i) Telecommunication antennas and co-locations of telecommunications equipment shall be considered minor utilities.

(ii) In addition to general requirements, a **telecommunications antenna** that is co-located on an existing tower or placed on an existing building shall comply with the following standards:

- ~~(i)~~ a. Telecommunication antennas shall comply with the regulations within the Code of Virginia § 15.2-2316.4:1.
- ~~(ii)~~ b. Antennas and any accessory equipment shall be painted or colored to blend in with the structure or surrounding environment.
- ~~(iii)~~ c. Antennas, supports and utility cabinets shall be mounted or placed in a manner, which blends with the surrounding environment.
- ~~(iv)~~ d. The permit application shall include a statement and supporting documentation that the telecommunications antenna will not materially interfere with other pre-existing communications facilities.
- ~~(v)~~ e. Reasonable screening is required where deemed appropriate by the Zoning Administrator considering the size and design of the telecommunications antenna and the historic, residential, or commercial character of the surrounding area.

(iii) Co-location of Small Cell Facilities

a. Notwithstanding any other provision hereof, applications for the co-location of small cell facilities on existing structures located on private property, as said terms are defined in Code of Virginia §15.2-2316.4, shall be governed by all requirements set forth in Division 2 of Article XI of Ch. 32 of the City Code other than §32-317.

b. Small cell facilities located on private property shall be dismantled and removed within six (6) months of abandonment.

...

d. Section 40.2-217 (“Use-Specific Standards”) is amended by swapping the terms “Salvage Center” and “Recycling Center” in subsections 40.2-217(H)(4)(c) and (d) thereof, as shown below.

Sec. 40.2-217 – Use-Specific Standards

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(H) Industrial Uses

...

(4) Waste and Energy Services

...

(c) ~~Recycling Center~~ Salvage Center

...

(d) ~~Salvage Center~~ Recycling Center

...

e. Section 40.2-217 (“Use-Specific Standards”) is amended by modifying subsection 40.2-217(I)(3)(m)(i)a. to replace the word “streets” with the word “driveways” as shown below.

Sec. 40.2-217 – Use-Specific Standards

...

(I) Accessory Uses

...

(3) Specific Standards for Certain Accessory Uses

...

(m) Storage or Parking of Heavy Trucks, Trailers, Major Recreational Equipment, or Mobile Homes

(i) Purpose

- a. It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on ~~streets~~ driveways and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods.

...

f. Section 40.2-217 (“Use-Specific Standards”) is amended by referencing specific zoning districts in subsections 40.2-217(J)(6)(h)(ii)e and (6)(h)(ii)g, as shown below.

Sec. 40.2-217 – Use-Specific Standards

...

(J) Temporary Use Standards

...

(6) Specific Regulations for Certain Temporary Uses and Structures

...

(h) Food Trucks on Private Property

...

(ii) Standards

...

- e. Food trucks operating in [NMU, GMU, MU-H, IL, IN, WF, HR, HLO, HLB, and all D1 sub-districts](#) ~~all business districts or special districts (as categorized in Table 40.2-201)~~ shall meet the following standards:

...

...

- g. Notwithstanding subsection (f) hereinabove, food trucks operating with City permission on City-owned or leased property in any zoning district shall be subject to the regulations governing food trucks operating in [NMU, GMU, MU-H, IL, IN, WF, HR, HLO, HLB, and all D1 sub-districts](#) ~~business districts or special districts~~ set forth in subsection (e) hereinabove.

g. Section 40.2-304 (“Landscaping and Screening”) is amended by deleting the words “combination of” from subsection 40.2-304(E)(9)(a) as shown below.

Sec. 40.2-304 – Landscaping and Screening

...

(E) Landscape Buffers

...

(9) Types of Buffers

Table 40.2-304(1) Buffer Types describes four different buffering types in terms of their function, opacity, width, and planting requirements.

- (a) Where a particular buffer type is required in Table 40.2-304(2) Buffer Type Application, the requirement may be met with the ~~combination of~~ minimum buffer width and minimum screening requirements specified under either Option 1 or Option 2.

h. Section 40.2-307 (“Signage”) is amended by changing “UR-H” to “UR-M” in the heading of subsection 40.2-307(J)(4)(b)(i)c as shown below.

Sec. 40.2-307 – Signage

...

(J) Permanent Sign Standards

...

(4) Permanent Freestanding Sign Standards (On-Site and Off-Premises)

...

(b) Ground Sign

(i) Standards

...

c. UR or ~~UR-M~~UR-H District

In the UR or UR-M districts, a ground sign shall not exceed ten (10) feet in height.

...

i. Section 40.2-535 (“Special Exceptions”) is amended by modifying subsection 40.2-535(D)(3) as shown below.

Sec. 40.2-535 – Special Exceptions

...

(D) Review Standards

...

(3) Applications for a Special Exception need not prove that granting the Special Exception would alleviate a hardship due to ~~the~~ a physical condition relating to the property or would alleviate a hardship by granting a ~~or~~ reasonable modification related to the property, but must comply with all other applicable zoning regulations and any conditions for approval imposed by the BZA.

...

j. All additional modifications to the Zoning Ordinance necessary to conform references or numbering to the amendments made by this Ordinance are hereby approved.

