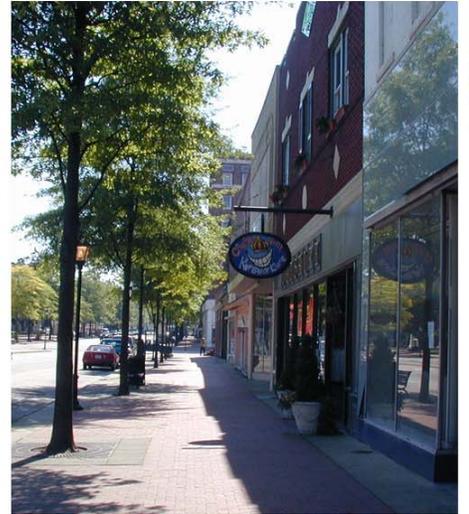


City of
portsmouth
> virginia



DEVELOPMENT PROCEDURES MANUAL

A HANDBOOK FOR THE ZONING AND SUBDIVISION ORDINANCES

LAST REVISED: JULY 24, 2012

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PURPOSE AND ACKNOWLEDGEMENTS

The Portsmouth Procedures Manual (this manual) is intended to assist in the day-to-day administration of the zoning and subdivision ordinances. The manual's primary objective is to explain the review procedures for permits and development approvals in the zoning and subdivision ordinances. To ease the application process, this manual also provides information about City staff contacts, application forms, and fee schedules.

This manual is a supplement to the City's zoning and subdivision ordinances, not a substitute. Please consult the appropriate zoning and subdivision ordinance provisions prior to and during the development review process. Should you have any questions or suggestions about this manual the staff of the Planning Department are here to assist you.

City of Portsmouth

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PART 1: INTRODUCTION

1.1 LETTER FROM THE CITY MANAGER

On behalf of City Council, welcome and thank you for your interest in Portsmouth!

To help promote growth and redevelopment, the City under the direction of Planning Director, Paul Holt, has worked extensively with the public as part of the Destination Portsmouth framework to re-write all of our development codes with the following goals in mind:

- Making the development regulations easier to use;
- Focusing more on development form and less on use, including new form-based code regulations for Downtown;
- Providing process incentives for preferred development forms, plus height and density bonuses for sustainable development;
- Sending clear signals on desired expectations for the character of new development, and encouraging compatible redevelopment;
- Incorporating a stronger emphasis on mixed-use development and accommodation of modern residential housing types like live/work units and accessory dwellings like garage apartments;
- Raising the bar for quality in commercial and multi-family development;
- Addressing nonconforming development (40% of the lots in the City were nonconforming prior to the adoption of the 2010 zoning ordinance); and
- Protecting existing neighborhood character.

While there are many development code requirements within the City, there are also many services offered to help you navigate through the process, and the many departments of the City of Portsmouth are committed to helping you.

Our goal is to make the development review process as clear as possible, so this document is designed to give citizens, developers, architects, and others an overview of what is involved in the development, improvement and use of land in the City and where help may be obtained. It describes the development approvals process as a sequence of steps, even though some steps may occur at the same time. It also includes tips and contacts to help you expedite the process. More detailed information on specific processes or permits is available in other documents which are referenced herein.

It's easy to be passionate about Portsmouth, and we look forward to facilitating approval of your project.

Kenneth L. Chandler
City Manager

1.2 HOW TO USE THIS MANUAL

The Portsmouth Procedures Manual (the manual) is a guide to the review procedures for permit applications and development approvals in the zoning and subdivision ordinances. Citizens, development applicants, City officials, staff, and other interested persons can use it as a guide to the development review process. It includes both general information about planning and regulatory concepts and specific information about the individual development review procedures used in the City. It also includes application submittal information, required forms, and other useful resource information for applicants.

While the manual includes detailed information on the City's development review procedures, it is not a substitute for the zoning and subdivision ordinances. Applicants should consult the zoning ordinance, subdivision ordinance, and other relevant requirements in the City code of ordinances, as appropriate. Copies of the zoning ordinance, subdivision ordinance, and City code of ordinances are on file for public inspection during business hours at the offices of the Planning Department on the fourth floor of City Hall at 801 Crawford Street in downtown Portsmouth. Copies of these documents may be purchased in the Planning Department at City Hall (801 Crawford Street). The documents are also available for free on-line viewing and download at <http://www.portsmouthva.gov/Citycode.aspx>.

The manual includes resource, reference, and supporting information that may change periodically, without advance notice. Users of the manual are strongly encouraged to consult the City's website to ensure they have the most recent version of the manual. The version date of the manual is printed in the lower right-hand corner of every page.

Persons seeking to develop their land should consult:

- The Official Zoning Map in the zoning ordinance to determine the zoning district designation of their land;
- The summary use table or accessory use table in Article 40.1-4, Use Standards, in the zoning ordinance, to determine if the proposed use is allowed; and
- Article 40.1-2, Administration, in the zoning ordinance, to determine the appropriate applications for permits and development approvals necessary before an applicant may proceed with their intended development.

Applicants seeking to establish new lots or move existing lot lines should review Chapter 33.1 in the City code of ordinance, the subdivision ordinance, for all applicable requirements.

This manual supplements these ordinances by providing discussion of the various applications for permits and development approvals, as well as outlining minimum submittal requirements, fees, schedules, and other relevant information.

Applicants are reminded the manual does not serve as a substitute for any of the City of Portsmouth's adopted ordinances. It is intended only as a guide for the users of the zoning and subdivision ordinances. In case of conflict between this document and other City ordinances, the adopted City ordinances shall control. Applicants should contact the Planning Department at 757-393-8836 or <http://www.portsmouthva.gov/planning/> to ensure they have the current version of the manual and the applicable zoning ordinance, subdivision ordinance, and City code of ordinance provisions before filing an application.

1.3 MANUAL ORGANIZATION

This manual is organized into six main parts:

(A) Part 1: Introduction

The introduction (this section) provides an introduction to the manual from the Deputy City Manager, a section on how to use the manual, information on the manual's organization, and an overview of basic planning and zoning concepts.

(B) Part 2: Planning and Regulatory Documents

Part 2: Planning and Regulatory Documents, describes the planning and development policy documents adopted by the City, like the comprehensive plan or master transportation plan. These documents provide guidance to applicants, neighbors, and City officials on the City's vision, goals, and minimum expectations for new development and redevelopment.

It also includes brief descriptions of the City's regulatory documents like the zoning ordinance, the Official Zoning Map, and the subdivision ordinance that implement the policy guidance found in the City's plans. The section also includes a summary table of webpage links where an applicant can obtain digital versions of these documents.

Applicants who are new to the development review process should take the time to familiarize themselves with the documents described in this part of the manual. They either provide policy guidance (like the comprehensive plan), or are the City's official laws controlling development (like the zoning ordinance).

(C) Part 3: Advisory and Decision-Making Bodies

Part 3: Advisory and Decision-Making Bodies, describes the advisory and decision-making bodies responsible for reviewing and deciding applications for permits and development approvals. In addition, the section provides a graphic depicting the organizational structure of City government and additional details about how to contact each advisory and decision-making body.

DEVELOPMENT PROCEDURES MANUAL ORGANIZATION

Part 1: INTRODUCTION

Part II: PLANNING AND REGULATORY DOCUMENTS

Part III: ADVISORY AND DECISION-MAKING BODIES

Part IV: APPLICATIONS FOR PERMITS AND DEVELOPMENT APPROVALS

Part V: CONSTRUCTION PROCESSES

Part VI: APPENDICES

**PART 1:
Introduction**

Section 1.4: Overview of Basic Planning and Zoning Concepts

(D) Part 4: Applications for Permits and Development Approvals

Part 4: Applications for Permits and Development Approvals, provides detailed information on each of the applications for permits and development approvals established in the zoning ordinance and subdivision ordinance. The information on each review procedure includes a general description, discussion of the specific review procedure, other issues all applicants should know about a particular review procedure, and the application submittal requirements. In addition to information on each specific review procedure, the section includes details on steps, policies, and submittal requirements common to each of the individual review procedures.

(E) Part 5: Construction Processes

Part 5: Construction Processes, includes development review process-related information not included in the procedures for permits and development approvals. This part discusses landscaping review and enforcement provisions, how to determine contextual setbacks, the construction drawing review process, inspections, and the performance guarantee process.

(F) Part 6: Appendices

Part 6: Appendices, includes additional information related to agency contacts, application forms, submission and review schedules, application fees, standard details and specifications, and frequently asked questions.

1.4 OVERVIEW OF BASIC PLANNING AND ZONING CONCEPTS

This Procedures Manual has been prepared by the City to provide a summary of the zoning ordinance, subdivision ordinance, and other provisions in the City code of ordinances related to the development of land (e.g., wetlands requirements, floodplain standards, and Chesapeake Bay protection standards). The following paragraphs provide some basic explanations about the City's development review procedures found in the zoning ordinance, subdivision ordinance, and relevant chapters from the City code of ordinances.

(A) Authorization to Regulate Land Development

Portsmouth is a municipal corporation. Portsmouth is authorized by the commonwealth to regulate the use of land for the health, safety, and welfare of the City's residents. This power to regulate the use of land is called "police power" and police powers are implemented through the zoning ordinance, subdivision ordinance, and various other City ordinances found in the code of ordinances, like the floodplain ordinance.

The City's zoning ordinance, subdivision ordinance, and other parts of the City code of ordinances constitute the law that governs how land can be developed in Portsmouth. The City's laws related to the development of land must comply with the Code of Virginia.

In addition to the power to regulate land development, the commonwealth also requires jurisdictions to plan for future growth and land development through the comprehensive plan process.

(B) What is a Comprehensive Plan?

A comprehensive plan is a long-range policy document that establishes a vision for the jurisdiction's growth and development, provides policy guidance for growth and development, and contains action items intended to implement the plan's vision. It serves as the policy framework for guiding decisions about how land use should take place. The comprehensive plan is implemented through a future land use map and the zoning ordinance. The City of Portsmouth's comprehensive plan is called the *Destination 2025 Comprehensive Plan*.

(C) What is a Zoning Ordinance?

The zoning ordinance constitutes the City's laws for controlling development. The zoning ordinance is one of the primary tools used by the City to implement the comprehensive plan. There are two parts to the zoning ordinance: the Official Zoning Map (zoning map) and the zoning ordinance text. The zoning map divides the City into zoning districts and shows the zoning district boundaries. If a property owner wants to change a zoning district, the property must have a zoning map amendment approved in accordance with the procedure described in the zoning ordinance.

The zoning ordinance text spells out the procedural regulations for development and the standards applied to development in the different zoning districts (e.g., parking, landscaping, open space, lighting, and signage requirements, etc.). The zoning ordinance also includes regulations for development that does not conform to the ordinance requirements (nonconformities), and provisions used by the City to enforce the ordinance.

(D) What is a Subdivision Ordinance?

The subdivision ordinance establishes the laws governing the division of land into lots, with or without streets, for the purpose of sale, transfer of ownership, or development. It also controls changes to the location of lot lines established on a previously approved subdivision plat. A subdivision plat is the drawing of the lot lines and street locations that is recorded with the Clerk of Court. The subdivision ordinance also includes information on the procedural requirements associated with review and approval of a proposed subdivision.

(E) How Can I Learn More?

Citizens interested in learning more about the day-to-day operation of the City, including the development review process, may apply to attend the City's Neighborhood Academy. The Neighborhood Academy program offers participants a series of in-depth meetings with City officials where various City policies and procedures are presented. Additional information on the Neighborhood Academy is available at <http://www.portsmouthva.gov/parksandrec/info.aspx>.



**PART 1:
Introduction**

Section 1.4: Overview of Basic Planning and Zoning Concepts

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PART 2: PLANNING AND REGULATORY DOCUMENTS

2.1 SUMMARY DOCUMENT TABLE

Development review in Portsmouth is based on policy guidance and regulations found in a variety of documents identified in the table below. The table also lists the phone number of the City department responsible for maintaining and administering the document. Brief summaries of these documents follow the table. Additional information may also be found on the listed web page locations and in the Frequently Asked Questions (FAQs) included in the appendix of this manual. The listed web pages should include the most current information, but applicants are reminded to check with the listed agency contact before submitting an application.

DOCUMENT NAME	CONTACT
ONLINE LOCATION	
Destination 2025 Comprehensive Plan	Planning Department 757-393-8836
http://www.portsmouthva.gov/planning/2005CompPlan	
Zoning Ordinance	
http://www.portsmouthva.gov/planning/images/destinationptown/ZoningOrdinance142011withD1included.pdf	
Official Zoning Map	
http://www.portsmouthva.gov/website/portsweb2_in.aspx	
Downtown Master Plan and Waterfront Strategy	
http://www.portsmouthva.gov/planning/images/destinationptown/Portsmouth_DMPWS_092209.pdf	
Downtown Design Manual	
http://www.portsmouthva.gov/planning/images/destinationptown/Downtown-design-manual-021110.pdf	
Uptown D-2 District Form Based Code	
http://www.portsmouthva.gov/planning/images/destinationptown/PortsmouthUptownD2_DEC14-%20C%20FINAL.pdf	

PART 2:
Planning and Regulatory Documents
 Section 2.1: Summary Document Table

DOCUMENT NAME	CONTACT
ONLINE LOCATION	
Portsmouth Pedestrian Focus Areas Pattern Book	
To be available online in the near future	
Historic Districts Design Guidelines	
http://www.portsmouthva.gov/planning/designguidelines.aspx	Planning Department 757-393-8836
Floodplain Ordinance	
http://www.portsmouthva.gov/planning/flood.aspx	
Chesapeake Bay Preservation Overlay District Ordinance	
http://www.portsmouthva.gov/planning/chesapeake_bay.aspx	
Wetlands Ordinance	
http://www.portsmouthva.gov/planning/wetlands.aspx	
Subdivision Ordinance	
http://www.portsmouthva.gov/planning/images/destinationptown/Subdivision-Ordinance%202010-06.pdf	
Master Transportation Plan	
http://www.portsmouthva.gov/planning/destinationptown4.aspx	Engineering /Public Works 757-393-8592
Stormwater Management Program	
http://www.portsmouthva.gov/publicworks/stormwater.aspx	Public Utilities 757-393-8561
Downtown Master Utility Plan	
http://www.portsmouthva.gov/planning/CommunityNeighborhoodPlansandReports.aspx	

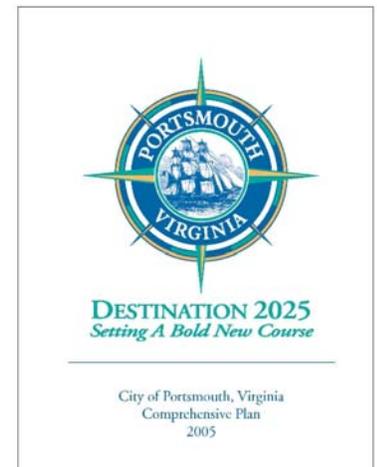
The following pages include brief summaries of each of the planning and regulatory documents listed in the Summary Document Table above.

2.2 DESTINATION 2025 COMPREHENSIVE PLAN

The Destination 2025 Comprehensive Plan was adopted by the City in 2005. It is the City's long-range plan for future development, revitalization, and preservation. It serves as a policy document that sets the framework and guiding principals for the City's development.

The comprehensive plan establishes a vision for the future of Portsmouth and identifies a strategy for achieving that vision. It identifies a number of policies to position the City for a renewed degree of growth and development in the 21st century. The policies focus on:

- "Raising the bar" on the quality of new development;
- Encouraging mixed-use, pedestrian-friendly land use patterns;
- Strengthening stable neighborhoods, preventing further decline in transitional neighborhoods, and encouraging redevelopment in targeted neighborhoods;
- Development of design guidelines to address transitions between incompatible land uses;
- Ensuring that available lands are targeted for their best uses;
- Maintaining and strengthening viable land uses;
- Targeting obsolescent uses for reinvestment or redevelopment;
- Improving visual character of gateway corridors; and
- Encouraging development of activity centers.



In addition, the plan serves as the City's "to do" list, providing detail on the necessary actions, timetables, responsibilities, and resources that are needed to implement these policies.

The Destination Portsmouth Initiative was started by the City in 2007 as an implementation strategy for the Destination 2025 Comprehensive Plan. In addition to serving as the unifying framework for plan implementation efforts, the initiative calls for the preparation of a variety of strategic documents like the master transportation plan, the development strategy for downtown, the new zoning ordinance, and several other related efforts.

2.3 ZONING ORDINANCE

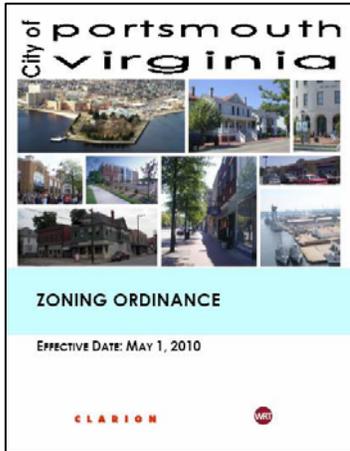
The zoning ordinance is the primary tool for implementing the Destination 2025 Comprehensive Plan. The zoning ordinance establishes the City's laws regulating the development of land. The City adopted a revised zoning ordinance in May 2010 and last revised December 2010 that was designed to achieve five main goals:

- Make the City's development regulations more user-friendly;
- Streamline development review procedures;
- Modernize zoning districts and uses;
- Place a stronger emphasis on development form and quality; and
- Encourage compatible redevelopment.

The following paragraphs summarize the zoning ordinance.

PART 2:
Planning and Regulatory Documents
Section 2.3: Zoning Ordinance

The Portsmouth zoning ordinance is Chapter 40.1 of the City code of ordinances, and is comprised of nine different articles, each dealing with a different aspect of land use regulation.



Article 40.1-1, General Provisions, includes the purpose and intent of the zoning ordinance, and how it relates to other City laws. It establishes and incorporates by reference the Official Zoning Map, the procedure for interpretation of the map, and the translation to the current base zoning district from the prior districts. The section also includes the rules for how applications in process on May 1, 2010 (the effective date of the new zoning ordinance) will be processed and reviewed.

The second article, **Article 40.1-2, Administration**, establishes the six advisory and decision-making bodies responsible for development review. It sets out their composition, rules of procedure, and primary responsibilities under the zoning ordinance. The article establishes common review procedures governing common aspects of the development review process. Finally, the article includes a detailed description of each of the 12 different applications for permits and development approval in the zoning ordinance.

Information on each of the City's different base and overlay zoning districts is established in **Article 40.1-3, Zoning Districts**. It establishes the range of residential, business, activity center, and special base districts included on the Official Zoning Map. The article includes details on the purpose and intent of each zoning district, the dimensional standards, typical building types and lot patterns, and other district-specific standards.

Zoning districts specify the development configuration requirements for uses, density, intensity, lot area, required yards (or setbacks from lot lines), and building heights. The zoning ordinance establishes base zoning districts (residential, business, activity center, etc.) as well as overlay districts that are applied in addition to base zoning districts in key areas of the City. For example, an environmental overlay could be applied to lots in a neighborhood with a residential base district zoning designation. Base and overlay zoning district regulations are applied to all lands in the City with the same zoning designations.

The zoning ordinance includes a series of tiered activity center base districts at locations of heightened activity and mixed-use development established by the comprehensive plan. Development standards in these areas are somewhat more flexible than in other districts, but establishing new development in an activity center may require approval of a master plan. The zoning ordinance also includes two special "form-based" zoning districts for portions of the downtown. The D1 and D2 Downtown zoning districts control the range of uses and required development forms in key areas of the downtown such as the High Street corridor. These district regulations are found in the appendix of the zoning ordinance, and include special provisions and procedures only applicable within the D1 and D2 Downtown districts.

Dimensional standards limit the intensity of development, number of dwelling units, and the size and location of buildings on land. The dimensional standards provisions for each zoning district specify lot area requirements, minimum required yard widths, maximum density, and maximum building height.

Density standards limit the number of dwelling units which may be built on a parcel of land by requiring a minimum number of square feet of lot area per dwelling unit. A dwelling unit is a portion of a building containing the living space for one household.

Height standards establish the maximum height of buildings. This is expressed as a maximum number of feet and a maximum number of stories. As a rule of thumb, a single story of a residential building is about 10 feet high and a commercial building is at least 12 feet high. Some zoning districts have *minimum* building heights that apply within the district.

Yard standards control the distance between the building and lot lines. These distances define the yards on a lot. The zoning ordinance specifies minimum front, side, and rear yard distances for lots in each zoning district.

Standards related to the uses of land are established in **Article 40.1-4, Use Standards**. The use standards article includes a three-tiered system of use classifications and a summary use table that sets out the range of allowable uses by zoning district. There are also procedures for the interpretation of new, unlisted uses, use standards applied to a particular use regardless of the district where it is located, and standards for accessory and temporary uses.

Use standards specify which uses (e.g., apartment building, store, restaurant, warehouse, etc.) may be located in a zoning district. There are three different types of uses: principal (like a single-family home on a lot), accessory (like a detached garage behind a home), and temporary (like a portable storage unit). The zoning ordinance has standards for all three types of uses. There are summary use tables for principal and accessory uses that indicate where a particular use is allowed, and the type of process required to receive approval for that type of use. If a zoning district does not permit a particular use that a landowner believes is appropriate in the zoning map, it may be rezoned by the City following approval of an application to amend the zoning map. The zoning ordinance includes a wide variety of use-specific standards that are applied to a particular use regardless of the zoning district where it is located.

Article 40.1-5, Development Standards, includes the regulations affecting site features. Development standards are the minimum requirements applied to different forms of development, whether residential, nonresidential, or mixed-use (both residential and nonresidential uses on the same site or in the same building). The development standards include circulation standards, off-street parking standards, landscaping standards, open space set-aside standards, signage standards, and standards for other features like lighting and fences. The development standards also include additional development standards applied to multi-family and commercial development, as well as transitional standards to protect single-family neighborhoods. Finally, the development standards article establishes green building incentives which are voluntary features that may be included in new development that are focused on one or more aspects of greater sustainability, such as addressing climate change, use of alternative energy, natural resource conservation, or extra environmental protection. New developments including green building features may get a density or height bonus, or some other reward for provision of these kinds of features. Generally, these standards are designed to promote sustainable, functioning neighborhoods and commercial centers that include a diverse array of uses, are pedestrian friendly, and maintain a high quality of life.

ZONING ORDINANCE STRUCTURE

Article 40.1-1: General Provisions

Article 40.1-2: Administration

Article 40.1-3: Zoning Districts

Article 40.1-4: Use Standards

Article 40.1-5: Development Standards

Article 40.1-6: Nonconformities

Article 40.1-7: Enforcement

Article 40.1-8: Definitions

PART 2:
Planning and Regulatory Documents
Section 2.4: Official Zoning Map

Based on its long history of development the City has a wide variety of nonconforming development (e.g., uses, structures, lots, site features, etc.). **Article 40.1-6, Nonconformities**, includes the City's standards for addressing nonconforming development. The article includes separate standards for maintenance, continuance, and reconstructions of nonconforming uses and structures. There are standards for continued development or redevelopment on nonconforming lots, and the provisions to address nonconforming site features during the redevelopment process.

The enforcement provisions of the zoning ordinance are found in **Article 40.1-7, Enforcement**. This article describes the range of zoning violations as well as the City's process of correcting zoning violations, including a detailed description of the various remedies and penalties associated with zoning violations.

The last article in the zoning ordinance, **Article 40.1-8, Definitions**, includes provisions on the rules of language construction, rules of measurement, and definitions of the terms used in the zoning ordinance.

The **appendices** to the zoning ordinance include the zoning district regulations for the D1 Downtown district, the D2 Downtown district, and the standards from the former Residential Mobile Home (RMH) district that apply to the City's remaining mobile home parks.

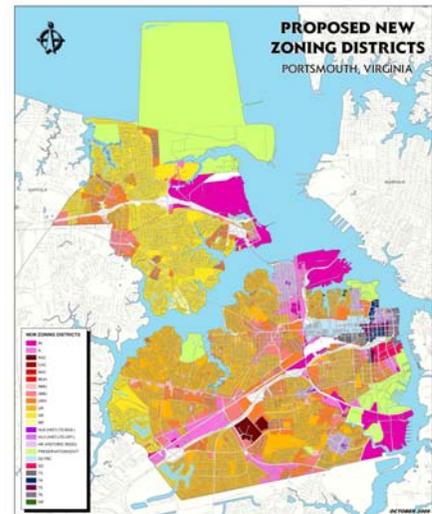
2.4 OFFICIAL ZONING MAP

The Official Zoning Map is adopted as part of the zoning ordinance. The zoning map shows the geographic location of the zoning districts included in the zoning ordinance. The zoning map is a digital, parcel-based depiction of the locations of all base zoning districts and overlay zoning districts. Base zoning districts include the residential, business, special, and activity center zoning districts.

Overlay zoning districts (the master plan, neighborhood conservation, and floodplain overlay districts) include standards that apply in addition to or supersede (when the two conflict) the standards in the base zoning district.

Applicants seeking additional information about the zoning map should contact the Planning Department with questions about applicable zoning district provisions. Digital copies of the zoning map are available on the City's interactive mapping website at http://www.portsmouthva.gov/website/portsweb2_in.aspx, but the paper zoning map on file in the offices of the Planning Department is considered the Official Zoning Map. The City's interactive mapping web site allows users to see lot lines, water features, streets, zoning district designations, and many other development-related features like the location of public utilities, Chesapeake Bay protection areas, aerial photos, and similar information.

The Official Zoning Map may only be changed through the zoning map amendment process established in the zoning ordinance and described in Part 4 of this manual.

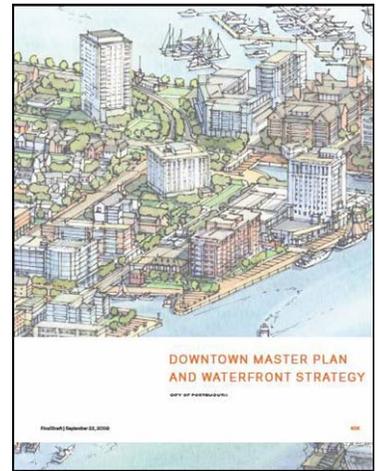


2.5 DOWNTOWN MASTER PLAN AND WATERFRONT STRATEGY

The Downtown Master Plan and Waterfront Strategy (DMP) is a policy guide for the continued development of the downtown area as a vibrant, walkable, mixed-use urban center. It incorporates previous development strategies, planning studies, parking studies, historic preservation efforts, and other planning initiatives into a cohesive plan for the downtown and waterfront with a focus on sustaining, promoting, and building on recent development successes. The plan includes an economic market analysis component linked to existing land use, and provides clear, measurable goals and recommendations for implementation.

The plan features an evaluation of existing conditions and a broad range of urban design measures. The plan also includes an infill regulating plan that calls for the establishment of new form- or transect-based zoning districts (the D1 and D2 Downtown districts) in different areas of the downtown, and a new special requirements map.

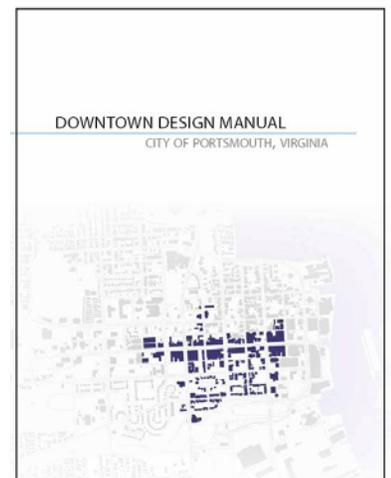
The plan also includes detailed recommendations for changes to thoroughfare street configurations (e.g., the number of lanes, on-street parking, medians, etc.), suggestions for the location of several potential open space areas, detailed recommendations on changes to the public realm at six key gateways into the downtown, a parking framework, and some basic design guidelines for building facades. Many of the plan's recommendations are implemented by the new D1 and D2 Downtown zoning districts in the zoning ordinance.



2.6 DOWNTOWN DESIGN MANUAL (D1 DISTRICT CODE)

The Downtown Design Manual was adopted by the City in 2009. It sets out a range of general guidelines and detailed standards applied to the D1 Downtown zoning district included in Appendix A of the zoning ordinance.

The Downtown Design Manual sets out the boundary of the D1 Downtown district, and includes a study of existing building height, street character, and setbacks within the district. It details a series of general guidelines (which address aspects like mixed-use, pedestrian orientation, public views, materials maintenance, and architectural styles) developed in conjunction with the existing conditions. In addition to the general guidelines, the plan includes a set of general standards for mandatory site features or site configuration on lots within the D1 Downtown district. The general standards address aspects like fences, required vegetation, signage, streetscaping, sidewalk displays, and parking structures.



PART 2:
Planning and Regulatory Documents
Section 2.7: Uptown D2 District Form Based Code

These general standards are further supplemented with a set of detailed design and architectural standards established on a street-by-street basis. These standards control building form and related aspects along both sides of the street, where applicable. Features subject to the detailed design standards include building setbacks, height, and required building features, provisions for maintenance of a "street wall," requirements for street-level retail, glazing (windows), and the allowable locations for mechanical equipment.

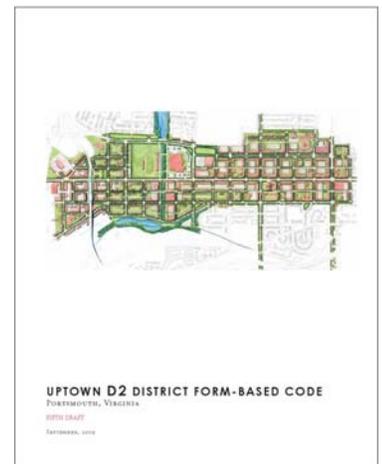
The Downtown Design Manual also includes detailed review and approval procedures, schedules, application forms, and submittal requirements that are included in the district text in Appendix A of the zoning ordinance.

2.7 UPTOWN D2 DISTRICT FORM BASED CODE

This form-based zoning district is one of the two new zoning districts for the downtown called for in the Downtown Master Plan and Waterfront Strategy. The D2 district is included as Appendix B of the new zoning ordinance. The district has its own development standards for aspects like parking, landscaping, signage, and fencing, as well as unique zoning compliance permit procedures.

The D2 district is divided into a series of three sub-districts, or transects, each with a different character. Each sub-district includes standards applied to lots and uses along High Street and London Boulevard, from downtown to the midtown area, as shown on the Official Zoning Map. The district is subject to an adopted regulating plan that sets out the detailed building line (or maximum front setback), parking setback line, and "street-space" (building envelope) standards based upon where the lot or building is located. Building envelope standards also vary by street frontage type (e.g., general, townhouse, detached, workshop, or limited access highway), as specified by the regulating plan included in the D2 district provisions.

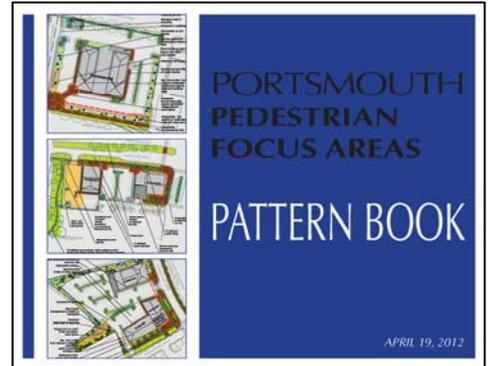
The district includes detailed, specific streetscape, public space, and private open space area standards. There are also architectural requirements for building roofs, walls, glazing (windows), signage, and parking, in addition to principal and accessory use standards. Finally, the district includes its own unique zoning compliance permit procedure, but also uses the type I or type II development plan procedures in the zoning ordinance.



2.8 PORTSMOUTH PEDESTRIAN FOCUS AREAS PATTERN BOOK

This Pedestrian Focus Areas Pattern Book serves as a toolkit for developers of properties within the City's Neighborhood Mixed-Use (NMU), General Mixed-Use (GMU), and Downtown D-1, T4 Zones. This document contains a variety of site plans for prototypical development in each of these zones that incorporate safe, attractive and usable pedestrian facilities, open spaces, and stormwater management elements. It is the intention of the City for developers to refer to this document when creating site plans for all developments in these zones.

Implementation of the Neighborhood and General Mixed-Use Zones, and Downtown D-1, T4 Zone will mark the advent of the City's transition to a pedestrian-oriented public realm; one that includes an integrated network of pedestrian-accessible facilities and open spaces to ensure an enlivened, safe and community-friendly environment.



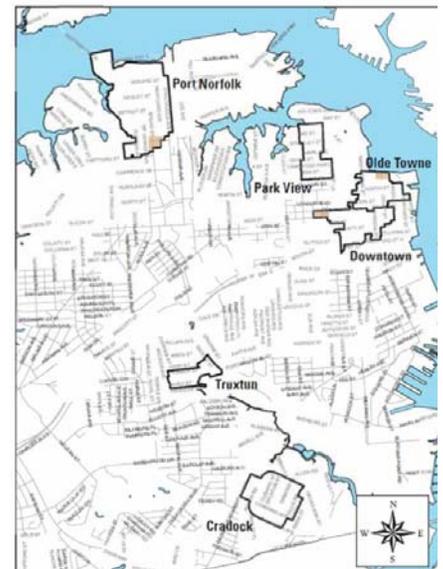
2.9 HISTORIC DISTRICT DESIGN GUIDELINES

There are five historic districts in the zoning ordinance (Truxtun, Cradock, Port Norfolk, Olde Towne, and Park View). Landowners with land in these districts (see zoning map) are subject to the historic district standards in the zoning ordinance as well as the applicable adopted design guidelines for the historic district in which their land is located. Generally, the regulations require approval of a certificate of appropriateness prior to commencing site development that will affect the appearance or character of the land or a building in a historic district.

Each of the five historic districts has its own design guidelines, which include background on each district's history and architecture, background on planning and paying for a rehabilitation project, and site design standards for site features like fences, sheds, vegetation, lighting, screening and accessibility. There are also detailed standards on roof forms, gutters, windows, doors, porches, and trim.

In addition, there are guidelines for materials maintenance for existing historic structures and compatibility standards for new construction (including lot size and building placement, additions, roofs, colors, and materials). Each set of guidelines also includes a set of standards for demolition or relocation.

Finally, the historic district guidelines include an appendix with details on the certificate of appropriateness procedures, maintenance checklists, and recommendations for new construction.



2.10 CHESAPEAKE BAY PRESERVATION AREAS OVERLAY DISTRICT

The Chesapeake Bay is the nation's largest estuary. The Commonwealth, in cooperation with other states, has adopted a mandatory protection program to be implemented by all local governments bordering the bay and its tributaries.

Chapter 9.1 of the City code of ordinances establishes the City's Chesapeake Bay Preservation Areas (CBPA) Overlay District, as required by the Commonwealth of Virginia. It consists of a generalized map delineating Chesapeake Bay preservation areas, performance standards for new development that call for minimized land disturbance, protection of indigenous vegetation, and use of best management practices for stormwater runoff treatment. The CBPA Overlay District also relies heavily on the City's erosion and sediment control ordinance.

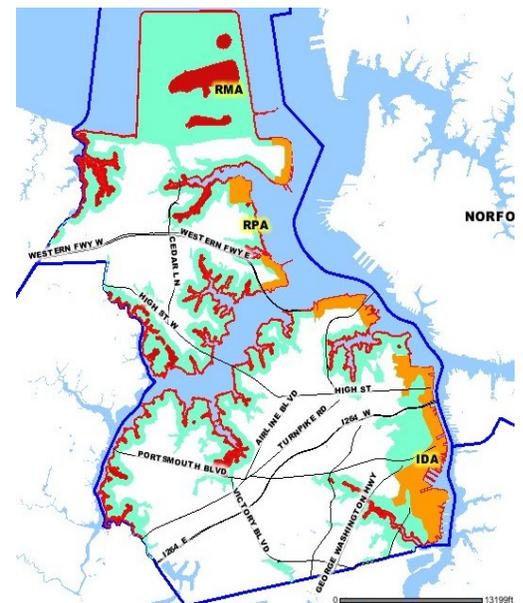
The CBPA Overlay District establishes three areas of interest in protecting the quality of water in the Chesapeake Bay. The first area is the Intensively Developed Areas or IDAs [shown in yellow in the map]. These areas are already heavily developed with few opportunities to improve water quality and are primarily exempt from most of the standards in the Overlay District.

The second area of interest is the Resource Protection Areas (RPAs) [shown in red on the map], which consists of all areas influenced by tidal waters, any adjoining wetland areas and a 100 foot buffer from those resource areas. The City may limit development within an RPA area to water-dependent uses, redevelopment of existing uses, or limited development of existing lots subject to obtaining an exception. The standards require **all** development and changes in land use or vegetation to meet specific standards and for all development over 2,500 square feet in the RPA to undergo development plan and/or subdivision review as a means of protecting water quality in the Bay.

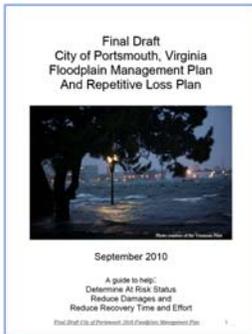
The third area of interest is the Resource Management Areas (RMAs) [shown in green on the map]. This area includes all floodplains not already in the RMA as well as all lands within 530 feet of an RPA and serves as an addition buffer where existing vegetation is to be preserved and impervious surfaces minimized.

The overlay district provisions include performance standards for new development that call for minimized land disturbance, protection of indigenous vegetation, and use of best management practices for stormwater runoff treatment.

Finally, the Overlay District includes details on the review process, submittal requirements, and techniques for dealing with existing nonconforming development.



2.11 FLOODPLAIN MANAGEMENT PLAN/ORDINANCE



Flooding is a common occurrence in Portsmouth, particularly in parts of downtown. Over 33 percent of the City is located within a floodplain. The Floodplain Management Plan identifies the actions necessary to increase preparedness for flooding and the mitigation of the resulting damages from coastal storms and hurricanes. The plan seeks to protect water and sewer utility systems from damage, outline approaches for greater protection from storm surge flooding for the downtown and Olde Towne sections of the City, and provide better maintenance to the storm drain system to reduce the potential of flooding from rain or storm events.

Chapter 14, Flood Protection, of the City code of ordinances implements the floodplain management plan and the standards required under the National Flood Insurance Program.

The provisions in Chapter 14 constitute the City's floodplain ordinance, and establish a floodplain overlay district corresponding to the 100-year floodplain where the standards and procedures are applied.

The floodplain ordinance establishes general standards applicable to all development in a floodplain. They are intended to minimize risks to health and safety as well as maintain the capacity of the floodway to accommodate floodwaters during storm events. The standards establish requirements for new residential development to be built above or outside of the 100-year floodplain, and flood proofing requirements for new nonresidential and existing development. Finally, the standards include additional protection features for public infrastructure improvements to ensure their continued function during and after a storm event.

2.12 WETLANDS ORDINANCE

Chapter 14 of the City code of ordinances includes the wetlands ordinance. It regulates development in and around coastal wetlands. Coastal wetlands are defined by the commonwealth as the area between the mean low tide line and a landward line corresponding to one-and-one-half times the distance between the mean low tide line and the mean high tide line.

The wetlands ordinance establishes a Wetlands Board as the decision-making body for a wetland permit. It sets out the membership and operational standards for the board, as well as requirements for a quorum and rules of procedure.

The standards specify the range of allowable uses within wetlands. They include decks, docks, walkways, noncommercial recreational facilities, aquaculture, rights-of-way, and other low impact uses. The ordinance also includes the submittal requirements, review procedures for the permits, and how violations of the ordinances are addressed.

2.13 SUBDIVISION ORDINANCE

The City's subdivision ordinance is included as Chapter 33.1 of the City code of ordinances. The subdivision ordinance regulates the subdivision of land and the relocation of existing lot lines. The standards were revised in 2010 to ensure consistency with the new zoning ordinance. In addition to addressing the subdivision of lands, these standards are one of the City's primary tools for coordination of City street and other public infrastructure systems (e.g., water, sewer, stormwater, etc.).

The subdivision ordinance establishes four different types of subdivision: (1) minor subdivisions [the division of land into less than 10 lots], (2) major subdivisions [the division of land into more than 10 lots], (3) minor infill subdivisions in established areas [2 lots], and (4) townhouse/condominium subdivisions. Each type of subdivision includes a set of unique procedures that are set down with the applicable standards for the subdivision. Major subdivisions are approved in a two-stage procedure requiring approval of a preliminary plan and then a final plat.

In addition to the procedures dealing with the review and approval of the subdivision of land, the standards include minimum standards for subdivision design and required public improvements like streets, standards for lots, utilities, storm drainage, and similar aspects.

2.14 OTHER PLANS AND PROGRAMS

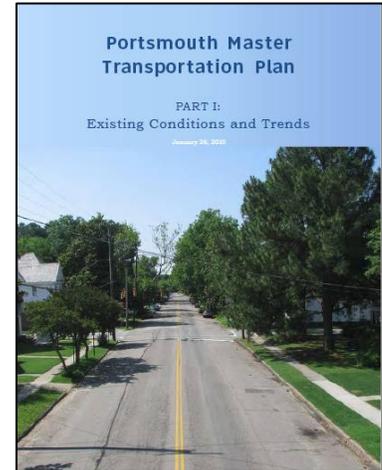
(A) Master Transportation Plan

The Master Transportation Plan (MTP) is a component of Destination Portsmouth, the City's implementation program for the Destination 2025 Comprehensive Plan. The comprehensive plan seeks to establish "A multimodal transportation network with enhanced features that support the City of Portsmouth's quality of life and economic vitality."

The purpose of the MTP is to coordinate transportation policy, investment, projects, and priorities through the year 2030 to ensure that the future transportation system supports the City's goals for land use, economic development, and quality of life. The plan addresses all transportation modes – pedestrian, bicycle, public transit, passenger rail, motor vehicles, ports and freight movement, and aviation.

The plan seeks a comprehensive approach to transportation planning, and a land use system that treats all modes of transportation equally. Part II (Recommendations) of the plan establishes a long-range vision and policy framework for Portsmouth's future transportation system. It includes a street classification system, guidelines, and tools that the City can use to promote development of a multimodal transportation system over time, based on the concept of complete streets (an approach where all modes of transportation are treated equally).

An initial set of projects recommended in the plan includes intersection improvements, upgraded and optimized signal systems and timing plans, improved signage and pavement markings for bicyclists and pedestrians, the construction of new bike lanes, and sidewalk repairs along key corridors. The plan also provides guidance for new development in terms of the City's minimum requirements for transportation infrastructure.



(B) Stormwater Management Program

The Stormwater Division is responsible for implementing the regulations of the U.S. EPA under the 1998 amendments to the Clean Water Act that requires localities to develop and implement stormwater management plans.

Chapter 31.1 of the City code establishes the stormwater utility, and the requirement for new development to pay a stormwater fee (based upon the type of development proposed). The stormwater utility revenues are then used to upgrade and maintain local stormwater management devices and programs. The section also clarifies the types of violations of the City's stormwater management standards, and the associated remedies for addressing violations.

The major services provided by the Stormwater Division include system maintenance such as cleaning and repairing pipes, structures, outfalls, and ditches; contracting repair services for cave-ins and miscellaneous drainage problems; monitoring stormwater through wet weather sampling of selected sites required by the Virginia Pollution Discharge Elimination System (VPDES) permit; providing educational materials on clean water requirements; engaging in watershed master planning, facilities management and retrofit opportunities; providing stormwater utility mapping to support core services; administering the illicit discharge program and site inspections of commercial facilities; and developing a lake management program throughout the City.

(C) Erosion & Sediment Control Program

Erosion control plans are required on all projects that disturb 2,500 square feet or more of land area in the City. Erosion control plans must be submitted to the Engineering Department and approved by the City's Erosion & Sediment Control Administrator prior to the issuance of any Land Disturbance Permit and prior to the commencement of any land-disturbing activity.

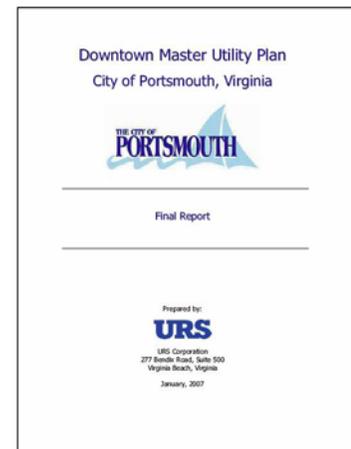
The standards require all stormwater pipes and storm sewer systems to be of the minimum size necessary to accommodate the "10-year storm" event. Applications for permits or development approvals involving provision of stormwater pipes or storm sewer systems with a design capacity less than the 10-year storm require a variance permit.

(D) DOWNTOWN MASTER UTILITY PLAN

The Downtown Master Utility Plan details infrastructure improvements for the potable water, wastewater, and stormwater collection systems necessary to support the City's vision of a revitalized commercial and residential downtown as described in the Destination 2025 Comprehensive Plan. New development in the downtown is required to participate in the system upgrade efforts.

The Master Utility Plan inventories existing utility infrastructure capacity and deficiencies, and provides projections for future demand based on estimated development trends. The plan finds that the City will need an additional \$50 million in financing for the necessary improvements, but stresses that infrastructure capacity is a key component to the City's goals for a revitalized downtown.

The plan recommends a "utility replacement approach" based on a phased project schedule and the timing of development and redevelopment.



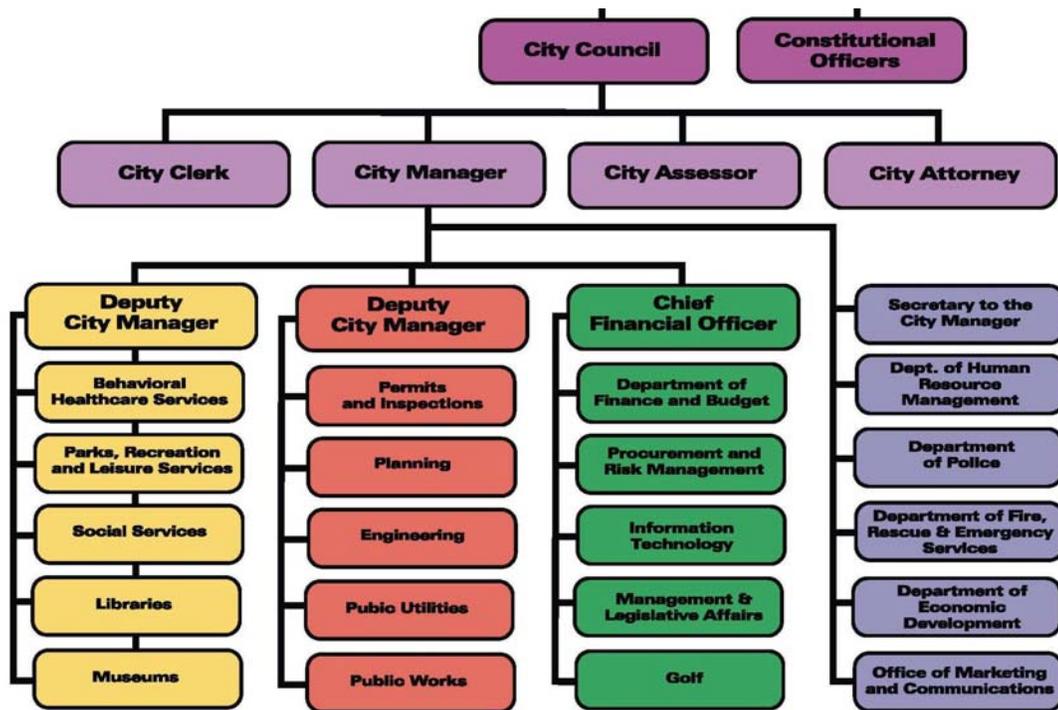
3

PART 3: ADVISORY & DECISION-MAKING BODIES

3.1 CITY ORGANIZATION CHART

The following flow chart highlights the City's organizational structure. The elected City Council appoints the City Manager and other City officials. The City Manager directs the various departments of the City through a variety of deputy managers and chief officers. The departments most directly involved in the development review process include the Planning Department, Engineering Department, Public Works/Utilities Department, and the Permits and Inspections Department, all identified in red. Many of the other departments have only minor involvement with the development review process.

The Planning Department is managed by the City's Planning Director, with assistance from the Zoning Administrator. The Building Official is responsible for the Permits and Inspections Department, and the City Engineer manages the Engineering Department.



PART 3:
Advisory & Decision-Making Bodies
 Section 3.2: Guide to Advisory and Decision-Making Responsibilities

The Planning Department is responsible for conducting pre-application conferences on development applications, the receipt and processing of applications for permits and approvals, and coordinating review of applications by other departments or advisory and decision-making bodies. The Engineering Department also conducts a review of applications that involve public infrastructure or private site utilities. The Permits and Inspections Department reviews and makes decisions on building and mechanical permit applications. The following section provides additional information about advisory and decision-making responsibilities for applications for permits and development approvals.

3.2 GUIDE TO ADVISORY AND DECISION-MAKING RESPONSIBILITIES

The City relies on elected officials, appointed officials, and City staff to review and decide permit and development approval applications. The summary table in this section is adapted from the one found in Article 2 of the zoning ordinance, but includes review procedures from other parts of the City code of ordinances, such as the subdivision ordinance in Chapter 33.1.

The table lists all the advisory and decision-making bodies with review responsibilities in the zoning ordinance, the subdivision ordinance, and other parts of the City code of ordinances. The advisory and decision-making bodies are shown across the top of the table, and the types of applications are listed down the side of the table. The cells inside the table indicate the responsibilities (i.e., decision, recommendation, or appeal) of each advisory and decision-making body. For example, applications for a use permit are decided by the City Council (as indicated by the "D" in the cell corresponding to the City Council following review and recommendation by both the Planning Director and the Planning Commission (shown as an "R" in the table).

Users can determine the review procedures and relevant advisory and decision-making bodies responsible for reviewing a particular type of application by finding the appropriate procedure on the left-hand side of the table, and then reading across the table to determine who reviews and decides the application. Reviews always take place before recommendations and decisions, and decisions always take place before appeals.

GUIDE TO ADVISORY AND DECISION-MAKING RESPONSIBILITIES													
D = Decision		R = Review (Responsible for Review)				A = Appeal (Appeal of a Prior Decision)							
		ADVISORY AND DECISION-MAKING BODIES											
PROCESS	PLANNING DIRECTOR	ZONING ADMINISTRATOR	PERMITS AND INSPECTIONS	ENGINEERING	PUBLIC WORKS/UTILITIES	HISTORIC PRESERVATION COMMITTEE	DOWNTOWN DESIGN COMMITTEE	PLANNING COMMISSION	CITY COUNCIL	APPEALS REVIEW COMMITTEE	BOARD OF ZONING APPEALS	WETLANDS BOARD	PARKS AND RECREATION
DEVELOPMENT PLANS													
Type I Development Plan	D	R	R	R	R			A					R
Type II Development Plan	R	R	R	R	R			D					R
SUBDIVISIONS													
Minor Subdivision (includes infill and townhouse or condominium subdivisions)	D	R		R	R				A				

PART 3:
Advisory & Decision-Making Bodies
 Section 3.2: Guide to Advisory and Decision-Making Responsibilities

GUIDE TO ADVISORY AND DECISION-MAKING RESPONSIBILITIES													
D = Decision		R = Review (Responsible for Review)					A = Appeal (Appeal of a Prior Decision)						
< > = Public Hearing													
PROCESS	ADVISORY AND DECISION-MAKING BODIES												
	PLANNING DIRECTOR	ZONING ADMINISTRATOR	PERMITS AND INSPECTIONS	ENGINEERING	PUBLIC WORKS/UTILITIES	HISTORIC PRESERVATION COMMITTEE	DOWNTOWN DESIGN COMMITTEE	PLANNING COMMISSION	CITY COUNCIL	APPEALS REVIEW COMMITTEE	BOARD OF ZONING APPEALS	WETLANDS BOARD	PARKS AND RECREATION
Major Subdivision													
	Preliminary	R	R		R	R			D	A			
	Final	D	R		R	R				A			
	Subdivision Exception	R	R		R	R			D	A			
PERMITS													
	Use Permit	R							<R>	<D>			
Certificate of Appropriateness													
	Minor	D								A			
	In D1 District						D			A			
	All Others					D				A			
	Land Disturbance Permit	Placeholder											
	Wetland Permit	Placeholder											
	Floodplain Certificate	Placeholder											
	Building Permit			D									[1]
	Temporary Use Permit	D										<A>	
Zoning Compliance Permit													
	In D2 District	D						A					
	All Others		D									<A>	
	Certificate of Occupancy	Placeholder											
	Zoning Verification	Placeholder											
APPEALS/INTERPRETATIONS													
	Appeal											<D>	
	Interpretation	D	D									<A>	[2]
ADJUSTMENTS/VARIANCES													
	Variance Permit		R									<D>	
	Administrative Adjustment	D										<A>	
	Chesapeake Bay Exception	Placeholder											
	Encroachment	Placeholder											
	Street Closure	Placeholder											

PART 3:
Advisory & Decision-Making Bodies
 Section 3.2: Guide to Advisory and Decision-Making Responsibilities

GUIDE TO ADVISORY AND DECISION-MAKING RESPONSIBILITIES													
D = Decision R = Review (Responsible for Review) A = Appeal (Appeal of a Prior Decision) < > = Public Hearing													
PROCESS	ADVISORY AND DECISION-MAKING BODIES												
	PLANNING DIRECTOR	ZONING ADMINISTRATOR	PERMITS AND INSPECTIONS	ENGINEERING	PUBLIC WORKS/UTILITIES	HISTORIC PRESERVATION COMMITTEE	DOWNTOWN DESIGN COMMITTEE	PLANNING COMMISSION	CITY COUNCIL	APPEALS REVIEW COMMITTEE	BOARD OF ZONING APPEALS	WETLANDS BOARD	PARKS AND RECREATION
AMENDMENTS													
Comprehensive Plan Amendment	Placeholder												
Zoning Map Amendment	R					R		<R>	D				[3] [4]
Zoning Text Amendment	R					R		<R>	D				[4]
(‡) TABLE NOTES													
<p>[1] Appeals of decisions on building permits are made to the Building Code Council.</p> <p>[2] The Zoning Administrator provides interpretations of the zoning ordinance related to the boundaries of the Official Zoning Map, the zoning district dimensional standards, and the use tables and use classifications. The Planning Director provides interpretations of all other aspects of the zoning ordinance and the subdivision ordinance.</p> <p>[3] Map amendment applications to establish an Activity Center zoning district or Master Planned Overlay zoning district require approval of a master plan and statement of design standards.</p> <p>[4] The HPC reviews applications to amend the boundaries of an historic district or the zoning ordinance text related to the historic district provisions.</p>													

PART 3:
Advisory & Decision-Making Bodies
 Section 3.3: Meeting Schedules

3.3 MEETING SCHEDULES

The following summary table provides information on each of the advisory and decision-making bodies with development review responsibilities. Information regarding meeting times and locations may change, and users are encouraged to consult the appropriate web page listed in the table for changes in meeting time, location, or subject matter. Specific meeting dates for these advisory and decision-making bodies are updated annually, and are listed on the appropriate webpage.

MEETING SCHEDULES		
RESPONSIBILITIES	MEETING SCHEDULE	STAFF CONTACT
CITY COUNCIL (CC)		
<ul style="list-style-type: none"> • Hear and decide applications for amendments of zoning map or ordinance text • Hear and decide development applications for use permits 	2nd and 4th Tuesday 7:00 PM City Hall, 6th Floor Council Chambers	Planning Administrator 757-393-8836
	http://www.portsmouthva.gov/council_clerk.aspx	
PLANNING COMMISSION (PC)		
<ul style="list-style-type: none"> • Hear and make recommendations to City Council on amendments to the zoning map or ordinance text, and use permits • Hear and decide type II development plans • Hear and decide preliminary subdivision plans • Hear appeals of the Planning Director's decision on type I development plans 	1st Tuesday 1:30 PM City Hall, 6th Floor Conference Room	Planning Administrator 757-393-8836
	http://www.portsmouthva.gov/planning/planningcommission.aspx	
BOARD OF ZONING APPEALS (BZA)		
<ul style="list-style-type: none"> • Hear and decide applications for variance permits • Hear and decide appeals taken from any interpretation or final decision made by the Planning Director or Zoning Administrator 	4th Wednesday 4:30 City Hall, 6th Floor Conference Room	Zoning Administrator 757-393-8836
	http://www.portsmouthva.gov/planning/zoningappeals.aspx	
APPEALS OF REVIEW COMMITTEE (ARC)		
<ul style="list-style-type: none"> • Hears appeals of decisions by the Planning Director or HPC on certificates of appropriateness 	Meets as needed	Planning Director 757-393-8836
	http://www.portsmouthva.gov/planning/	
HISTORIC PRESERVATION COMMITTEE (HPC)		
<ul style="list-style-type: none"> • Hear and decide applications for certificates of appropriateness (except in the Downtown D1 district) • Review historic district boundary changes and amendments to text of historic districts provisions • Review proposed Virginia Landmarks Register and National Register of Historic Places nominations 	3rd Tuesday 7:00 PM City Hall, 6th Floor Conference Room	Planning Manager 757-393-8836
	http://www.portsmouthva.gov/planning/historicpreservation.aspx	

PART 3:
Advisory & Decision-Making Bodies
 Section 3.3: Meeting Schedules

MEETING SCHEDULES		
RESPONSIBILITIES	MEETING SCHEDULE	STAFF CONTACT
DOWNTOWN DESIGN COMMITTEE (DDC)		
<ul style="list-style-type: none"> • Hear and decide applications for certificates of appropriateness in D1 Downtown district • Hear and decide appeals of Planning Director decisions on Zoning Compliance Permits in the D2 Downtown district 	1 st Tuesday 5:15 PM City Hall, 4 th Floor Engineering Conference Room	DDC Planner 757-393-8836
WETLANDS BOARD (WB)		
<ul style="list-style-type: none"> • Hear and decide applications for wetlands permits 	1 st Wed. 3:00 City Hall, 6 th Floor Conference Room	Environmental Planner 757-393-8836
PLANNING DIRECTOR		
<ul style="list-style-type: none"> • Hear and decide type I development plans • Hear and decide minor subdivisions and final plats • Hear and decide minor certificates of appropriateness • Hear and decide temporary use permits • Hear and decide zoning compliance permits in the D2 Downtown district • Hear and decide administrative adjustments • Make interpretations of the zoning ordinance unrelated to the Official Zoning Map, use table, or use classifications 	N/A	757-393-8836
ZONING ADMINISTRATOR		
<ul style="list-style-type: none"> • Review and decide zoning compliance permits • Make interpretations of the Official Zoning Map, summary use table, and use classifications standards 	N/A	757-393-8836

Portsmouth City Television (PCTV) is the public service television broadcasting service provided by the City. Meetings conducted by the City Council and the Planning Commission are televised and rebroadcast as described on the PCTV webpage, <http://www.portsmouthva.gov/wgov.aspx>.

4

PART 4: APPLICATIONS FOR PERMITS AND DEVELOPMENT APPROVALS

4.1 INTRODUCTION

Part 4, Applications for Permits and Development Approvals, is a guide to the various permit and development review procedures found in the zoning and subdivision ordinances.

In addition to a discussion of the individual review procedures, this part of the manual also includes a section explaining the relevant provisions of the common review procedures in the zoning ordinance, like the pre-application conference, application filing, determination of completeness, notifications of decisions, and several other provisions (see Section 4.3, Common Review Procedures).

Users are reminded that the procedure descriptions included in this manual are provided to help clarify the review process, but are informational only. All applicants are encouraged to review the zoning ordinance, the subdivision ordinance, and other relevant procedures in the City code of ordinances (see <http://www.portsmouthva.gov/planning/index.aspx>). The adopted ordinances include additional information and review standards that are applied when a development application is reviewed and decided.

Part 6, Appendices, of this manual includes additional information and resources for applicants related to development review, such as application forms, review schedules, and contact information.

This manual is updated frequently, and users are encouraged to ensure they have the most current version of the manual by checking the City's webpage at <http://www.portsmouthva.gov/planning/index.aspx> and

comparing the date of the Procedures Manual document listed there with the "last Revised" date at the bottom of this page.

APPLICATION TYPES:

- Type I Development Plan
- Type II Development Plan
- Major Subdivision
- Minor Subdivision
- Subdivision Exception
- Use Permit
- Certificate of Appropriateness
- Land Disturbance Permit
- Wetland Permit
- Floodplain Certificate
- Building Permit
- Temporary Use Permit
- Zoning Compliance Permit
- Certificate of Occupancy
- Zoning Verification
- Appeal
- Variance Permit
- Administrative Adjustment
- Chesapeake Bay Exception
- Encroachment
- Street Closure
- Special Permits
- Interpretation
- Comprehensive Plan Amendment
- Zoning Map Amendment
- Zoning Text Amendment

4.2 COMMON REVIEW PROCEDURES

Common review procedures are the set of development review procedures that are common to most types of applications for permits and development approvals. Section 40.1-2.2 of the zoning ordinance sets out the codified common review procedures. Generally, the common review procedures address how applications may be obtained, staff review of the application, public notification requirements, and how withdrawals or deferrals are handled.

This section explains the procedures associated with application submittal, completeness determination, actions taken by the City during the review process, and applicant notification following a decision. The zoning ordinance includes additional provisions related to the conduct of public hearings, how requests for deferral or withdrawal are handled, and how expiration of approval may occur.

Applicants are required to follow the common review procedures in addition to the requirements for the particular type of permit or development approval.

(A) Pre-Application Conference

A pre-application conference is an informal meeting between a prospective applicant for a permit or development approval and members of the City staff who will be involved in the review of the application. It is a chance for a prospective applicant to explain their proposed project and ask questions. It is also a chance for the City staff to learn about a proposed project at a conceptual level, and identify any issues that need to be addressed in an application, including any special studies or permits necessary prior to application submittal. It is also an opportunity for City staff to provide recommendations for change to encourage closer consistency between the proposed development and the review standards.

Pre-application conferences are required prior to the submittal of an application for a:

- **Zoning map amendment,**
- **Use permit,**
- **Variance permit,**
- **Chesapeake Bay Exception,**
- **Major subdivision, and**
- **Type II development plan.**

Pre-application conferences are voluntary for all other application types, and are not required for City-initiated applications. The pre-application conference requirement may be waived by the Planning Director when a type I development plan application is re-designated as a type II development plan by the City.

Requests for a pre-application conference shall be initiated by a prospective applicant, who must file a pre-application conference request with the Planning Department and provide the required information identified in the pre-application checklist in this subsection. The staff in attendance at a pre-application conference may vary based upon the complexity of the proposal or known site issues that must be addressed as part of the application.

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The pre-application conference is a process designed to inform potential applicants about the development review process and help minimize delays, but complex issues may require additional staff research. In these cases, City staff will provide research results within the timeframe discussed during the pre-application conference.



In general, the more detailed the information brought to the meeting, the more thorough and specific the response from City staff. Applicants are reminded that this is a preliminary meeting, and is not binding on the City. Comments made during a pre-application conference do not constitute official assurances or representations by the City or its officials regarding any aspect of the plan or submittal. City staff can not guarantee all relevant issues will be discussed or that initial staff reactions will reflect the ultimate staff recommendation.

During the pre-application conference, City staff will explain the relevant development review procedures(s), the associated review schedule, required application fees, application submittal requirements, and any applicable City policies. The applicant is encouraged, but not required, to keep minutes of the meeting, and provide those minutes to the City along with other application materials.

The following table describes the submittal requirements for a pre-application conference by the type of submittal. The required materials must be obtained at least five business days in advance of the pre-application conference. In general, the amount of detail on pre-application conference submittals increases with the complexity of the type of project being proposed.

PRE-APPLICATION CONFERENCE CHECKLIST		
(Three copies submitted to Planning Department at least five business days prior to meeting date)		
1	The pre-application request form and associated fee (see Appendix for forms and fees)	
2	A written summary of the proposed project, proposed zoning map amendment, or other request, as applicable	
3	Name and contact information (telephone, fax number, e-mail address, and mailing address) of project contact person	
4	Vicinity map (at a scale of 1" = 200' or less), if proposal is associated with a particular lot or site	
6	All applicable base and overlay zoning district designations and boundary lines, if proposal is associated with a lot or site	
7	Description of need for and amount of deviation from adopted City standards, if the conference is associated with an application for variance permit or type II development plan	
8	Existing and potential proffers or conditions of use associated with the application, if applicable	
9	Pre-application conferences associated with a use permit, type II development plan, major subdivision, or zoning map amendment with proffers require submittal of a sketch plan , with the following features:	

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PRE-APPLICATION CONFERENCE CHECKLIST

(Three copies submitted to Planning Department at least five business days prior to meeting date)

	Lot or site boundaries and easements, as depicted on a survey (prepared by a licensed surveyor or engineer) or a copy of a current, valid plat
	Approximate location of significant natural resources, like streams, wetlands, shorelines, or specimen trees, and topographic contours
	General location of existing and proposed stormwater facilities
	General location of existing street and sidewalk networks, as well as any proposed changes
	Location of existing and proposed buildings, shown as zones, or existing buildings (if applicable)
	Existing off-street parking areas and access ways, as well as any proposed changes shown as zones.
	Sketch, diagram, or photographic example of front building elevations if application includes a multi-family, commercial, or mixed-use building
	Approximate location of perimeter buffers

(B) Filing an Application (Zoning Ordinance Sec. 40.1-2.2.A, B, & C)

Only the owner(s) of property subject to an application, or their authorized agent, has the authority to file applications for permits or development approvals. Owner's agents or contract purchasers must have written consent from the landowner to file an application. The only exceptions to this requirement are for comprehensive plan and zoning ordinance text amendments, which may be initiated by anyone. The City is not required to furnish written consent for filing an application for a permit or development approval.

Application forms are located in Appendix B of this manual

Regardless of who files an application, the materials must indicate a primary contact person for the application, along with the contact's telephone number, fax number, mailing address, e-mail address, and preferred method of contact. To avoid confusion, **official communication with an applicant by the City is limited to the designated contact person.**

All applications for permits or development approvals must be filed on the appropriate City application form(s). Appendix B of this manual includes copies of the application forms. Digital versions of application forms can also be obtained on-line at <http://www.portsmouthva.gov/forms/index.aspx>.

(C) Schedule (Zoning Ordinance Sec. 40.1-2.2.D)

Applications for permits or development approvals shall be reviewed by the City in accordance with the submission and review schedule established in Appendix C of this manual and any applicable commonwealth or federal requirements.

The schedule in Appendix C is subject to change without advance notice, but the City shall make all good faith efforts to maintain the review schedule in place at the time an application is determined to be complete.

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In cases where the review procedure for a permit or development approval is subject to a maximum timeframe or review period established by the commonwealth (e.g., 60 days for approval of type II development plan applications by the Planning Commission), the maximum timeframe may only be exceeded following written authorization by the applicant, or as otherwise authorized by the Code of Virginia.

In cases where a review procedure is subject to a timeframe for review or approval, the start time is the date the application is determined to be complete.

(D) Application and Review Fees (Zoning Ordinance Sec. 40.1-2.2.C)

Each year, the City Council establishes a new fee schedule that set out the costs for filing an application and any associated review by City officials. The fees for applications for permit and development approval applications are summarized in Appendix D of this manual.

City staff can only initiate processing of an application once an applicant submits the required fee(s).

Fees are not refundable except in instances where the City determines that an application was accepted in error, or when the fee paid exceeds the actual fee required. In these cases, refunds are limited to the amount of overpayment.

(E) Determination of Application Completeness (Zoning Ordinance Sec. 40.1-2.2.G)

Following receipt of an application for a permit or development approval, City staff will conduct a completeness review within ten business days. Applications are determined complete only when they comply with the standards in Section 40.1-2.2.G, Determination of Application Completeness, of the zoning ordinance. The statements listed in the adjacent sidebar provide additional clarification on the completeness requirements.

In cases where an application does not address all the completeness requirements, the Planning Department notifies the designated contact person through the preferred method of contact within ten business days of application submittal (not including the date of submittal). The applicant then has 30 calendar days to amend and re-submit the application, or it shall be considered withdrawn.

Re-submitted applications shall undergo the completeness determination process just like a new application.

DETERMINATION OF APPLICATION COMPLETENESS

- **All required preliminary steps completed**
(e.g., mandatory pre-application conference)
- **Ownership information complete and sufficient**
- **Application form complete**
- **Fee included**
- **Minimum number of application copies provided**
- **All necessary supporting information included**
- **Attestation of application correctness is made by applicant**
- **Sufficient information for the City to determine compliance with all requirements is included**
- **All City taxes are paid**

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Review schedules commence only after an application has been determined complete.

After three attempts at submitting a complete application, an applicant may request the Planning Department accept and process the application as submitted.

(F) Staff Reports (Zoning Ordinance Sec. 40.1-2.2.H)

All applications for permits and development approvals subject to review by an advisory body shall include a staff report prepared by City staff. Staff reports are prepared after an application is determined complete, reviews by other City agencies or departments are completed, and any application revisions by the applicant are completed. Staff reports summarize the proposed development, discuss comments and recommendations received from relevant City departments, include a statement as to whether or not the application complies with all applicable review standards, and a staff recommendation of approval, approval with conditions, or denial.

In cases where additional information is needed, or revisions to the permit or development approval application are necessary to ensure compliance with the review standards, the Planning Department shall contact the designated contact person through the preferred method of contact and describe all the deficiencies or recommended changes that need to be made to the application. The applicant has 30 calendar days to revise the application or request that it be processed without further changes. Failure to contact the City within 30 days will be considered as withdrawal of the application.

The staff report may include additional suggestions on how an application may be improved to address noncompliance or to further the purpose or intent of the zoning ordinance, subdivision ordinance, or City code.

Staff reports shall be addressed to the advisory or decision-making body, and shall be available for public inspection at least three business days prior to the date of the meeting where the application will be considered. Staff reports shall also be provided to the designated contact person through the preferred method of contact at least three business days prior to the date of the meeting where the application will be considered.

(G) Public Hearings and Public Notice (Zoning Ordinance Sec. 40.1-2.2.I, J, & K)

Some applications for permits and development approvals require public hearings as a component of the City's review, and others do not. All public hearings require provision of appropriate mailed and/or published public notice as required by the Code of Virginia.

Applications requiring a public hearing(s) include:

- Zoning map amendments,
- Zoning ordinance text amendments,
- Use permits, variance permits, and
- Appeals.

Applications that request administrative adjustments require public notice, but may not require a public hearing.

**APPLICATIONS
REQUIRING PUBLIC
HEARINGS**

- Zoning Map Amendment
- Zoning Ordinance Text Amendment
- Use Permit
- Variance Permit
- Appeal

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All forms of public notice are provided by the City, not the applicant. In addition, the City may provide public notice for some other application types not required to provide public notice by the Code of Virginia. In these cases, public notice is provided as a courtesy only, and the City is under no obligation to furnish it.

Section 40.1-2.2.K, Hearing Procedures, in the zoning ordinance, sets out the procedures for the conduct of a public hearing, including the right of anyone to come forward and speak on the application. Each advisory and decision-making body has also adopted rules of order that govern how meetings are conducted. The Meetings Schedule table in Part 3 of this manual includes web page links to the bylaws for the advisory and decision-making bodies.

(H) Notification of Decision (Zoning Ordinance Sec. 40.1-2.2.N)

Following review and a decision on an application for a permit or development approval, the City staff shall take the appropriate action and notify the designated contact person through the preferred method of contact within three business days.

If the applicant has the right to appeal the decision to the Board of Zoning Appeals, the notification shall indicate this right, and clarify that the applicant has 30 calendar days from the date of receipt of the notification of decision to appeal. Failure to appeal an appealable decision within the 30-day period shall render the decision unappealable.

Applicants should attend all public meetings and hearings.

4.3 TYPE I AND TYPE II DEVELOPMENT PLANS

(A) General Description

Development plan review is the process used by the City to ensure new buildings, site features, and other land development activities comply with the City's minimum requirements for development.

Type I and Type II Development Plans Distinguished

A **type I development plan** is a plan required to be submitted prior to development that assures the proposed development complies with the standards in the zoning and subdivision ordinances (such as residential density, lot area and configuration, building size, mass, and design, and other site features like parking or landscaping), site improvement and other applicable requirements in the code of ordinance.

A **type II development plan** is a plan required to be submitted prior to development that proposes to make minor deviations from the standards in the zoning or subdivision ordinances (e.g., residential density, lot area, required yards, use separations, other bulk standards, building heights, parking, or landscaping), but also proposes to compensate for the deviation by providing public benefits with the project.

Development plan review is required for almost all types of development in the City and helps ensure a proposed development's layout and general configuration complies with the applicable standards in the zoning ordinance, the subdivision ordinance, and other applicable requirements in the City code of ordinance.

The zoning ordinance establishes two different development plan review procedures: the type I, and the type II development plan. The type I development plan procedure is used to review development plans that are proposed to fully comply with the standards in the zoning and subdivision ordinances. The type II development plan procedure is for a development plan proposing to deviate from some minimum ordinance requirements, but also proposing to compensate for the deviation through provision of compensating public benefits, like additional open space, better design, or other public benefits.

A type I development plan is decided by the Planning Director. A type II development plan is reviewed by the Planning Director, and decided by the Planning Commission.

(1) Identification of a Type I or Type II Development Plan

An applicant shall identify if the application is for a type I or type II development plan on the application form (see Part 6 of this manual for application forms). **All applications for development plan review not identified as a type II development plan by the applicant shall be processed as a type I development plan application.** The Planning Director may determine, during review of a type I development plan, that it does not meet the minimum standards of the zoning ordinance. In these cases, the Planning Director may suggest the applicant:

- Revise the type I development plan application, as necessary, to achieve compliance with relevant standards; or

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- Convert the application into a type II development plan and schedule a pre-application conference to discuss the type II development plan review process. The Planning Director may waive the required pre-application conference if the City has sufficient information to process the application as a type II development plan.

Applicants may also request the City continue with the review of the type I development plan without any changes. A type I development plan application that does not meet the minimum standards will be denied.

(2) Exemptions from Type I and Type II Development Plan Review

Several forms of development in the City are exempted from type I or type II development plan review. They are:

- One-family and two-family homes (except when located inside the Chesapeake Bay Overlay District);
- Internal construction that does not increase floor area, building height, density, intensity, or off-street parking requirements; or
- Proposed non-residential development of 2,500 square feet in area or less located inside a mixed-use or activity center base zoning district.

This type of development is not exempted from the requirements to obtain a building permit, zoning compliance permit, certificate of appropriateness (if in a historic or D1 Downtown district), or comply with other applicable City requirements. The zoning compliance permit procedure in this part of the manual includes an application checklist for new development exempted from the type I or type II development plan review procedures.

(3) Compensating Public Benefits Associated with a Type II Development Plan

As mentioned above, the type II development plan procedure is for a development plan proposing to deviate from some minimum review standards. For example, the type II development plan review procedure is used to evaluate plans seeking:

- Additional residential density, nonresidential intensity, or building heights beyond the maximum allowed;
- Reduced lot area, required yards, use separations, or other bulk standards less than

COMPENSATING PUBLIC BENEFITS

It is suggested a type II development plan application offer compensating public benefits in accordance with Section 40.1-2.3.D.6 of the zoning ordinance.

The zoning ordinance provides a menu of potential compensating public benefits that an applicant may choose from, or an applicant may propose different compensating benefits for Planning Commission consideration.

During type II development plan review, the Planning Commission considers if proposed compensating public benefits are sufficient to compensate for the requested deviation in development standards, how the proposed benefits further the goals of the comprehensive plan, and how the proposed benefits will be addressed in the type II development plan.

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the minimum required; or

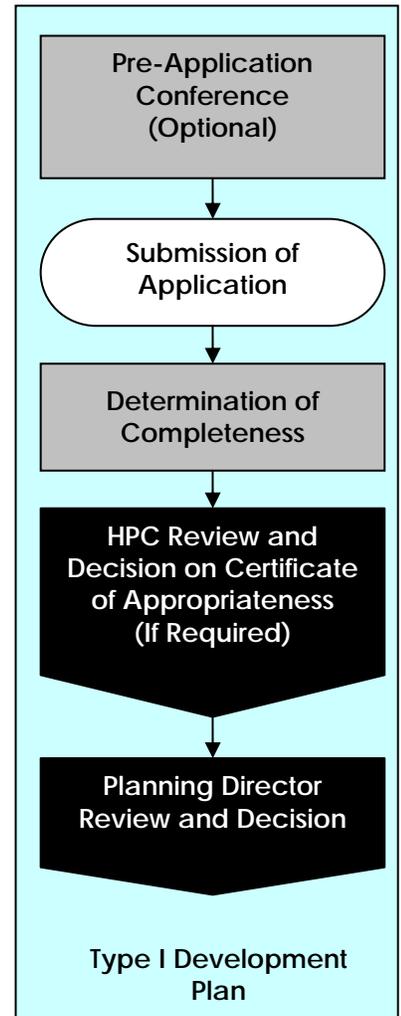
- Other deviations beyond that allowed through the administrative adjustment process.

A type II development plan is subject to standards that help ensure its compatibility with existing uses. In addition, it is suggested a type II development plan should propose additional public benefits as a means of compensating for the requested deviation.

Compensating public benefits include aspects like the provision of “green” building features, provision of open space or active recreation features that exceed minimum requirements, or other amenities as approved by the Planning Commission. The zoning ordinance includes a menu of potential compensating public benefits, but applicants are free to suggest others for consideration by the Planning Commission. The Planning Commission is authorized under the zoning ordinance to decide if the amount of proposed compensating public benefits is sufficient to offset the requested deviation in development standards.

(B) The Review Procedure for a Type I Development Plan

1. Applicants may request a pre-application conference with the Planning Department prior to submitting a type I development plan application.
2. The applicant shall submit an application for a type I development plan in accordance with Section 40.1-2.2 and Section 40.1-2.3.C of the zoning ordinance.
3. Planning & Engineering Dept. reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the type I development plan application by the Planning Director.
5. Once the application is determined complete, the Engineering Department shall commence review.
6. In the event the application fails to comply with the applicable review standards, the Engineering Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application, request the application be converted from a type I development plan to a type II development plan, or submit revisions. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.



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8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application and make a decision on the type I development plan within approximately 45 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take an additional 30 days.
9. The Planning Director or City Engineer may include conditions of approval with a type I development plan application approval.
10. Appeals of a Planning Director decision may be taken to the Planning Commission.
11. Applicants with an approved type I development plan may apply to the City for a building permit to commence construction within five years of the date the type I development plan was approved. Failure to obtain a building permit within five years shall render the approval invalid.

(C) Things to Know about the Type I Development Plan Review Procedure

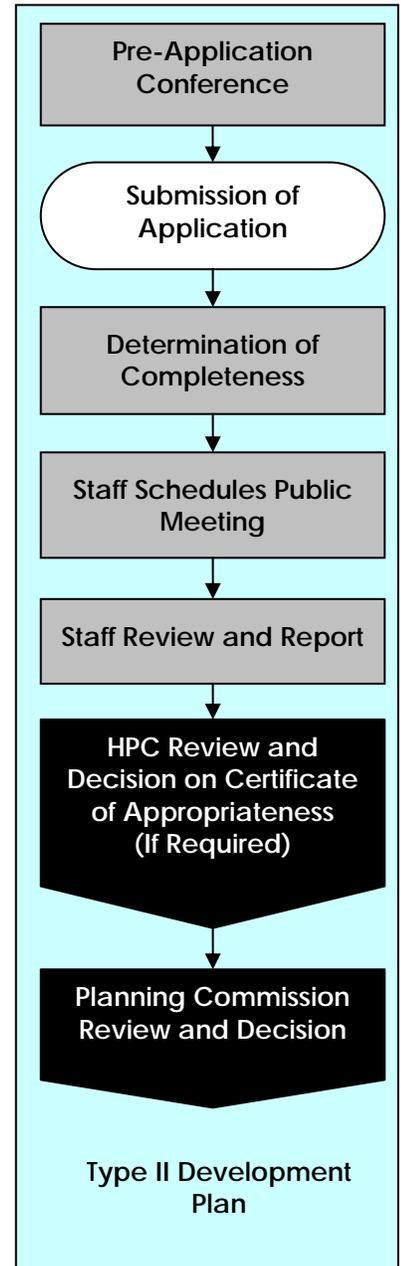
- Detailed information on the type I development plan review procedure and review standards is established in Section 40.1-2.3.C of the zoning ordinance.
- Prior to submitting an application, it is the applicant's responsibility to determine if existing water and sewer infrastructure is capable of supporting the proposed development.
- Depending on its size and anticipated amount of traffic, an application for a type I development plan may be required to submit a transportation analysis (see Section 40.1-5.12 of the zoning ordinance) as part of the application.
- All development plans must be prepared, sealed, and signed by a professional engineer or licensed 3(b) land surveyor.
- There may be zoning-district specific standards that apply to a type I development plan.
- Some forms of residential development may utilize contextual setbacks as specified by the district-specific standards in Article 40.1-3: Zoning Districts, in the zoning ordinance.
- After the City Engineer approves a site plan, the Planning Director reviews and approves, approves with conditions, or denies a type I development plan application in accordance with the standards in Section 40.1-2.3.C, Type I Development Plan.
- A type I development plan application may be converted to a type II development plan application by an applicant.
- An application for a building permit associated with a type I development plan shall be obtained within five years of its approval, or the type I development plan approval shall be rendered invalid.
- Amendments to an approved type I development plan are reviewed under the same procedure as its original approval.

(D) The Review Procedure for a Type II Development Plan

1. Applicants are required to attend a pre-application conference for review of a sketch plan with the Planning Department prior to submitting a type II development plan application.

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2. Following completion of the pre-application conference, the applicant shall submit an application for a type II development plan in accordance with Section 40.1-2.2 and Section 40.1-2.3.D of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the type II development plan application by the Planning Commission.
5. Once the application is determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application, complete a staff report, schedule the public meeting on the application with the Planning Commission, and forward the application and staff report to the Planning Commission. A type II development plan application does not require a public hearing or public notification.
9. The Planning Commission shall review and decide the application within approximately 60 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take an additional 30 days.
10. The Planning Commission may include conditions of approval with a type II development plan application approval.
11. Applicants with an approved type II development plan may apply to the City for a Type I Site Plan approval within two years of the date the type II development plan was approved. Failure to obtain a Type I Site Plan approval within two years shall render the approval invalid.



(E) Things to Know about the Type II Development Plan Review Procedure

- Detailed information on the type II development plan review procedure and review standards is established in Subsection 40.1-2.3.D of the zoning ordinance.
- Review of a sketch plan during a pre-application conference is required prior to submittal of a type II development plan application (unless waived by Planning Director).
- Prior to submitting an application, it is the applicant's responsibility to determine if existing water and sewer infrastructure is capable of supporting the proposed development.
- Depending on its size and anticipated amount of traffic, a type II development plan application may be required to submit a transportation analysis (see Section 40.1-5.12 of the zoning ordinance) as part of the application.
- All development plans must be prepared, sealed, and signed by a professional engineer or licensed 3(b) land surveyor.
- There may be zoning-district specific standards that apply to a type II development plan, depending upon its location in the City.
- Some forms of residential development may utilize contextual setbacks as specified by the district-specific standards in Article 40.1-3: Zoning Districts, in the zoning ordinance.
- Applicants seeking approval of a type II development plan may suggest provision of compensating public benefits.
- A type I development plan application may be converted to a type II development plan application by the applicant.
- The Planning Commission reviews and decides to either approve, approve with conditions, or deny a type II development plan application based on the review standards in Section 40.1-2.3.D, Type II Development Plan.
- A building permit associated with a type II development plan shall be obtained within five years of its approval, or the type II development plan approval shall be rendered invalid.
- Amendments to an approved type II development plan are reviewed under the same procedure as its original approval.

ELEMENTS THAT MAY BE MODIFIED BY A TYPE II DEVELOPMENT PLAN

- Increases in residential unit density beyond the maximum allowed for a base or overlay zoning district;
- Increases in nonresidential intensity beyond the maximum allowed for a base or overlay zoning district;
- Decreases in required minimum lot area, required yards, use separations, or other bulk standards beyond what would be available through an Administrative Adjustment; or
- Increases in impervious lot coverage, floor area ratios, building heights, or other standards beyond what would be available through an Administrative Adjustment.

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 Section 4.3: Type I and Type II Development Plans

(F) Submittal Requirements

The following checklist includes the submittal requirements for a type I or type II development plan application:

TYPE I AND TYPE II DEVELOPMENT PLAN APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
A. GENERAL INFORMATION		
1	Application form and fee	
2	Materials from the pre-application conference(if applicable)	
3	Project name and identification number	
4	Revision number	
5	Proposed or existing development name	
6	Name, address, telephone number, fax number, and seal number of all design professionals participating in the development application	
7	Development information table (see Appendix F)	
8	Standard development notes (see Appendix F)	
9	All information determined to be necessary by the Planning Department	
B. STATEMENT OF EXPECTED PROJECT IMPACT		
10	Static and residual pressures at nearest fire hydrant	
C. VICINITY MAP (SCALE 1" = 1,000')		
11	Date	
12	North Arrow	
13	Graphic Scale	
14	Legend for all symbols	
15	Boundaries of areas covered by subdivision	
16	Corporate limits (if within ½ mile of site)	
17	Site location	
18	Tax map, group, and parcel number(s) of site	
19	Existing streets within 200 feet of the site	
D. PHYSICAL FEATURES MAP (SCALE 1" = 100' (DEVIATIONS REQUIRE PRIOR APPROVAL FROM PLANNING DEPARTMENT))		
20	Geologic formations, including: shorelines, top of banks, edge of water	
21	Watercourses, conveyances, and springs (perennial only)	
22	Water bodies, including canals	
23	Bulkhead and pier head lines where officially established	
24	Flood zone boundaries, top of slope, mean high water line, and mean low water line	
25	Wetlands	
26	Approximate specimen tree locations and sizes	
27	Existing site conditions including soil types, vegetation, critical areas, erosion and sediment control measures, and stabilization efforts	
E. EXISTING CONDITIONS MAP (SCALE 1" = 100' (DEVIATIONS REQUIRE PRIOR APPROVAL FROM PLANNING DEPARTMENT))		
28	Acreage and square footage of the site	
29	All base and overlay zoning district classifications adjacent to the site	
30	Parcel boundaries of all parcels adjacent to the site	
31	Names of all subdivisions and land owners owning lots adjacent to the site	

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TYPE I AND TYPE II DEVELOPMENT PLAN APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
32	Existing streets within 200' of site with names	
33	Planned road network (including street names if available) within 1,500' of site	
34	Existing land uses on the site	
35	Railroad infrastructure and rights-of-way	
36	All easements (including drainage) with dimensions and designation as to type	
37	All historic properties and districts adjacent to the site	
38	Location and description (including date of construction and architectural style) of all historic structures or site features on the site	
39	Location and description of all existing man-made structures and site features (including utilities, monuments, etc.) both above and below ground	
40	Location of curb cuts, private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities	
41	Outfall for stormwater to proper catch basin (indicated sizes and slopes of existing pipes)	
F. SITE DATA AND LAYOUT SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
42	Lot numbers and sizes	
42	Metes and bounds description of proposed development	
43	Locations, square footages, and exterior dimensions of all existing buildings and above-ground habitable structures	
44	Minimum, maximum, and contextual setback or build-to lines (based on zoning and overlay district classifications)	
45	All easements, including dimensions and type (e.g., drainage, access, public utility, etc.)	
46	Location, width, and classification of all existing and proposed streets	
47	Locations of all proposed external street connections (including street stubs)	
48	Location, width, and materials of all sidewalks, trails, and paths (including connections to the public sidewalk system and adjacent developments)	
49	Typical pavement sections	
50	Detail of curb and street pavement design	
51	Existing and proposed block lengths and widths (if applicable)	
52	Roadway and sewer vertical profiles	
53	Graphical depiction of location, height, and materials of all fences, walls, and retaining walls	
54	Screening devices and techniques for all ground-based and roof-mounted utility equipment	
55	Location of all refuse collection areas, including location of dumpster pads, screening devices, and screening gates	
56	Transitional development features, if applicable	
57	Signing and striping plan	
58	Driveways shall be dimensioned and noted to be 7", 3,000 pounds A.E. mixed from curb or existing road to property line	
59	Sight triangles	
60	Limits of proposed land disturbance, existing vegetation to be preserved, limits of proposed vegetation removal, and description of new plant materials to replace those removed in compliance with protected districts where applicable	
61	Common space or recreational areas for residential development	
62	Show site designed to VDOT and ADA requirements and construction methods and materials conform to City of Portsmouth Standards/HRPDC Regional Standards 4 th Edition	

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TYPE I AND TYPE II DEVELOPMENT PLAN APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
G. TRAFFIC CONTROL AND PARKING PLAN (5 COPIES MIN WITH A SCALE NOT LESS THAN 1" = 50')		
***	The need for a Transportation analysis performed by licensed professional as described in #78 will be determined after applicant provides trip generation and volumes used for the proposed use during the pre application conference. If no preapplication conference is held the applicant must submit this data as part of the review for a determination to be made. This action may delay the review process.	
63	Transportation analysis performed by licensed professional engineer including existing conditions summary, future conditions summary, trip generation and volumes forecast, trip distribution and traffic assignment, design year total volumes, capacity analysis, safety analysis, traffic improvements, and internal site improvements (if required)	
64	Minimum and maximum parking requirements and amount of parking provided by use type	
65	Location, arrangement, and dimensions of vehicular entrances, exits and parking lot aisles (including Primary Drive Aisles)	
66	Pedestrian walkways, paths, entrances, ramps, crossings, and handicapped parking areas	
67	Location and number of bicycle parking facilities	
68	Pervious and impervious parking spaces (including dimensions, and designation of compact spaces)	
69	Proposed traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices)	
70	Alternative Parking Plan (if applicable)	
71	Parking aprons in alleys	
72	Location and number of all stacking spaces	
73	Fire lanes and areas of parking prohibition. Location, size, and screening techniques for all loading zones	
74	Locations and dimensions for all cross-access ways between parking lots serving different uses	
H. STORMWATER MANAGEMENT SHEET AND DRAINAGE PLAN (3 COPIES, WITH A SCALE NOT LESS THAN 1" = 50')		
75	Signature, date, and seal by Virginia licensed professional engineer or land surveyor	
76	Demonstration of how compliance with the City's stormwater ordinance and BMP manual will be maintained	
77	Location of existing drainage ways, floodplains and wetlands	
78	Location and extents of all riparian setbacks	
79	Existing and proposed locations, types, and sizes of drainage structures and calculations demonstrating how post-development runoff will not exceed pre-development runoff	
80	Erosion and siltation control measures and devices with narrative	
81	Drainage computations from proposed development to proper pickup point	
82	All proposed elevations and slopes for grading	
83	Maintenance procedures for stormwater management devices	
84	Stormwater Facilities Management Agreement (required for any BMP installed, must be recorded in City Clerk's Office prior to occupancy)	
85	Evidence of a Virginia Stormwater Management Program construction permit application submission to the Virginia Department of Conservation and Recreation, if required)	
86	"Small Construction Site Permit" for sites which disturb over 1 acre but less than 5 acres of ground, "Industrial Site Permit" for sites disturbing over 5 acres of ground	

PART 4:
Applications for Permits and Development Approvals
 Section 4.3: Type I and Type II Development Plans

TYPE I AND TYPE II DEVELOPMENT PLAN APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
87	Signature, date, and seal by Virginia licensed professional engineer or land surveyor	
88	Signature of qualified land disturber	
I. UTILITY PLAN (3 COPIES, WITH A SCALE NOT LESS THAN 1" = 50')		
89	Existing and proposed locations, types, and sizes of all water, sanitary sewer, storm sewer, gas, telephone, power and other utility lines and meters, easements and any other utilities affected by the site (includes above ground utilities and grades and computations where appropriate)	
90	Notation that all utilities (including cable television, electrical, natural gas, sewer, telephone, and water lines) shall be placed underground	
91	Locations where existing overhead utilities will be relocated underground (if applicable)	
92	Construction drawing showing location and design factors of water meters and mains	
93	Copy of City's water meter construction detail	
94	Verification of water system and sanitary sewer system hydraulic analysis performed to verify existing system can provide for new demands	
95	Copy of City of Portsmouth Sanitary Sewer and Public Water Systems spreadsheet	
J. LANDSCAPING/OPEN SPACE SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
96	Signature, date, and seal by a certified Landscape Architect or Landscape Designer	
97	Exact locations of existing and proposed landscape materials, including site landscape, vehicular use area landscape, buffers, streetscape (if applicable), and existing landscape to be removed or relocated	
98	Location, size, and species of all existing and proposed street trees (including statements indicating entity responsible for maintenance and replacement of street trees)	
99	Location of ground based equipment to be screened with landscape material and the material proposed for screening	
100	Notations for any existing landscape within sight triangles indicating maximum shrub height (3½ feet above road crown)	
101	Location and amount of credit towards landscape material requirements provided by existing landscaping	
102	Location, size, and species of all specimen trees and the associated critical root zone	
104	Location of tree protection zone and demarcation of existing trees to be removed	
105	Location and configuration of all tree protection fencing	
106	Location and amount of all open space set-aside areas by development phase	
108	Details of all open space improvements and common features (e.g., fountains, benches, street furnishings, play equipment, etc.)	
109	Square footage and percent impervious figures for each area of formal and informal open space by development phase	
110	Notation indicating: " All tree protection fencing shall be installed and inspected prior to issuance of a Land Disturbing Permit and shall be maintained in good working order until all construction activity is completed. Any required erosion control measures shall be placed outside of any tree protection fencing."	
K1. BUILDING ELEVATION SHEET GRADES		
111	Elevation for each building side facing a street, public open space, or public building with benchmarks shown (elevations referenced from City of Portsmouth datum)	
112	Elevations on adjacent properties to evaluate drainage pattern impacts	
113	Description of how proposed development will comply with the building and site design standards in the zoning ordinance	

PART 4:
Applications for Permits and Development Approvals
 Section 4.3: Type I and Type II Development Plans

TYPE I AND TYPE II DEVELOPMENT PLAN APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
114	Elevation of finish floor(s) or building must be a minimum of 9.1 feet above mlw referenced to NAVD 1988 datum	
115	Building elevations from grade with benchmarks shown (elevations referenced from NAVD datum)	
K2. BUILDING ELEVATION SHEET ARCHITECTURAL DETAIL		
These materials from an architect are required for the site plan submittal		
116	Description of the type of material(s) used on each façade elevation	
117	Illustrative elevation of all fencing, walls, and retaining walls visible from a street, open space, or public building	
118	Facades for each building side facing a street, public open space, or public building	
L. LIGHTING SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
119	Location, type, and height of all lighting (including street lights)	
120	Details on colors and materials for all lighting fixtures	
121	Grid or photometric diagram showing maximum illumination values at grade and uniformity ratios to all boundaries of the development. Light intensity is to be measured in footcandles.	
M. SIGN SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
122	All sign areas, dimensions and height (including shape)	
123	Position of all signs in relation to the use being advertised	
124	Plan of illumination for the sign	
125	Types and colors of materials to be used on sign face and on sign supporting structure (if not attached)	
126	Foundation plan for freestanding signs	
127	Tenant identification signs (if applicable)	
128	Landscaping around base of sign	
N. DEMOLITION PLAN (IF APPROPRIATE)		
129	Copy of development plan or survey of property showing property lines and structures and limits of demolition	
130	Certification if a Land Disturbance Permit is required (for demolitions exceeding 2,500 square feet)	
O. SUPPORTING STUDIES AND INFORMATION		
131	"Take down" schedule, or table depicting how residential units or nonresidential floor space will be constructed and brought on line in multi-phase developments (if applicable)	
132	Description indicating substance of restrictive covenants, architectural controls, other restrictions, and property owner's association documentation, including maintenance agreements	
P. COMPENSATING PUBLIC BENEFITS		
132	List of proposed compensating public benefits for Type II Development Plans	

4.4 MAJOR SUBDIVISIONS

(A) General Description

The City's subdivision ordinance is located in Chapter 33.1 of the City code of ordinances. The subdivision standards control the subdivision of land into individual lots or the relocation of existing lot lines. The procedure requires review and approval of a "plat," or a map of proposed lot lines, streets, and easements.

Subdivision standards regulate the division of land within the City to:

- Ensure the harmonious development of the City;
- Secure a coordinated layout and adequate provision for traffic; and
- Ensure adequate provision for light, air, recreation, transportation, water, drainage, sewerage, and other facilities.

A subdivision is the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership, development, or the division of land

The overarching concern of the subdivision ordinance is to protect the health, safety, and welfare of all citizens in the City.

Applications seeking to divide a parcel into two or more lots of less than five acres each shall be reviewed as a subdivision.

The standards and procedures in the subdivision provisions are one of the City's primary tools for the development and coordination of the City street and public infrastructure systems (e.g., wastewater, potable water, stormwater, etc.) as development in the City occurs. The subdivision ordinance establishes two different subdivision review procedures: major subdivisions and minor subdivisions. A major subdivision includes 10 or more lots, or is a subdivision of land associated with extension of a public street.

A major subdivision is required to gain approval of a preliminary subdivision plan and a final subdivision plat prior to the transfer of title or sale of any lots, or the issuance of a building permit for development.

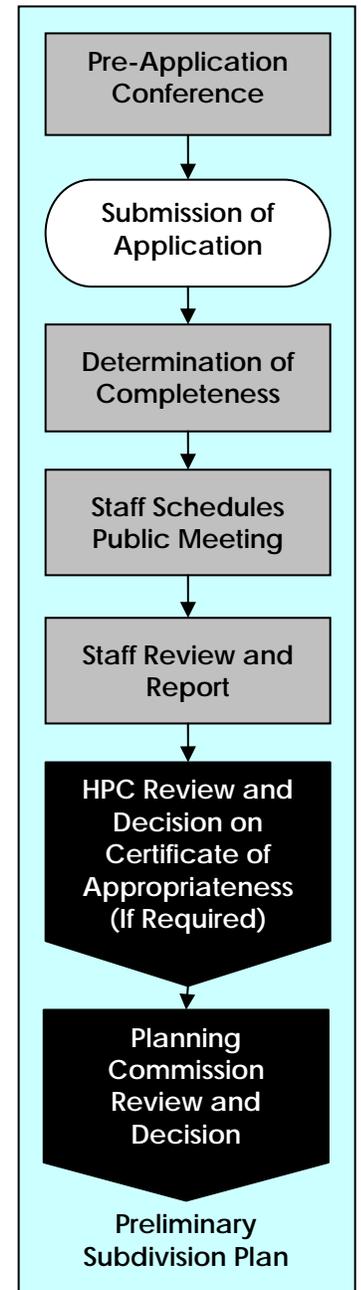
Minor subdivisions are less than 10 lots and do not include public streets. The minor subdivision application review procedure is described in the next subsection of this manual.

An application for a multi-phase subdivision shall include a master plan detailing all development phases for record-keeping purposes. The master plan shall show the location and category of all streets, lots, phases, open space resources, approximate dimensions and locations of all uses of land, and conceptual layouts of the public water and sewer systems. The master plan is informational in nature, and is not legally binding on the applicant or the City.

(B) The Review Procedure for a Major Subdivision

(1) Preliminary Subdivision Plan

1. Applicants are required to attend a pre-application conference for review of a sketch plan with the Planning Department prior to submitting a preliminary subdivision plan application.
2. Following completion of the pre-application conference, the applicant shall submit an application for a preliminary subdivision plan in accordance with Section 40.1-2.2 of the zoning ordinance and Chapter 33.1 of the City code of ordinances.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the preliminary subdivision plan application by the Planning Commission.
5. Once the application has been determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application, forward the application to all relevant City departments for review, complete the staff report, schedule the public meeting on the application with the Planning Commission, and forward the application and staff report to the Planning Commission. A preliminary subdivision plan application does not require public notification or a public hearing.
9. The Planning Commission shall review and decide the application within approximately 60 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take at least an additional 30 days.
10. The Planning Commission may include conditions of approval with a preliminary subdivision plan approval.

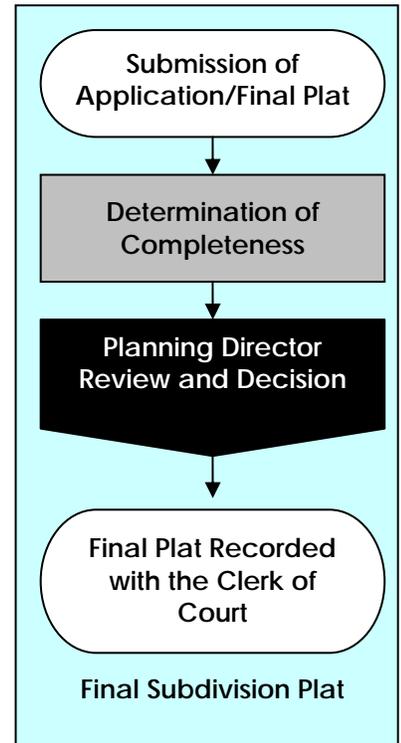


PART 4:
Applications for Permits and Development Approvals
Section 4.4: Major Subdivisions

11. The Planning Commission may conditionally approve a final plat submitted without a complete set of engineered drawings conditioned on the drawings being submitted and approved by the City Engineer and Director of Planning before signing the final plat.
12. Applicants with an approved final subdivision plat may apply to the City for a building permit to commence construction within five years of the date the preliminary subdivision plan was approved. Failure to obtain for a building permit within five years shall render the preliminary subdivision plan approval invalid. Approval of a preliminary subdivision plan does NOT authorize sale or transfer of land.

(2) Final Plat

1. An application for a final plat shall be obtained following approval of a preliminary subdivision plan.
2. The applicant shall submit an application for a final plat in accordance with Section 40.1-2.2 of the zoning ordinance and Chapter 33.1 of the City code of ordinances.
2. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
3. Once the application is determined complete, the Planning Director shall commence review.
4. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions that are necessary to comply.
5. The applicant has 30 days to revise the application. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.
6. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application and make a decision to approve or deny the final plat in accordance with the standards in Chapter 33.1 of the City code of ordinances.
7. Appeals of a Planning Director decision may be taken to the Planning Commission.
8. A copy of the final plat shall be recorded in the Clerk of Circuit Court's office within one year of the date an associated preliminary subdivision plan application is approved by the Planning Commission. Failure to record the final plat within one year shall render the final plat approval invalid.
9. Applicants with an approved final plat may sell or transfer land, or apply to the City for a building permit to commence construction.



(C) Things to Know about the Preliminary Subdivision Plan and Final Plat Procedures

- A major subdivision application requires approval of both a preliminary subdivision plan and a final plat. Final plats must be recorded within one year of the date the preliminary subdivision plan is approved.
- Final plats cannot be recorded until a complete set of engineered drawings have been submitted to, and approved by the City Engineer and Director of Planning.
- All final plats associated with a multi-phase subdivision shall be recorded within five years of the date the associated preliminary subdivision plan is approved.
- Lots may not be sold or transferred until a final plat is recorded by the Clerk of Circuit Court.
- Performance guarantees for the construction of public infrastructure (e.g., streets, sewers, water lines, drainage, utilities, etc.) are required for applicants seeking approval of a final plat application prior to completion of these infrastructure facilities.
- A major subdivision application is subject to the specimen tree protection standards of Section 40.1-5.35.2 of the zoning ordinance.
- A final plat must indicate applicable boundaries of any Chesapeake Bay and floodplain overlay districts.
- Construction drawings for public infrastructure shall be submitted to and approved by the Engineering Department.
- The subdivider shall bear the financial responsibility for the original installation costs of all street signs and street lighting in the subdivision.
- Street names shall be indicated on a preliminary subdivision plan and final plat. The names of existing streets or subdivisions shall not be changed, except by the City Council.
- Amendments to an approved major subdivision are reviewed under the same procedure as its original approval.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a major subdivision application:

MAJOR SUBDIVISION APPLICATION CHECKLIST (Submittals should include 30 copies of the listed items, unless otherwise stated)		
PRELIMINARY SUBDIVISION PLAN		
A. PRELIMINARY INFORMATION		
1	Application form and fee	
2	Pre-application conference materials, if applicable	
3	Project name and identification number on each page	
4	Revision number	
5	Subdivision name and revision number	
6	Names, addresses, telephone numbers, fax numbers, and seals of all professionals	

PART 4:
Applications for Permits and Development Approvals
 Section 4.4: Major Subdivisions

MAJOR SUBDIVISION APPLICATION CHECKLIST (Submittals should include 30 copies of the listed items, unless otherwise stated)		
	participating in the development application process	
7	For multi-phased developments, master plan showing name, location, dimensions of streets entering property, adjacent to property or terminating at boundary of property, locations of proposed streets and their category, lots, development phases, parks, playgrounds, conceptual layout of water and sewer systems, and other proposed uses of land	
8	Seventeen (17) copies of the proposed plat of subdivision	
9	Any additional information determined to be necessary by the Planning Department	
B. STATEMENT OF EXPECTED PROJECT IMPACT		
10	Maximum capacity (in gallons per day) where site is located	
11	Static and residual pressures at nearest fire hydrant	
C. VICINITY MAP (SCALE 1" = 1,000')		
12	Date	
13	North Arrow	
14	Graphic Scale	
15	Legend for Symbols	
16	Corporate limits (if within ½ mile of site)	
17	Site location	
18	Tax map, group, and parcel number(s) of site	
19	Existing streets, street names, and street numbers within ½ mile of site	
D. PHYSICAL FEATURES MAP (SCALE 1" = 100' - DEVIATIONS REQUIRE PRIOR APPROVAL FROM PLANNING DEPARTMENT)		
20	Spot elevation of the proposed grade of the site	
21	Watercourses, conveyances, and springs (perennial only)	
22	Water bodies, including canals	
23	Bulkhead and pier head lines where officially established	
24	Flood zone boundaries, top of slope, mean high water line, and mean low water line	
25	Wetlands	
26	Existing site conditions including soil types, vegetation, critical areas, erosion and sediment control measures, stabilization efforts, and location of specimen trees (with sizes)	
E. EXISTING CONDITIONS MAP (SCALE 1" = 100' - DEVIATIONS REQUIRE PRIOR APPROVAL FROM PLANNING DEPARTMENT)		
27	Acreage and square footage of the site	
28	All base and overlay zoning district classifications within 500' of site	
29	Parcel boundaries of all parcels adjacent to the site and within 500' of site	
30	Name, address, telephone, and e-mail address of land owner	
31	Names of all subdivisions and land owners owning lots adjacent to the site	
32	Existing streets adjacent to the site with names, centerline, curb and gutter elevations and slopes, height, width, and thickness of paving rights-of-way	
33	Planned road network (including street names if available) adjacent to the site	
34	Existing land uses on the site and surrounding parcels adjacent to the site	
35	Planned development adjacent to the site (consisting of approved, but not yet complete development)	
36	Railroad infrastructure and rights-of-way	

PART 4:
Applications for Permits and Development Approvals
 Section 4.4: Major Subdivisions

MAJOR SUBDIVISION APPLICATION CHECKLIST (Submittals should include 30 copies of the listed items, unless otherwise stated)		
37	All easements (including drainage) with dimensions and designation as to type	
38	All historic properties adjacent to the site	
39	Location and description (including date of construction and architectural style) of all historic structures or site features	
40	Existing and proposed utilities, easements, culverts, drains, and other man-made structures and site features (including graves)	
41	Outfall for Stormwater to proper catch basin (indicated sizes and slopes of existing pipes)	
F. PRELIMINARY SUBDIVISION PLAN (12 COPIES)		
42	Name of development and all individual neighborhoods within subdivision (if applicable)	
43	Copy of sketch plan	
44	Survey, sealed by a professional engineer or land surveyor that includes all boundaries, angles, bearings, and calls	
45	Preliminary lot lines, square footage, and dimensions to the nearest foot	
46	Total acreage of the site	
47	Written legal description of the site, commencing at a point on a public right-of-way, and referencing the appropriate tax map and parcel number(s)	
48	Length of project boundaries	
49	Preliminary lot numbers	
50	Minimum and maximum setback or build-to lines; however, building envelopes shall NOT be shown	
51	If the subdivision includes residential lots, the total number, type, and density per type of dwelling units	
52	Total proposed gross and net density	
53	Proposed land uses on the site (including total acreage by use classification)	
54	Parcels of land to be dedicated or reserved for public use, and the conditions, if any, of such dedication	
55	Proposed street and alley rights-of-way widths and classification (with names where available) in the proposed project	
56	Proposed connections to existing and proposed streets (including street classification) located outside the development	
57	Dimension from nearest existing street intersection centerline to the nearest lot line	
58	All site triangles	
59	Proposed street light location and metering points (including seal and signature of electrical engineer)	
60	Street light details, including height, pole color and type, light color, and fixture type	
61	Proposed utility easements and utility features, including: water lines, fire hydrants, sanitary sewer, lift/pump stations, storm sewers, culverts, outfalls, ground-based utility vaults larger than 10 square feet, or water towers	
62	Stormwater management devices, including existing/proposed water courses, channels, surface/sub-surface conveyance devices, and BMPs	
63	Statement that appropriate erosion and sediment control methods shall be utilized prior to any clearing, grading, or construction	
64	Proposed elevations and slopes for grading	
65	List any proffers or use permit conditions that affect the property	

PART 4:
Applications for Permits and Development Approvals
 Section 4.4: Major Subdivisions

MAJOR SUBDIVISION APPLICATION CHECKLIST (Submittals should include 30 copies of the listed items, unless otherwise stated)		
G. SUPPORTING INFORMATION		
66	Engineering development plans for City Engineer review showing all essential details of construction including sidewalks, drainage plan, stormwater management facilities, drainage calculations, topographic plan and soil map, erosion control plan, proposed street construction, depth, and type of base surfaces, and size and location of sanitary sewer and water facilities	
67	Transportation analysis, if required	
68	Note detailing any exceptions granted by Planning Commission in addition to any use permit, variances, or proffers	
FINAL PLAT (Submittals should include 2 Mylar copies of the listed items)		
H. PRELIMINARY INFORMATION		
69	Items A through C above (as revised if originally submitted as part of a Preliminary Plat)	
70	Closure error	
71	Certifications, including: Certificate of Subdivision and Street Name Approval, Certificate of Ownership, Certificate of Survey, Certificate of Approval for Water and Sewer, Certificate of Approval for Streets and Drainage, Certificate of Approval for Recording	
I. FINAL PLAT		
72	Survey, sealed by a professional engineer or land surveyor, that includes all boundaries, angles, bearings, and calls (size of the record plat sheet shall not be smaller than 11" x 17" or larger than 18" x 24" with sheets numbered in sequence and an index provided)	
73	Name of development and all individual neighborhoods within subdivision (if applicable)	
74	Name and address of record owner and subdivider	
75	Names of record owners of adjoining platted land; reference to recorded subdivision plats of adjoining platted land by record name, date and map book reference	
76	Revision number and all other resubdivision indicators	
77	Vicinity map featuring date, true north point, scale, and a location of map with a minimum scale of 1,000 feet to the inch	
78	The values of all true bearings and angles dimensioned in degrees and minutes	
79	Finalized lot lines, square footage, and dimensions to the nearest foot	
80	Total area, usable area and unusable area in acres of each parcel or lot created	
81	Zoning designation of all lots, including, but not limited to residential, commercial, or industrial areas, community facilities, recreational areas and useable open space; all parcels of land dedicated or reserved for public use, the use for which dedicated or reserved, and the conditions, if any, of such dedication or reservation	
82	Block numbers and lot numbers including street address of each lot (as assigned by the City)	
83	Minimum and maximum setback or build-to lines; however, building envelopes shall NOT be shown	
84	Street address numbers of each lot as assigned	
85	Street lines and centerlines of streets, easements, and other rights-of-ways within the proposed project	
86	Street classifications, names and right-of-way width and length of each street or other rights-of-way	
87	Connections to existing and proposed streets (including street classification) located outside the development	

PART 4:
Applications for Permits and Development Approvals
 Section 4.4: Major Subdivisions

MAJOR SUBDIVISION APPLICATION CHECKLIST		
(Submittals should include 30 copies of the listed items, unless otherwise stated)		
88	Dimension from nearest existing street intersection centerline to the nearest lot line	
89	Acres and linear footage totals of new streets	
90	Angles, radii, tangents, and lengths of all street curves	
91	Sidewalk and path locations	
92	Street light details, including height, pole color and type, light color, and fixture type	
93	Stormwater management devices, including existing/proposed water courses, channels, surface/sub-surface conveyance devices, and BMPs	
94	Engineering development plans for utility easements and utility features, including: water lines, fire hydrants, sanitary sewer, lift/pump stations, storm sewers, culverts, outfalls, ground-based utility vaults larger than 10 square feet, or water towers	
95	Statement indicating "Within new developments and for off-site lines constructed as a result of, or to provide service to, the new development, all utilities (including cable television, electrical, natural gas, sewer, telephone, and water lines) shall be placed underground"	
96	Common open space lots and tree protection zones	
97	References must be provided to known parameter monuments and location and description of new monuments provided	
98	All easements, including dimensions and type (e.g., drainage, access, public utility, etc.)	
99	Provide reference to common or shared easements conveyed to public service corporations furnishing cable television, gas, telephone and electrical service to the subdivision	
100	When subdivision consists of land acquired from more than one source of title, the outlines of these tracts shall be indicated by dashed lines, and the identification of the respective tracts shall be shown on the plat	
101	In the case of resubdivision of existing recorded lots, existing lot lines shall be shown by dotted lines and the resubdivision by full lines, unless the requirement for dotted lines is waived by the Planning Commission.	
102	Natural or noteworthy features to be preserved, tidal wetlands and Chesapeake Bay Preservation Areas; and FEMA Flood Map information, including proposed minimum finished floor elevations for any lot which contains or is adjacent to a flood hazard district	
103	Certification of each owner's consent duly acknowledged before a licensed notary public as outlined in the subdivision ordinance	

4.5 MINOR SUBDIVISIONS

(A) General Description

The City's subdivision ordinance is located in Chapter 33.1 of the City code of ordinances. The subdivision standards control the subdivision of land into individual lots or the relocation of existing lot lines. The procedure requires review and approval of a "plat," or a map of proposed lot lines, streets, and easements.

Subdivision standards regulate the division of land within the City to:

- Ensure the harmonious development of the City;
- Secure a coordinated layout and adequate provision for traffic; and
- Ensure adequate provision for light, air, recreation, transportation, water, drainage, sewerage, and other facilities.

The overarching concern of the subdivision ordinance is to protect the health, safety, and welfare of all citizens in the City.

Applications seeking to divide a parcel into two or more lots shall be reviewed as a subdivision.

The standards and procedures in the subdivision provisions are one of the City's primary tools for the development and coordination of the City street and public infrastructure systems (e.g., wastewater, potable water, stormwater, etc.) as development in the City occurs. The subdivision ordinance establishes two different subdivision review procedures: minor subdivisions and major subdivisions.

Minor subdivisions are subdivisions of land creating fewer than ten lots with no new public streets, infill subdivisions of two lots or fewer lots,¹ townhouse or condominium subdivisions associated with a multi-family development,² and subdivisions that modify existing lot lines or vacate land.

Major subdivisions involve the division of land into 10 or more lots, or involve the subdivision of land associated with extension of a public street. The review procedure for major subdivision applications is described in the previous subsection of this manual.

A subdivision is the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership, development, or the division of land

(B) The Review Procedure for a Minor Subdivision

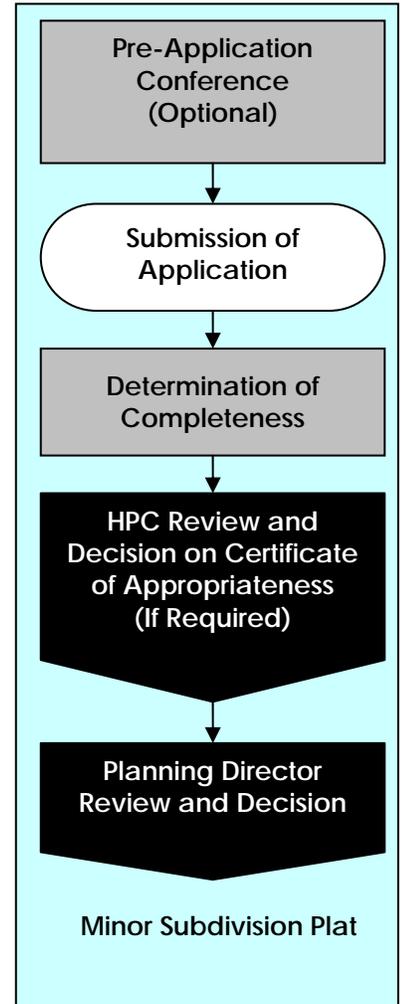
1. Applicants may request a pre-application conference with the Planning Department prior to submitting a minor subdivision application.

¹ Infill subdivisions are limited to two or fewer lots, and are required to maintain a consistent lot width, lot area, required yards, and frontage orientation as other existing platted lots in the surrounding neighborhood.

² Townhouse and condominium subdivisions deal with the establishment of condominiums or townhouses on their own lots. Such subdivisions are only subject to the relevant subdivision and public infrastructure standards in Chapter 33-1 of the City code.

PART 4:
Applications for Permits and Development Approvals
Section 4.5: Minor Subdivisions

2. The applicant shall submit an application for minor subdivision in accordance with Section 40.1-2.2 of the zoning ordinance and Chapter 33.1 of the City code of ordinances.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the minor subdivision application by the Planning Director.
5. Once the application is determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. This time period shall not be counted towards the maximum review period.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application and make a decision on the minor subdivision within 60 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take at least an additional 30 days.
9. In cases where the land subject to a minor subdivision lacks curb, gutter, paving, sidewalks, drainage, or utilities as required by the subdivision ordinance, the Planning Director may condition the approval to require that such public infrastructure features be installed.
10. Appeals of a Planning Director decision may be taken to the Planning Commission.
11. A copy of the minor subdivision plat shall be recorded in the Clerk of Circuit Court's office within 180 days of the approval date and within 365 days of the preliminary plan approval date, or the minor subdivision approval shall be rendered invalid.
12. Land subject to a recorded minor subdivision may be sold or transferred.
13. Amendments to an approved minor subdivision are reviewed under the same procedure as its original approval.



(C) Things to Know about the Minor Subdivision Review Procedure

- Detailed information on the minor subdivision review procedure and review standards is established in Chapter 33.1 of the City code of ordinances.

PART 4:
Applications for Permits and Development Approvals
Section 4.5: Minor Subdivisions

- Lots in residential zoning districts shall maintain an average lot depth of at least 75 feet.
- Land may not be sold or transferred from one owner to another before a minor subdivision plat is approved and recorded. The minor subdivision shall be recorded within 180 days of the approval of the minor subdivision application.
- Selling lots in an unrecorded plat is a violation of the subdivision ordinance. Recordation of a deed in order to sell or transfer lots prior to approval of a minor subdivision plat is prohibited.
- The subdivision provisions in Chapter 33.1 of the City code include enforcement and remedy provisions.
- A minor subdivision plat shall be prepared by a licensed surveyor, professional engineer, or other individual recognized by Section 54.1 of the Code of Virginia.
- All minor subdivision applications are subject to the Chesapeake Bay protection provisions in Chapter 9.1 of the City code of ordinances.
- A minor subdivision plat of a subdivision with private streets shall contain a statement that the streets are not maintained by the City or VDOT, and may not be built to City or state design standards.
- Public improvements (e.g., curb, gutter, sidewalk etc.) required as part of a minor subdivision plat approval shall be installed, or guaranteed through a performance guarantee (see Performance Guarantees in Part 5 of this manual), prior to the recording. In cases where installation of public utilities is required, the minor subdivision shall be recorded within one year from the date the minor subdivision application is approved.
- All new aboveground and overhead utility lines shall be relocated to underground locations as part of the subdivision process.

(D) Submittal Requirements

The submittal requirements for a minor subdivision are the same as is required for a final plat (see the major subdivision procedure in the previous section of this manual).

4.6 SUBDIVISION EXCEPTIONS

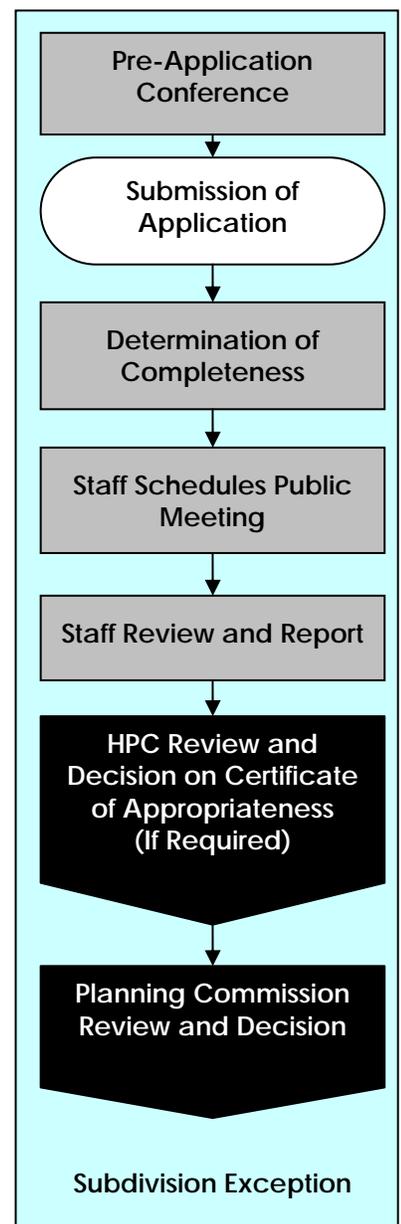
(A) General Description

A subdivision exception is a request from a subdivider to deviate from the minimum subdivision standards in Chapter 33.1 of the City code of ordinances, based upon unique site conditions. A subdivider may also request a subdivision exception in cases when an exception will result in a subdivision that more closely aligns with the goals of the comprehensive plan or the intent of the subdivision ordinance. In all cases, the burden for demonstrating the need for the exception is upon the applicant.

Following submittal of a request for a subdivision exception, the Planning Department shall provide mailed notice of the request to all adjacent landowners at least ten days prior to the date of the Planning Commission meeting to consider the request.

(B) The Review Procedure for a Subdivision Exception

1. Applicants may conduct a pre-application conference with the Planning Department prior to submitting an application.
2. The applicant shall submit an application for a subdivision exception either (a) with an application for a minor or major subdivision, or (b) subsequent to these applications in accordance with Section 40.1-2.2 of the zoning ordinance and Chapter 33.1 of the City code of ordinances.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the subdivision exception application by the Planning Commission.
5. Once the application is determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the subdivision exception application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.



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Applications for Permits and Development Approvals
 Section 4.6: Subdivision Exceptions

7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. This time period shall not be counted towards the maximum review period.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application, forward the application to other City departments for review, complete the staff report, schedule the public meeting on the application with the Planning Commission, provide notification of the public meeting to all adjacent land owners, and forward the application and staff report to the Planning Commission. A subdivision exception application does not require a public hearing.
9. The Planning Commission shall review and decide the application within approximately 60 days after it was determined complete (minus time needed for revision by the applicant, if relevant). Applications that require review by state agencies may take an additional 30 days.
10. The Planning Commission may include conditions of approval with a subdivision exception application approval, including requirements for a performance guarantee as necessary to ensure the subdivision exception application is consistent with the relevant review standards.

(C) Things to Know about the Subdivision Exception Review Procedure

- Detailed information on the subdivision exception review procedure and review standards is established in Chapter 33.1 of the City code of ordinances.
- A subdivision exception application shall be in writing from the applicant, and shall state the grounds for the request.
- Adjacent landowners are notified of a subdivision exception application.
- The Planning Commission may apply conditions of approval.
- A subdivision plat subject to an approved subdivision exception shall include a notation describing the approved exception.
- An approved subdivision exception shall be recorded with the other accompanying final plat materials by the Clerk of Circuit Court within one year of the approval of the final plat, or the subdivision exception approval shall be rendered invalid.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a subdivision exception application:

SUBDIVISION EXCEPTION APPLICATION CHECKLIST (submittals should include 13 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Project name, location, parcel number, zoning district, and application number	
3	Applicant/owner name, address, phone number, email address, and status	
4	Specific standard or requirement of subdivision ordinance subject to the exception request	
5	Description of exception request and the grounds for exception	
6	Description of all facts relied upon demonstrating need for exception	

4.7 USE PERMITS

(A) General Description

The use permit procedure is used to review applications for certain uses that, while not permitted by right in the zoning district, might be allowed after special consideration of the use's location, design, and methods of operation to address the impacts of the proposed use on surrounding development.

The summary use table in Article 40.1-4: Use Standards, in the zoning ordinance, sets out the uses allowed in a zoning district subject to review and approval of a use permit. In addition to receiving approval of a use permit, these uses are subject to any use-specific standards referenced in the summary use table, and may require additional treatment to address potential negative impacts on adjacent lands and development.

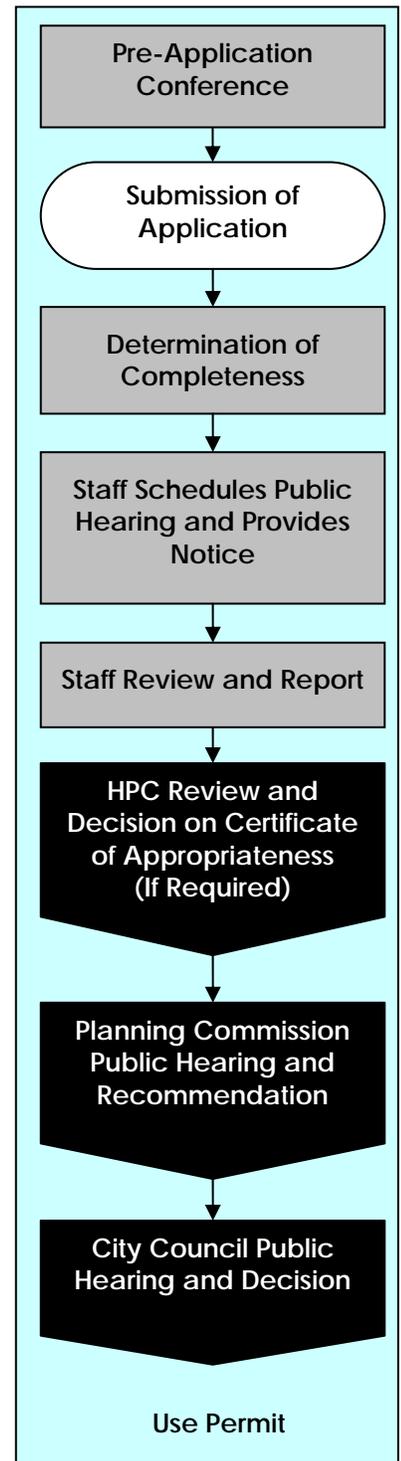
Use permit applications require a pre-application conference that includes review of a sketch plan that illustrates how the use is proposed be developed. Applicants may choose to include a sketch plan as supporting information with their use permit application materials.

The City Council may initiate proceedings to revoke a use permit (following public notification and a public hearing) in cases where:

- A use permit was obtained through fraudulent means;
- The use does not comply with an approved condition of approval;
- There is a change in conditions affecting the health, safety, or welfare of the public; or
- If there are repeated violations of the City ordinances following the start of operation.

(B) The Review Procedure for a Use Permit

1. Applicants are required to attend a pre-application conference for review of a sketch plan with the Planning Department prior to submitting a use permit application.
2. Following completion of the pre-application conference, the applicant shall submit an application for a use permit in accordance with Section 40.1-2.2 and Section 40.1-2.3.B of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.



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Applications for Permits and Development Approvals
Section 4.7: Use Permits

4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the use permit application by the City Council.
5. Once the application is determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the use permit application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the revised application, forward the application to other City agencies or departments for review, complete the staff report, schedule the public hearing on the application with the Planning Commission, provide required public notification, and forward the application and staff report to the Planning Commission.
9. The Planning Commission shall review the application and provide a recommendation for approval, approval with conditions, or denial to the City Council.
10. Following the Planning Commission recommendation, City staff shall schedule the public hearing on the application with the City Council, provide the required public notification, and forward the application, staff report, and Planning Commission recommendation to the City Council.
11. The City Council shall review and decide the use permit application following a public hearing.
12. The City Council may include conditions of approval with a use permit application approval, and may also require posting of a performance guarantee.
13. Applicants with an approved use permit shall apply to the City for a building permit or business license within two years of the date the use permit was approved. Failure to obtain a building permit or business license within two years shall render the use permit approval invalid.

(C) Things to Know about the Use Permit Review Procedure

- Detailed information on the use permit review procedure and use permit review standards is established in Section 40.1-2.3.B of the zoning ordinance.
- In recommending approval of a request for a use permit the Planning Commission may impose conditions that require the applicant to bring the site into compliance with nonconforming site aspects such as parking, landscaping, lighting and signage.
- A use permit runs with the land, and is unaffected by changes in ownership, but shall automatically expire with a change in the approved use or when the approved use is inactive for a period of two years.

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Applications for Permits and Development Approvals
 Section 4.7: Use Permits

- A use permit approval may be revoked by the City Council following a public hearing for failure to comply with the terms and conditions of the use permit application approval.
- Amendments to an approved use permit are reviewed under the same procedure as its original approval.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a use permit application:

USE PERMIT APPLICATION CHECKLIST (submittals should include 17 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Owner/applicant information including name, address, phone number, email address, and status	
3	Project name, location, parcel number, zoning district, and application number	
4	A copy of the most recent deed that provides a metes and bounds legal description of the property, or, if unavailable, a metes and bounds legal description prepared by a licensed surveyor, engineer or attorney.	
5	Project information including: square feet, total floor area, number of parking spaces, architectural design, fencing/screening description, landscaping description, and building elevations, where applicable	
6	Written description of project including proposed use and site operations/activities (population, number of employees, hours of operation, etc.) Applicants are advised to include <u><i>all future plans</i></u> in the application	
7	Copies of development plan showing site boundaries, streets abutting site, existing and proposed buildings, parking areas, fencing/screening, and landscaping (scaled 1" = 20' or larger, with 1 copy no larger than 11" by 17")	
8	Copies of floor plan showing use of each room, ingress/egress, bathrooms, etc.	
9	Any other information necessary to ensure proposed use will conform fully with requirements of Section 40.1-5 parking, multifamily, commercial and/or transitional standards of the city code of ordinances	
10	Depiction of how multi-family or nonresidential use, other than a sign, fully conforms with the site layout requirements in Section 40-105.2 of the city code of ordinances	
11	Depiction or description of how the approval of the project by DDC or HPC if applicable.	
12	Transportation analysis, where applicable	
13	Landscaping plan showing compliance with the landscaping and tree protection standards in the zoning ordinance	

4.8 CERTIFICATES OF APPROPRIATENESS

(A) General Description

Portsmouth has a rich and long history, as evidenced by the City's five historic districts, and the historic downtown. Protecting these areas' historic character is an important goal of the comprehensive plan and the zoning ordinance. As a result, new development within the five districts is required to obtain a certificate of appropriateness prior to any other permit or development approval.

**ZONING DISTRICTS
WHERE A
CERTIFICATE OF
APPROPRIATENESS
IS REQUIRED:**

**D1 Downtown
District**

Olde Towne

Port Norfolk

Park View

Cradock

Truxtun

A certificate of appropriateness is required prior to any exterior work visible from a public street or right-of-way, including, but not limited to:

- Demolition,
- Exterior building alterations,
- Material changes in appearance,
- Installation of fencing,
- Replacement of siding, doors, windows, or roofing,
- Installation of outdoor mechanical equipment, or
- Modifications to site features like parking, landscaping, or drainage facilities.

To gain approval of certificates of appropriateness the proposal must comply with the historic district standards in Article 40.1-3: Zoning Districts, in the zoning ordinance, and the D1 District standards in Appendix A of the zoning ordinance (if located within the D1 Downtown zoning district). Each of the five historic districts has a corresponding design guidelines document that includes additional standards and information applicable within the particular historic district.

There are several modifications or alterations that do not require issuance of a certificate of appropriateness in the historic districts. They include:

- Normal yard and building maintenance,
- Repainting painted features the same color,
- Replacing broken glass panes, shingles, or missing features with in-kind materials, and
- Exterior changes to a structure not visible from a public street.

Certificates of appropriateness are reviewed and approved by one of three different decision-making bodies, depending upon the scope of work proposed and the zoning district where located.

- Applications for certificates of appropriateness in the D1 Downtown district are reviewed and decided by the Downtown Design Committee.
- Certificates of appropriateness for minor alterations outside the D1 Downtown district may be decided by the Planning Director as described in the approval matrix

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included as Appendix A of each of the individual design guideline documents prepared for the City's historic districts.

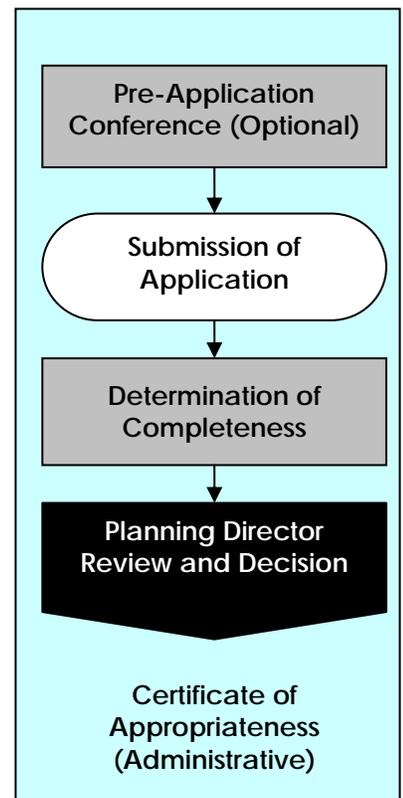
- The Historic Preservation Commission reviews and decides all other applications for a certificate of appropriateness.

Applicants considering filing a certificate of appropriateness application are strongly encouraged to schedule a pre-application conference with the Planning Department staff to discuss the application forms, process, and required information prior to submitting the application.

(B) The Review Procedure for a Certificate of Appropriateness

(1) Planning Director Review

1. Applicants are strongly encouraged to conduct a pre-application conference with the Planning Department prior to submitting a certificate of appropriateness application.
2. The applicant shall submit an application for a certificate of appropriateness in accordance with Section 40.1-2.2, Section 40.1-2.3.1, and the relevant historic district standards in Article 40.1-3, Zoning Districts, in the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. Once the application is determined complete, the Planning Director shall commence review.
5. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
6. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards any maximum review period.
6. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application within approximately 30 days after it was determined complete (minus time needed for revision by the applicant).
7. In cases where the Planning Director and the applicant cannot agree on whether or not the application complies with the applicable review standards, the application shall be forwarded to the Historic Preservation Commission for review and decision.
8. Appeals of a Planning Director decision may be taken to the Appeals Review Committee.

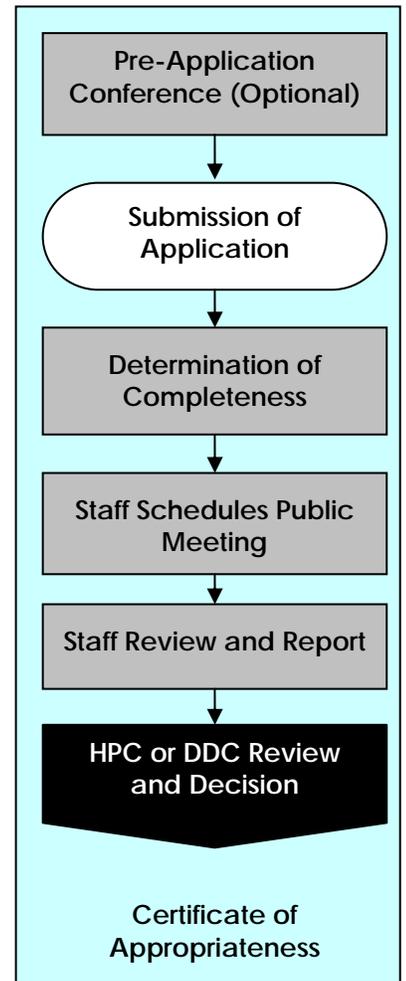


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9. Applicants with an approved certificate of appropriateness may apply to the City for any subsequent permits, or complete the work, within one year of the date the certificate of appropriateness was approved. Failure to obtain other required permits or complete the work within one year shall render the certificate of appropriateness approval invalid.

(2) Historic Preservation Commission or Downtown Design Committee Review

1. Applicants are strongly encouraged to conduct a pre-application conference with the Planning Department prior to submitting a certificate of appropriateness application.
2. The applicant shall submit an application for a certificate of appropriateness in accordance with Section 40.1-2.2, Section 40.1-2.3.1, and the relevant historic district standards in Article 40.1-3: Zoning Districts, in the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. Once the application is determined complete, the Planning Director shall commence review.
5. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
6. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.



7. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application, complete a staff report, schedule the public meeting on the application with the Historic Preservation Commission or the Downtown Design Committee, as appropriate, and forward the application and staff report to the Historic Preservation Commission or Downtown Design Committee, as appropriate. Certificates of appropriateness do not require a public hearing or public notification.
8. The Historic Preservation Commission or Downtown Design Committee, as appropriate, shall review and decide the application within approximately 60 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take an additional 30 days.

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10. The Historic Preservation Commission or Downtown Design Committee, as appropriate, may include conditions of approval with a certificate of appropriateness application approval.
11. Appeals of a Historic Preservation Commission or Downtown Design Committee decision, as appropriate, shall be taken to the Appeals Review Committee.
12. Applicants with an approved certificate of appropriateness may obtain any subsequent permits or complete the work within one year of the date the certificate of appropriateness was approved. Failure to obtain other required permits or complete the work within one year shall render the approval invalid.

(C) Things to Know about the Certificate of Appropriateness Review Procedure

- Detailed information on the certificate of appropriateness review procedure and review standards is established in Section 40.1-2.3.l of the zoning ordinance. Additional information related to historic and D1 Downtown district standards is located in Article 40.1-3: Zoning Districts, and Appendix A of the zoning ordinance, as well as in the design guideline booklet prepared for each of the five historic districts.
- In areas where approval of an application for a certificate of appropriateness is required, application approval shall be obtained prior to approval of any subsequent permits or before starting work, when no subsequent permits are required.
- Signs in the D1 Downtown and historic districts are subject to certificate of appropriateness review.
- Demolition of an existing building or existing building features visible from a public street in the D1 Downtown and historic districts requires prior approval of a certificate of appropriateness application.
- Repainting a building using the same color(s) does not require a certificate of appropriateness, but painting an unpainted surface (like brick) does require review of a certificate of appropriateness application.
- Normal maintenance, including replacing existing materials with matching in-kind materials does not require a certificate of appropriateness.
- Copies of an approved certificate of appropriateness must be clearly posted for public inspection during the construction or repair process.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a certificate of appropriateness application:

CERTIFICATE OF APPROPRIATENESS APPLICATION CHECKLIST (Submittals should include 11 copies of listed items, unless otherwise stated)		
A. GENERAL INFORMATION		
1	Application form and fee	
2	Project name, location, parcel number, zoning district, and application number	
3	Written description of exterior work including changes to an existing structure/site, new construction, additions, and demolition	

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CERTIFICATE OF APPROPRIATENESS APPLICATION CHECKLIST (Submittals should include 11 copies of listed items, unless otherwise stated)		
4	Historic district guidelines chapter and section, where applicable	
5	4" x 6" color photographs of the site showing all public views of site, areas where work will be done, and surrounding properties	
6	A materials sample sheet showing color, type, manufacturer, and item number of new materials being proposed	
7	Any additional information determined to be necessary by the Planning Department	
B. FOR BUILDINGS		
8	Scaled drawings showing physical survey including property, all site conditions, and adjacent structures (elevation drawings only required for building facades subject to modification)	
9	Historic evidence (such as old photos) to justify any restoration of missing elements where applicable	
C. FOR SITES		
10	Scaled drawings showing physical survey including the property, adjacent structures, and proposed alterations (elevations of fences and other structures as requested)	
D. FOR SIGNS		
11	Site drawing showing sign location	
12	Scaled drawing showing sign face, border, mounting mechanism, color, size of sign and lettering, and materials	
13	All material necessary for issuance of a zoning compliance permit for signage (if new signage or modifications to signage are proposed)	
E. FOR NEW CONSTRUCTION AND ADDITIONS		
14	Scaled drawing showing physical survey including property, adjacent structures and location of property boundaries, buildings, site lighting, parking, walkways, mechanical/utility equipment, accessory structures, fencing, and plantings	
15	Elevations of proposed structure and the historic building including texture, relative grade and elevations related to floor level (including drawings of architectural details)	
16	Floor plans of affected exterior walls on the historic building	
17	A description of how the new structure maintains compatibility with the existing structure in cases where new construction is proposed	
F. FOR DEMOLITION		
18	A statement describing the need for demolition (if applicable) and plans for new use of property	
19	Feasibility study/structural study/cost estimate for rehabilitation	
20	Documentation of hardship including photographic evidence where applicable	
21	For demolition projects disturbing more than 2,500 sq ft, a land disturbance permit is also required	

4.9 LAND DISTURBANCE PERMITS

Additional information on the land disturbance permit procedure is under development and will be incorporated into this manual at a later date.

4.10 WETLAND PERMITS

Additional information on the wetland permit procedure is under development and will be incorporated into this manual at a later date.

4.11 BUILDING PERMITS

General Description

Approval of a building permit application is the last step in the development review procedure before actual construction may begin. The City uses building permit review as the opportunity to ensure the proposed development conforms to all previous approvals, approved development plans, the zoning ordinance, the subdivision ordinance, the Uniform Statewide Building Code, and all other applicable City requirements. The following activities require approval of a building permit application:

- New construction of a residential, nonresidential, or accessory building;
- Addition to an existing building (including garages, carports, decks, porches, deck or patio covers, storage buildings, or swimming pools);
- Relocation of a building to a different location;
- Renovations of habitable space involving structural, electrical, mechanical, or plumbing modifications;
- Conversion of unfinished space to habitable space; and
- Changes of use
- Relocation of property line
- Demolition of any structure or portion of a structure that is larger than 150 square feet prior to demolition.

(A) The Review Procedure for a Building Permit

1. The applicant shall submit an application for a building permit in accordance with Section 40.1-2.2 of the zoning ordinance.
2. The Permit and Inspections Department reviews the application for completeness within fifteen (15) business days, and notifies the contact person if the application is not complete.
3. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of a building permit application by the Building Official.

Development Required to Obtain a Building Permit

- **New residential, nonresidential, and mixed-use buildings**
- **Accessory buildings larger than 150 square feet**
- **Additions and renovations of existing buildings**
- **Conversions of unfinished floor space into habitable floor area**
- **Garages and carports**
- **Signs**
- **Swimming pools**

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Section 4.11: Building Permits

4. Once the application is determined complete, the Building Official shall commence review and forward the building permit application to various City departments for review, if appropriate.
5. In the event the Building Official finds the application fails to comply with the review standards, the Building Official notifies the contact person and describes the revisions necessary to comply.
6. The applicant has 30 days to revise the application. Failure to respond within 30 days shall be considered withdrawal of the application.
7. Following revision and re-submission of the application (if appropriate), or in any other instance, the Building Official shall approve or deny the building permit application. In cases where the decision is to deny the application, notification to the applicant shall include a description of the changes necessary to allow the application to be approved.
8. Appeals of the Building Official's decision on a building permit application may be taken to the Portsmouth Board of Building Code Appeals.

(B) Things to Know about the Building Permit Review Procedure

- Depending on the type of development proposed as part of a building permit application, the proposed development may require separate permits for electrical, mechanical, low-voltage electrical, or plumbing work.
- Projects that require a building permit in an identified flood hazard zone may require the submittal of an elevation certificate during construction and at the end of the project to demonstrate the development meets the requirements of the NFIP and local floodplain regulations. Portsmouth requires a 1.5 foot freeboard.
- Various inspections by City staff are required and are conducted during the construction process to verify compliance with code requirements and construction drawings approved as part of the building permit application.
- Health Department review of a building permit application is required for new health-related development (food-handling establishments, restaurants, swimming pools, etc.).
- Most forms of development require approval of a zoning compliance permit prior to or concurrent with approval of a building permit.
- Construction associated with a building permit application approval must commence within six months of approval, or the approval becomes invalid.
- Amendments to an approved building permit are reviewed under the same procedure as its original approval.
- All required performance guarantees must be approved by the City prior to issuance of a building permit.
- If work stops for a period of six months or more, an applicant will have to obtain a new building permit.

Sites with nonconforming site features may be required to bring some or all of the nonconforming features into compliance with the zoning ordinance. See Part V of this manual for more details on addressing nonconforming site aspects.

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Applications for Permits and Development Approvals
 Section 4.11: Building Permits

(C) Submittal Requirements

The following checklist includes the submittal requirements for a building permit application:

BUILDING PERMIT APPLICATION CHECKLIST		
(Submittals should include 2 copies of listed items, unless otherwise stated)		
A. GENERAL INFORMATION		
1	Application form and fee	
2	Applicant/owner name, address, phone number, email address, and status	
3	Contractor company name, address, phone number, and State Registration number	
4	Site information including street address (and suite number if applicable), lot number, size of structure in square feet, district, subdivision, existing/proposed use type, and selected characteristics of building	
5	Project information including type of improvement, building type, construction type, valuation (including and excluding land), and mechanic's lien agent	
6	Copies of prior development approval (e.g., development plan, final plat, use permit, certificate of appropriateness, etc.) (if applicable)	
7	Two copies of a plot plan showing proposed addition or enlargement to existing building and depicting site dimensions, location and size of existing and proposed structures, distance to lot lines from all structures being constructed or altered, and location of all known easements (plot plans not required for new buildings that require site plans)	
8	Name, address, phone number, and occupation of plan preparer	
B. ADDITIONAL REQUIREMENTS WHERE APPLICABLE		
9	Two complete sets of construction drawings (architectural, mechanical, electrical, plumbing, structural, etc.) for new construction and a disc of digital drawings (three sets needed for projects requiring review by the Health Department (restaurants, food handling, etc.))	
10	Elevation drawings for residential buildings including roof pitch, floor elevation(s) above grade, finish materials and scale	
11	Foundation plan for residential buildings highlighting code requirements	
12	Floor plan for residential or commercial buildings with all spaces labeled showing windows and doors including detailed wall and building sections	
13	Construction drawings for all decks and porches for residential buildings	
14	Electrical permits required for adding/installing new circuits, upgrading electrical service, upgrading electrical wiring, relocating, and relocating meter base/panel box, etc.	
15	Mechanical/fire prevention permits required for installing any fire suppression or fire alarm system	
16	Elevator permits required for installing elevators or stair lifts	
17	Mechanical/gas permits required for installation or replacement of any gas lines or gas appliances	
18	Mechanical permits required for residential new installation and commercial new/replacement of heat pumps, furnaces/boilers/ventilation systems/wood stoves, etc.	
19	Plumbing permits required for residential connection to City water/sewer, new plumbing fixtures, and replacement of water/sewer lines and commercial new/replacement plumbing fixtures, on-site water distribution or sewer collector lines, and replacement water/sewer lines	
20	Any additional information determined necessary by City agencies	

4.12 TEMPORARY USE PERMITS

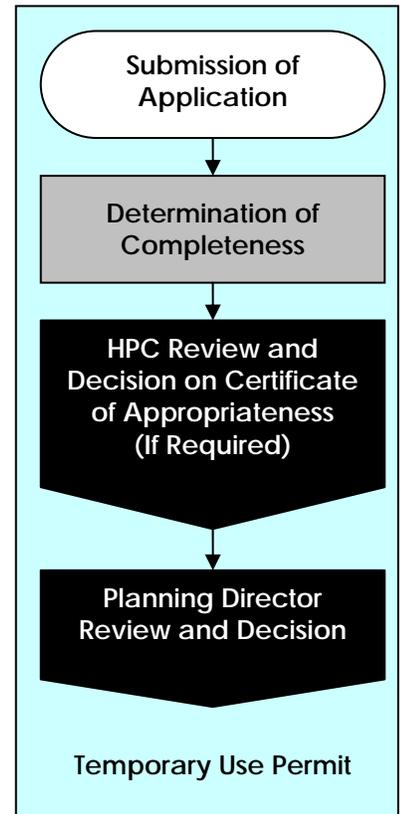
(A) General Description

Temporary uses are uses that are allowed in a zoning district for a specified limited duration, subject to approval of a temporary use permit. They include such uses as produce stands, temporary retail sales, construction trailers, sales trailers, and temporary trailers used to house preexisting uses that will be continued during construction.

The zoning ordinance requires temporary use permits to allow the community to evaluate a proposed temporary use to determine if it will create a health or safety impact. If the temporary use will create such an impact, the temporary use permit may be approved if conditions to address the health and safety concerns are included.

(B) The Review Procedure for a Temporary Use Permit

1. Applicants may request a pre-application with the Planning Department prior to submitting a temporary use permit application.
2. The applicant shall submit an application for a temporary use permit in accordance with Section 40.1-2.2 and Section 40.1-2.3.E of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development includes a structure located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the temporary use permit by the Planning Director.
5. Once the application is determined complete, the Planning Director shall commence with review.
6. In the event the Planning Director finds the temporary use permit application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application and make a decision on the temporary use permit application in accordance with the standards in Section 40.1-2.3.E, Temporary Use Permit.



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Applications for Permits and Development Approvals
 Section 4.12: Temporary Use Permits

9. Appeals of a Planning Director decision may be taken to the Board of Zoning Appeals.

(C) Things to Know about the Temporary Use Permit Review Procedure

- Detailed information on the temporary use permit review procedure and review standards is established in Section 40.1-4.5 of the zoning ordinance.
- In some zoning districts (i.e., the D1 Downtown and historic districts), an approved certificate of appropriateness application is required prior to approval of a temporary use permit application for development involving a structure.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a temporary use permit application:

TEMPORARY USE PERMIT APPLICATION CHECKLIST (Submittals should include 5 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Authorization from the landowner	
3	Written description of temporary use including the dates, hours of operation and duration of temporary use (including setup, removal and cleanup)	
4	Plot plan drawn to scale including location of lot, adjacent streets within 200', size of property, location of parking and electrical power source, location and size of other accessory structures, and proposed landscaping plan and lighting information	
5	List of vendors including name, address, phone number, and copy of City business license where applicable	
7	Any additional information determined necessary by Planning Department	

4.13 ZONING COMPLIANCE PERMITS

(A) General Description

The zoning compliance permit procedure serves several functions. It is the Planning Department's last check of a proposed development's compliance with the applicable zoning ordinance, subdivision ordinance, and City code of ordinances standards, prior to issuance of a building permit or business license. The zoning compliance permit is also the review procedure used by the Planning Department to review development proposals that are exempt from type I development plan requirements, like:

- Changes in use inside an existing building;
- Single-family homes;
- Two-family homes;
- Nonresidential buildings of 2,500 square feet or less within a mixed-use or activity center district; and
- All repairs and installations of fences.

The zoning compliance permit is also used as the permit procedure for review of proposed signage.

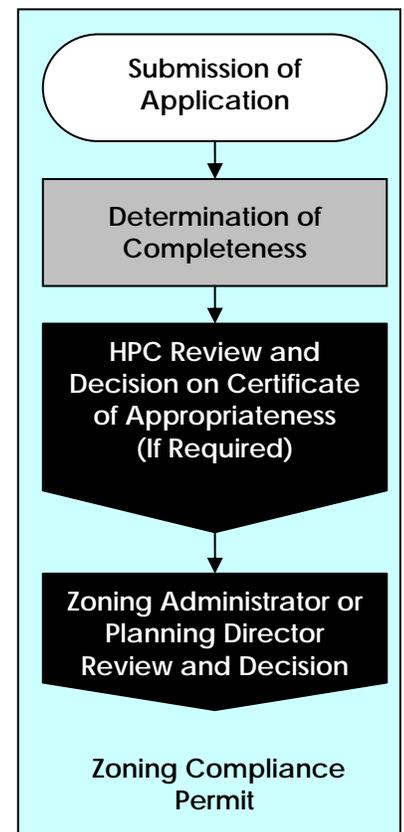
Generally, most forms of development in the City require review and approval of a zoning compliance permit prior to issuance of a building permit, business license, or certificate of occupancy.

The purpose of the zoning compliance permit is to ensure that development complies with all applicable standards, proffers, conditions of approval, or other City requirements established in the zoning ordinance.

Except for development within the D2 Downtown zoning district, a zoning compliance permit application is reviewed and decided by the Zoning Administrator. An application for a zoning compliance permit (also referred to as a "certification of compliance") is reviewed and decided by the Planning Director in the D2 Downtown zoning district.

(B) The Review Procedure for a Zoning Compliance Permit

1. Applicants may request a pre-application conference with the Planning Department prior to submitting a zoning compliance permit application.
2. The applicant shall submit an application for a zoning compliance permit in accordance with Section 40.1-2.2 and Section 40.1-2.3.F of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.



PART 4:
Applications for Permits and Development Approvals
Section 4.13: Zoning Compliance Permits

4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the zoning compliance permit by the Planning Director or Zoning Administrator, as appropriate.
5. Once the application is determined complete, the Zoning Administrator, or Planning Director, as appropriate, shall commence review.
6. In the event the Planning Director or the Zoning Administrator finds the zoning compliance permit application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions that are necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Zoning Administrator or Planning Director, as appropriate, shall review the application and make a decision on the zoning compliance permit.
9. Except in the D2 Downtown District, appeals of the Planning Director or Zoning Administrator's decision on a zoning compliance permit may be taken to the Board of Zoning Appeals. In the D2 Downtown District, appeals of the Planning Director's decision on a zoning compliance permit may be taken to the Downtown Design Committee.

(C) Things to Know about the Zoning Compliance Permit Review Procedure

- A zoning compliance permit is required prior to issuance of a building permit, business license, or certificate of occupancy (when a building permit is not required).
- A zoning compliance permit is required for development that is not required to obtain a building permit, such as changes of use in existing buildings or one-family homes.
- There is an application checklist in this section for zoning compliance permits associated with new development that involves a building or structure that is exempt from the type I development plan procedure.
- The zoning compliance permit process is used for the review and approval of signs.
- In some cases (e.g., review of development exempted from type I and II development plan review, signs, or development not required to obtain a building permit), a zoning compliance permit will take the form of a separate document; in other situations it may be included as a sign-off on another application approval form, like a building permit.
- Detailed information on the Sign Permit procedure and review criteria is established in Subsection 40.1-5.11 of the zoning ordinance.
- An application for a Sign Permit may require additional permits for electrical work or a footing inspection for freestanding signs.
- Signs for a property in the Historic District are required to have a Certificate of Appropriateness, prior to the issuance of a Sign Permit.

PART 4:
Applications for Permits and Development Approvals
 Section 4.13: Zoning Compliance Permits

(D) Submittal Requirements

The following checklist includes the submittal requirements for a zoning compliance permit application:

ZONING COMPLIANCE PERMIT APPLICATION CHECKLIST (Submittals should include 2 copies of listed items, unless otherwise stated)		
USE CHANGES AND NON-HABITABLE STRUCTURES		
1	Application form and fee	<input type="checkbox"/>
2	Copy of lease agreement or letter from property owner stating permission to occupy	<input type="checkbox"/>
3	Floor plan of building or structure	<input type="checkbox"/>
SIGNS		
1	Application form and fee submitted to the Department of Planning	<input type="checkbox"/>
2	Graphic depiction of site, existing or proposed buildings, and locations of all proposed signage	<input type="checkbox"/>
3	Position of all signs and foundation plan for freestanding signs	<input type="checkbox"/>
4	Elevation drawing of each sign proposed	<input type="checkbox"/>
5	All sign areas and dimensions (including shape)	<input type="checkbox"/>
6	Dimensions of all existing signs and height of all signs	<input type="checkbox"/>
NEW BUILDINGS OR STRUCTURES EXEMPT FROM TYPE I OR TYPE II DEVELOPMENT PLAN REVIEW		
A. GENERAL INFORMATION		
1	Application form	<input type="checkbox"/>
2	Project name and identification number	<input type="checkbox"/>
3	Revision number	<input type="checkbox"/>
4	Name, address, telephone number, fax number, and seal number of all design professionals participating in the development application	<input type="checkbox"/>
5	Development information table {new buildings only}	<input type="checkbox"/>
6	Standard development notes {new buildings only}	<input type="checkbox"/>
7	All information determined to be necessary by the Planning Department	<input type="checkbox"/>
B. VICINITY MAP (SCALE 1" = 1,000')		
8	Date	<input type="checkbox"/>
9	North Arrow	<input type="checkbox"/>
10	Scale	<input type="checkbox"/>
11	Legend for all symbols	<input type="checkbox"/>
12	Site location	<input type="checkbox"/>
C. PHYSICAL FEATURES MAP (SCALE 1" = 100' (DEVIATIONS REQUIRE PRIOR APPROVAL FROM PLANNING DEPARTMENT))		
13	Spot elevations of the proposed finished grade of the site	<input type="checkbox"/>
14	Geologic formations, including: shorelines, rock outcrops, or other significant geologic features	<input type="checkbox"/>
15	Watercourses, conveyances, and springs (perennial only)	<input type="checkbox"/>
16	Water bodies, including canals	<input type="checkbox"/>
17	Bulkhead and pier head lines where officially established	<input type="checkbox"/>
18	Flood zone boundaries, top of slope, mean high water line, and mean low water line	<input type="checkbox"/>
19	Wetlands	<input type="checkbox"/>
D. EXISTING CONDITIONS MAP (SCALE 1" = 100') (deviations require prior approval from Planning Department)		

PART 4:
Applications for Permits and Development Approvals
 Section 4.13: Zoning Compliance Permits

ZONING COMPLIANCE PERMIT APPLICATION CHECKLIST
 (Submittals should include 2 copies of listed items, unless otherwise stated)

20	Acreage and square footage of the site	
21	All easements (including drainage) with dimensions and designation as to type	
22	Location and description (including date of construction and architectural style) of all historic structures or site features on the site	
23	Location and description of all existing man-made structures and site features (including utilities, monuments, etc.) both above and below ground	
24	Location of curb cuts, lighting facilities, and outside trash storage facilities	
E. SITE DATA AND LAYOUT SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
25	Lot numbers and sizes	
26	Metes and bounds description of proposed development	
27	Minimum, maximum, and contextual setback or build-to lines (based on zoning and overlay district classifications)	
28	All easements, including dimensions and type (e.g., drainage, access, public utility, etc.)	
29	Graphical depiction of location, height, and materials of all fences, walls, and retaining walls	
30	Driveways shall be dimensioned and noted to be 7", 3,000 pounds A.E. mixed from curb or existing road to property line	
31	Sight triangles	
32	Limits of proposed land disturbance, existing vegetation to be preserved, limits of proposed vegetation removal, and description of new plant materials to replace those removed in compliance with protected districts where applicable	
33	Show site designed to VDOT and ADA requirements and construction methods and materials conform to City of Portsmouth Standards/HRPDC Regional Standards 4th Edition {New Building}	
F. TRAFFIC CONTROL AND PARKING PLAN (5 COPIES MIN WITH A SCALE NOT LESS THAN 1" = 50')		
34	Pervious and impervious parking spaces (including dimensions, and designation of compact spaces)	
35	Alternative Parking Plan (if applicable)	
G. STORMWATER MANAGEMENT SHEET AND DRAINAGE PLAN (3 COPIES, WITH A SCALE NOT LESS THAN 1" = 50')		
36	Signature, date, and seal by Virginia licensed professional engineer or land surveyor	
37	Signature of qualified land disturber	
H. UTILITY PLAN (3 COPIES, WITH A SCALE NOT LESS THAN 1" = 50')		
38	Existing and proposed locations, types, and sizes of all water, sanitary sewer, storm sewer, gas, telephone, power and other utility lines and meters, easements and any other utilities affected by the site (includes above ground utilities and grades and computations where appropriate) {New Building}	
39	Notation that all utilities (including cable television, electrical, natural gas, sewer, telephone, and water lines) shall be placed underground {New Building}	
40	Locations where existing overhead utilities will be relocated underground (if applicable) {New Building}	
41	Construction drawing showing location and design factors of water meters and mains {New Building}	
42	Copy of City's water meter construction detail {New Building}	
43	Verification of water system and sanitary sewer system hydraulic analysis performed to verify existing system can provide for new demands {New Building}	
44	Copy of City of Portsmouth Sanitary Sewer and Public Water Systems spreadsheet {New Building}	
I. LANDSCAPING/OPEN SPACE SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		

PART 4:
Applications for Permits and Development Approvals
 Section 4.13: Zoning Compliance Permits

ZONING COMPLIANCE PERMIT APPLICATION CHECKLIST

(Submittals should include 2 copies of listed items, unless otherwise stated)

45	Location, size, and species of all existing and proposed street trees (including statements indicating entity responsible for maintenance and replacement of street trees) {New Building}	
46	Notations for any existing landscape within sight triangles indicating maximum shrub height (3½ feet above road crown) {New Building}	
47	Location, size, and species of all specimen trees and the associated critical root zone{New Building}	
48	Location of tree protection zone and demarcation of existing trees to be removed	
49	Location and configuration of all tree protection fencing	
50	Notation indicating: " All tree protection fencing shall be installed and inspected prior to issuance of a Land Disturbing Permit and shall be maintained in good working order until all construction activity is completed. Any required erosion control measures shall be placed outside of any tree protection fencing."	
J. BUILDING ELEVATION SHEET		
51	Building elevations including lowest floor and base of equipment from grade with benchmarks shown (elevations referenced from NAVD datum)	
K. LIGHTING SHEET (WITH A SCALE NOT LESS THAN 1" = 50')		
52	Location, type, and height of all lighting (including street lights)	
53	Details on colors and materials for all lighting fixtures	
54	Grid or photometric diagram showing maximum illumination values at grade and uniformity ratios to all boundaries of the development. Light intensity is to be measured in footcandles.	

4.14 CERTIFICATE OF OCCUPANCY

(A) General Description

Issuance of a Certificate of Occupancy (CO) indicates that the Building Official has deemed the building to be in compliance with the building code, and that the occupancy of the building is permitted in accordance with the approved plans and specifications. A building may not be occupied without the issuance of a CO.

A CO shall be issued after completion of the final inspections and when the building is determined to be in compliance with the Uniform Statewide Building Code (USBC). There is no fee for a CO issued as part of a building permit.

All of the following inspections must be performed (if applicable) and entered into the City of Portsmouth's permits database before the issuance of a CO:

- Building Permit,
- Mechanical Permit,
- Plumbing Permit, and
- Electrical Permit.

In addition, all required permits for the project must have been issued and have received final approval. All required documentation for the project must be submitted and approved prior to issuance such as Final Statement of Special Inspections, Health Department Approval, Flood Elevation Certificate, EIFS Installation Certificate, Third Party Elevator Inspections, Water Quality Certificate, and Backflow Prevention Certificate.

(B) Temporary Certificate of Occupancy

Upon the request of the permit holder, a Temporary Certificate of Occupancy (TCO) may be issued before the completion of the work covered by a permit, provided that such portions of a building or structure may be occupied safely prior to full completion of the building or structure.

A TCO approval shall remain valid for up to 30 calendar days. When all the work is done that is covered by the TCO, the permit holder may call for a final certificate of occupancy.

A TCO may only be issued after the following site features are completed:

- A surety is in place to cover all incomplete erosion and sediment control measures, all necessary BMP agreements are signed and approved by the City Attorney, and a time line as to the completion of all items is submitted.
- A surety is in place to cover all incomplete site work improvements, right of way improvements, streetscape improvements, landscaping (including trees and plants), stormwater management measures, or proffers.
- All road widening, onsite drive lanes, and parking surfaces shall, as a minimum, be paved with a base course paving, and a time line as to the completion of all items is submitted and determined appropriate.

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Applications for Permits and Development Approvals
Section 4.14: Certificate of Occupancy

- Accessible entrances and exits are in place and approved, ramps are in place and approved, and accessible parking places are installed in such numbers as are approved on the site plan.
- All life safety features are in place and approved including fire sprinkler, alarms, range hood suppression, standpipes, smoke control, fire resistance rated assemblies, guardrail systems, handrails, stairs, ramps, panic door hardware, etc.
- All final electrical inspections are approved.
- All plumbing inspections dealing with backflow prevention, water quality tests, and required sanitary fixtures are approved.
- All final HVAC and gas inspections are approved.
- All flood proofing or flood resistance measures are installed and approved.
- A notarized agreement is in place that allows the City access to the property for the purpose of performing all necessary final measures for which the surety was intended and the City has the right to enter the property to determine the status of all repairs.
- Any required special inspections reports or other engineering reports requested are submitted and approved by the Building Official.
- Health Department approvals, as applicable, are provided to the Building Official.

All fees, including permit fees, reinspection fees, review fees, utility fees, taxes, stormwater, etc. are paid prior to issuance of the TCO.

(C) The Review Procedure for Certificates of Occupancy

1. The applicant shall request a final inspection following completion of construction, posting of guarantees, and completion of all site-related work.
2. The Building Official or designee shall conduct a final inspection in accordance with the request.
3. In the event the final inspection may not be completed because the development does not comply with required standards, the Building Official shall notify the applicant regarding the modifications necessary to comply.
4. Following modifications (if appropriate), or in any other instance, the Building Official or designee shall conduct an inspection and issue or deny the issuance of a certificate of occupancy.

(D) Things to Know about Certificates of Occupancy

- No CO shall be issued unless the project is constructed in compliance with the all applicable City requirements.
- All required landscaping shall be installed in accordance with the required planting standards prior to the issuance of a permanent or non-temporary certificate of occupancy unless the Planning Director grants an extension to this time limit.
- Upon receipt of performance guarantee, the City may issue a temporary certificate of occupancy for a maximum period of 30 days, renewable depending on progress for a maximum of 120 days.

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Applications for Permits and Development Approvals
 Section 4.14: Certificate of Occupancy

- A homeowner or commercial business owner may desire a CO for an existing building. The Building Official may issue a CO for that structure if all applicable codes are complied with or a permit is not otherwise required.

(E) Submittal Requirements

The following checklist includes the submittal requirements for a certificate of occupancy permit application:

CERTIFICATE OF OCCUPANCY APPLICATION CHECKLIST (Submittals should include three copies of listed items, unless otherwise stated)		
1	Application form	
2	Edition of the USBC under which the permit is issued	
3	Group classification and occupancy in accordance with provisions of the Use and Occupancy Chapter of the USBC	
4	Type of construction as defined in the USBC	
5	Flood District	
6	Zoning District	
7	All required documentation as applicable including Final Statement of Special Inspections, Health Department Approval, Flood Elevation Certificate, EIFS Installation Certificate, Third Party Elevator Inspections, Water Quality Certificate, Backflow Prevention Certificate, etc.	
8	If an automatic sprinkler is provided and whether or not such system was required	
9	Use permit conditions/proffers	
10	Any special stipulations, and conditions of use or proffers of the building permit and if any modifications were issued under the permit, there shall be a notation on the certificate that modifications were issued	

4.15 ZONING VERIFICATIONS

(A) General Description

The zoning verification process may be used by property owners, lenders, or prospective buyers to confirm the zoning district designation on a property, determine all applicable conditions of approval, administrative adjustments, or other applicable permits or development approvals that are needed to develop the site. Zoning verifications are used by the City to provide a general description of a zoning district or references to applicable zoning/development standards.

(B) The Review Procedure for Zoning Verifications

1. The applicant shall submit an application for a zoning verification to the Planning Department in accordance with Section 40.1-2.2 and Section 40.1-2.3.F of the zoning ordinance.
2. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
3. Once the application is determined complete, staff shall commence review.
4. Following review, a zoning letter will be mailed or faxed to the preferred contact person.

(C) Things to Know about Zoning Verifications

- Zoning verifications are the primary way to receive written information from the City regarding the development potential or constraints applicable to a lot, site, or district.
- The City is not required to inform applicants for a zoning verification of changes affecting the development potential or status of a lot or site in question after a zoning verification has been issued.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a zoning verification application:

ZONING VERIFICATIONS APPLICATION CHECKLIST (Submittals should include 2 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Applicant address, property owner information, and property type for requested property	
3	Written description explaining request including specific information sought, purpose of request, specific factors that affect the need for request, etc.	

4.16 APPEALS

(A) General Description

The appeal procedure allows an aggrieved party to appeal an interpretation or decision of the Planning Director or Zoning Administrator, or other City official to an appellate body when the aggrieved party believes the standards of the zoning ordinance, subdivision ordinance, or development-related provisions in the City code of ordinances was improperly interpreted or applied.

A Notice of Appeal shall include:

- 1. A written description of the alleged improper decision or interpretation**
- 2. The date of the decision, the record of the decision, and the decision-maker**
- 3. The grounds for the appeal, and**
- 4. All related support materials**

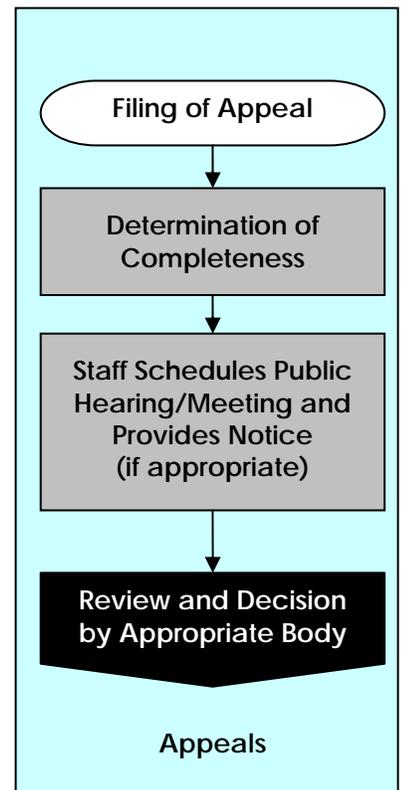
The appeals procedure is commenced when an aggrieved party files a written notice of appeal within the time period specified in the zoning ordinance, subdivision ordinance, or City code of ordinances, as appropriate.

The zoning ordinance defines an aggrieved party as any person (including an owner, developer, or applicant for a permit of development approval) who will suffer an adverse effect to an interest protected or furthered by the comprehensive plan or the zoning ordinance, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The party must be able to show an immediate, pecuniary, and substantial interest in any litigation, and not a remote or indirect interest.

Information on the appropriate appeal procedure and the appellate body hearing an appeal is listed in the Guide to Advisory and Decision-Making Responsibilities table in Section 3.2 of this manual.

(B) The Review Procedure for an Appeal

1. The applicant shall submit a written notice of appeal in accordance with Section 40.1-2.2 of the zoning ordinance.
2. Upon receipt of a notice of appeal the Planning Department shall transmit the record of the decision or interpretation being appealed and all supporting materials.
3. If the appeal is to be considered by the BZA, the staff shall schedule the public hearing on the appeal and provide public notification.
4. Appeals heard by the Appeals Review Committee, Planning Commission, or City Council do not required public hearings or public notice.



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Applications for Permits and Development Approvals
 Section 4.16: Appeals

5. Appeals conducted by the Board of Zoning Appeals
 - a. During the public hearing conducted by the Board of Zoning Appeals, the appellant shall state the grounds for the appeal and evidence from the record to support the appeal. The City official making the decision shall have the opportunity to respond, along with any other relevant City staff or other persons.
 - b. At the close of the public hearing, the Board of Zoning Appeals shall either affirm, partly affirm, modify, reverse, or partly reverse the decision or interpretation based on the standards in Section 40.1-2.3.K, Appeal Standards, in the zoning ordinance. Decisions by the Board of Zoning Appeals shall be made within approximately 60 days from the date the notice of appeal was filed.
6. Appeals conducted by other appellate bodies shall follow the rules of procedure established by the board hearing the appeal application.

(C) Things to Know about the Appeal Review Procedure

- A decision by the Planning Director or Zoning Administrator shall be presumed to be correct, and may not be reversed or modified, except in cases where there is substantial evidence in the record that the decision is not correct.
- The Board of Zoning Appeals may apply conditions to its decision if it overturns an interpretation or decision to ensure it complies with the applicable review standards.
- Published notices shall be provided by the City for appeals heard by the Board of Zoning Appeals, in accordance with Virginia law.
- An appeal shall stay all proceedings by the City in furthering the decision being appeal except in cases where a stay would cause imminent peril to life or property.

(D) Submittal Requirements

The following checklist includes the submittal requirements for appeal applications:

APPEAL APPLICATION CHECKLIST		
(Submittals should include 13 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Reference to City project identification number that is the source of the appeal	
3	Description of the decision being appealed (including copy of development plan or other application materials as appropriate)	
4	Statement describing reasons for appeal and justification	
5	Detailed description of hardship(s) and how the hardship is not self-imposed	
6	Any additional information determined to be necessary by the Planning Department	

4.17 VARIANCE PERMITS

(A) General Description

The variance permit procedure is a review procedure that allows the minimum deviation from the provisions regulating the size or area of a parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the zoning ordinance would result in unnecessary or unreasonable hardship to the landowner, and the need for a variance permit would not be shared generally by other properties.

The hardship must stem from special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), and not be generated by the actions of the land owner.

The variance permit procedure is intended to address unique or special situations not shared generally by other lands.

A variance shall not include a change in use, which shall be accomplished through a zoning map amendment.

HARDSHIP DEFINED:

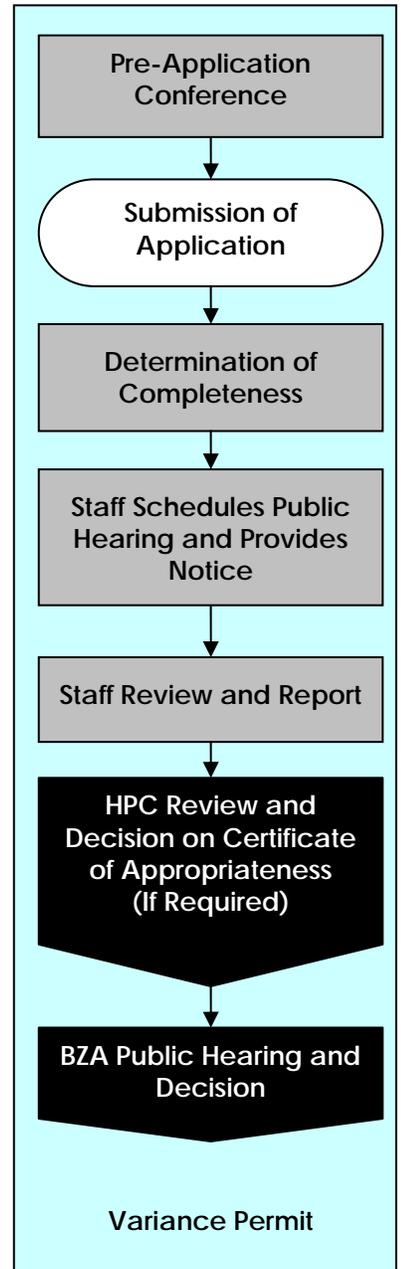
A land owner must show that the property was acquired in good faith and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation or condition of the property or the use or development of immediately adjacent property, the strict application of the zoning ordinance would effectively prohibit or unreasonably restrict the use of the land.

(B) The Review Procedure for a Variance Permit

1. Applicants are required to attend a pre-application conference with the Planning Department prior to submitting a variance permit application.
2. Following completion of the pre-application conference, the applicant shall submit an application for a variance permit in accordance with Section 40.1-2.2 and Section 40.1-2.3.G of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the variance permit application by the Board of Zoning Appeals.
5. Once the application is determined complete, the Zoning Administrator shall commence review.
6. In the event the Zoning Administrator finds the application fails to comply with the applicable review standards, the Zoning Administrator notifies the contact person and describes the revisions necessary to comply.

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Applications for Permits and Development Approvals
 Section 4.17: Variance Permits

7. The applicant has 30 days to revise the application or request it be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Zoning Administrator shall review the application, complete a staff report, schedule the public hearing on the application with the Board of Zoning Appeals, provide public notification, and forward the application and staff report to the Board of Zoning Appeals.
9. The Board of Zoning Appeals shall review and decide the application after a public hearing.
10. The Board of Zoning Appeals may include conditions of approval and/or a requirement for a performance guarantee with a variance permit approval.
11. The Board of Zoning Appeals may prescribe a time within which development must commence, be completed, or both. Failure to comply with the timeframes specified in the permit approval shall invalidate the variance permit application approval.



(C) Things to Know about the Variance Permit Review Procedure

- Detailed information on the variance permit review procedure and review standards is established in Section 40.1-2.3.G of the zoning ordinance.
- Variance permits are not intended to be used to remove inconveniences to the applicant or financial burdens that may be caused by compliance with the zoning ordinance.
- The fact that a site does not conform with the zoning ordinance prior to a variance permit application is not sufficient reason for approving a variance permit application.
- An approved variance permit only authorizes the minimum amount of deviation from the relevant standards.
- An approved variance permit shall run with the land and is not discontinued if the property is sold.
- A variance permit cannot be granted to allow uses that are otherwise prohibited in the applicable zoning district. This type of action requires a zoning map amendment.
- A variance permit application may be filed to request relief from zoning ordinance requirements, but may not be used to seek relief from any other standards in the City code of ordinances.
- A variance permit application seeking relief from the standards in Section 40.1-5.1, Off-street Parking, Loading, and Circulation is prohibited.

PART 4:
Applications for Permits and Development Approvals
 Section 4.17: Variance Permits

- The approval of a variance permit application required as a prerequisite to some other form of application approval (such as a type I development plan) does not guarantee that any subsequent application approval will be granted.
- In cases where an approved variance permit application is needed as a prerequisite for a building permit, a building permit must be obtained within one year of the approval of the variance permit, or the approval shall be rendered invalid.
- The subdivision exception process is used when seeking deviations or relief from the subdivision ordinance.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a variance permit application:

VARIANCE PERMIT APPLICATION CHECKLIST		
(Submittals should include 13 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Site information including location, lot number, lot size, and street address	
3	All base and overlay zoning classifications	
4	Locations, square footages, and dimensions of all existing and proposed structures	
5	All minimum and maximum setbacks, including build-to lines	
6	Easement types, locations, and dimensions	
7	Copy of plot plan and description of the variance(s) being requested (proposed addition, enlargement, new building, parking area, etc.) (one copy required)	
8	Statement indicating the grounds for the variance request	
9	Description of exceptional lot size/shape, topographical conditions, or potential complications from adjacent property where applicable	
10	An elevation drawing showing proposal and proposed height or other sketches, or plans where applicable	
11	Detailed description of hardship(s) and how the hardship is not self-imposed	
12	Any additional information determined to be necessary by the Planning Department	

4.18 ADMINISTRATIVE ADJUSTMENTS

(A) General Description

The administrative adjustment procedure allows an applicant to request minor variations of up to 15 percent from setbacks or yards required by the zoning ordinance. The administrative adjustment process helps the City:

- Address nonconforming lots lacking sufficient area by allowing development to locate closer to, or farther from lot lines than would otherwise be required under a strict application of the zoning ordinance;
- Reinforce established building placement patterns by allowing a small amount of flexibility where buildings are located on a lot; and
- Protect existing healthy specimen trees by allowing development to avoid root zones through increased setbacks or yard requirements (and corresponding reductions elsewhere on the lot).

The administrative adjustment process allows the City to apply flexibility with respect to setbacks and building placement standards as a means of furthering compliance with the goals of the comprehensive plan, such as environmental protection, addressing nonconforming uses, or maintaining land use compatibility.

Administrative adjustments are limited to requests for a deviation in the depth of a required setback or yard by up to 15 percent

Administrative adjustments are approved by the Planning Director based on standards related to unusual site configuration challenges, the need to maintain compatibility with surrounding uses, a desire to protect existing mature trees, and other standards spelled out in Section 40.1-2.3.H, Administrative Adjustments, in the zoning ordinance. While the administrative adjustment does not require the demonstration of a hardship, as is required by a variance permit, the administrative adjustment procedure does require compliance with the administrative adjustment standards.

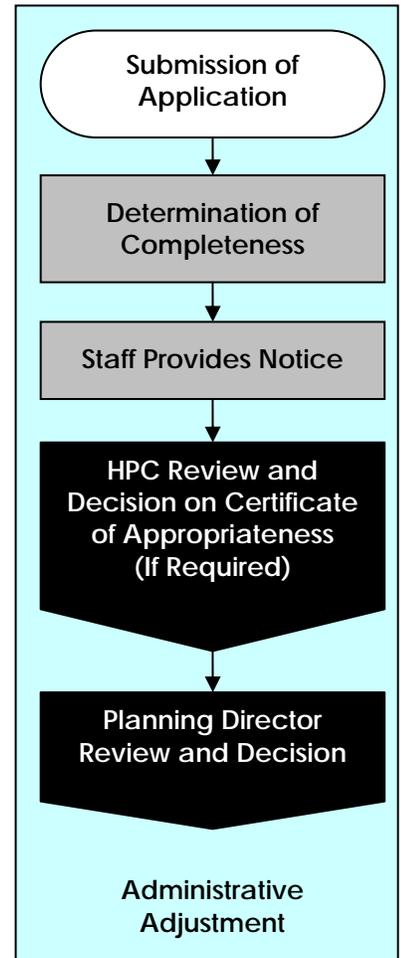
An administrative adjustment application may be filed as a “stand-alone” application, or may be incorporated with other applications like a type I development plan or zoning compliance permit. In these cases, the administrative adjustment shall be approved prior to the any subsequent approvals.

(B) The Review Procedure for an Administrative Adjustment

1. Applicants may request a pre-application conference with the Planning Department prior to submitting an application for an administrative adjustment, or by making the request part of another application for permit or development approval.
2. The applicant shall submit an application for an administrative adjustment in accordance with Section 40.1-2.2 and section 40.1-2.3.H of the zoning ordinance.
3. The Zoning Administrator reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.

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Section 4.18: Administrative Adjustments

4. In the event the proposed development is located within the D1 Downtown or a historic zoning district, the applicant shall obtain approval of a certificate of appropriateness prior to review of the administrative adjustment application by the Planning Director.
5. Once the application is determined complete, the Planning Director shall commence review.
6. In the event the Planning Director finds the application fails to comply with the appropriate review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application and make a decision on the administrative adjustment application.
9. Appeal of a Planning Director decision may be taken to the Board of Zoning Appeals.
10. Applicants with an approved administrative adjustment shall obtain a building permit within one year of the approval. Failure to obtain a building permit within one year shall render the approval invalid.



(C) Things to Know about the Administrative Adjustment Procedure

- Detailed information on the administrative adjustment review procedure and review standards are established in section 40.1-2.3.H of the zoning ordinance.
- Approval of an administrative adjustment application does not require demonstration of a “hardship” as is required for a variance permit application, but there are applicable review standards for administrative adjustments (see Section 40-2.3.H of the zoning ordinance).
- The maximum amount of deviation for a particular setback or yard requirement requested by an administrative adjustment application shall be 15 percent beyond the standard in the zoning ordinance.
- The type II development plan and variance permit procedures are available to applicants seeking deviations from dimensional standards in excess of the maximum allowed by an administrative adjustment.
- An administrative adjustment application must be obtained prior to any other required permit or development approvals.
- Approval of an administrative adjustment application does not guarantee approval of any subsequent application for permit or development approval.

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(D) Submittal Requirements

The following checklist includes the submittal requirements for an administrative adjustment application:

ADMINISTRATIVE ADJUSTMENT APPLICATION CHECKLIST (Submittals should include 13 copies of listed items, unless otherwise stated)		
1	Application form and fee submitted	
2	Site information including location, lot number, lot size, and street address	
3	Scaled drawing showing existing structures, proposed adjustments to structures, boundaries of property, and structures and use types of buildings on adjacent properties	
4	Copy of development plan demonstrating that administrative adjustment does not exceed 15 percent of a building setback standard	
5	Description demonstrating how administrative adjustment is consistent with the character of development in surrounding area, and will not result in incompatible uses and will not substantially interfere with the use of adjacent lands	
6	Description demonstrating how proposed administrative adjustment advances the purposes of the zoning district and/or comprehensive plan	
7	Description addressing how any adverse impacts from the requested administrative adjustment will be mitigated to the maximum extent practical	
8	Elevations required if adjustment involves new construction or changes to an existing building	

4.19 CHESAPEAKE BAY REQUIREMENTS AND EXCEPTIONS

(A) General Description and Requirements

With 75 miles of shoreline the City of Portsmouth has numerous opportunities to assist in protecting and improving the Chesapeake Bay water quality. As an urban community, Portsmouth is a relatively built out community with approximately 96% of the land available already developed. In this type of environment the City of Portsmouth processes a number of requests for additions and infill development.

As stated earlier in this Manual (see Section 2.10 of this Manual), the Chesapeake Bay Preservation Area Overlay District establishes three areas of interest: Intensively Developed Areas (IDAs), Resource Management Areas (RMAs), and Resource Protection Areas (RPAs). A summary of each of these areas of interest and the standards that apply is provided below.

(1) Intensively Developed Areas (IDAs)

In the IDA all new development is required to adhere to the following requirements:

- The Director of Planning may, in consultation with the City Engineer, exercise discretion regarding whether or not to require the establishment of vegetation in the 100 foot wide buffer area.
- For sites located in Intensively Developed Areas (IDAs) the nonpoint source pollution load shall be reduced by at least ten (10) per cent of the existing load.

(2) Resource Management Areas (RMAs)

In the RMA all new development is required to adhere to the following requirements:

- Site plan submitted shall indicate the limits of the proposed land disturbance, including areas for clearing or grading and shall be limited to the minimum area necessary to provide for the construction footprint. These limits shall be clearly shown on submitted plan and physically marked on the development site.
- Ingress and egress during construction shall be limited to one access point.
- Existing trees over two inches in diameter at breast height (DBH) and other woody vegetation onsite shall be preserved outside the construction footprint.
- Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities.
- Prior to clearing or grading, suitable protective barriers shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved.
- Any land disturbing activity exceeding 2,500 square feet shall also comply with the erosion and sediment control requirements of chapter 11 of the Portsmouth City Code.

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Section 4.19: Chesapeake Bay Requirements and Exceptions

- Stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations.
- Where the best management practices require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured through a maintenance agreement between the owner or developer and the city.
- For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the following land cover conditions for the city:
 - lots platted before April 5, 1994, shall utilize 41 percent,
 - lots platted after April 5, 1994, shall utilize 19 percent for the Elizabeth River Watershed, 40 percent for the Western Branch Watershed, and 54 percent for the Southern Branch Watershed;
- For redevelopment the nonpoint source pollution load shall be reduced by at least ten (10) per cent of the existing load.
- Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all required federal, state, and local permits shall be obtained.
- Pervious surfaces, where soil conditions and/or water table permit, shall be used for any parking area, maneuvering aisle, or other low traffic driveway.

(3) Resource Protection Areas (RPAs)

The CBPA regulations identify a number of activities and uses that may be permitted in the RPA subject to approval of the Director of Planning. These activities and uses fall into the categories of Exemptions, Permitted Modifications, and Allowable Uses, each of which are described more fully below:

Exemptions

The following land disturbances in the resource protection area may be considered exempt, subject to administrative review:

- Water wells;
- Passive recreational facilities such as boardwalks, trails and pathways; and
- Historic preservation and archaeological activities, subject to administrative review and compliance with E & S requirements

Permitted Modifications

Existing vegetation may be removed, subject to approval by the city planning director, as follows:

- Trees may be pruned or removed to provide for reasonable sight lines and vistas, provided they are replaced with other vegetation that is equally effective in filtering nonpoint source pollution from runoff.

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- Any path shall be constructed and surfaced as to effectively control erosion.
- Dead, diseased, or dying trees or shrubbery and noxious weeds may be removed and thinning of trees may be allowed, pursuant to sound horticulture practice.
- For shoreline erosion projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established in accordance with the best available technical advice and applicable permit conditions or requirements.
- Flower and/or vegetable gardens, or similar amenity as long as no brush and/or trees are removed from the RPA.

Allowable Uses

A limited number of uses are permitted by right in the RPA, as described below:

- A water dependent facility, as approved by the Director of Planning, provided it is consistent with the Comprehensive Plan, complies with the CBPA performance standards, nonwater-dependent component is located outside of the RPA; and access is provided with the minimum disturbance necessary.
- Redevelopment outside the IDA, that has no net increase in impervious cover, does not encroachment further into the RPA, and conforms with erosion and sediment control and stormwater management.
- It is a road or driveway crossing, where there is no alternative but to cross the RPA and is located to minimize encroachments in the RPA and adverse effects to water quality;
- It is a flood control or stormwater facility that drains or treats water from multiple development projects or from a significant portion of a watershed, pursuant to the Overlay District.

ALL OTHER USES, ACTIVITIES AND LAND DISTURBING ACTIVITIES OR DEVELOPMENT MUST OBTAIN AN EXCEPTION PRIOR TO ANY ACTION AS DESCRIBED BELOW:

**DISTRICTS WHERE
AN EXCEPTION IS
REQUIRED:**

**Resource Protection
Area (RPA)**

An exception is required prior to any exterior work that increases the footprint of all buildings (including accessory buildings) or increases the area of impervious surfaces in the "Resource Protection Area" of the Chesapeake Bay Protection Area. This would include, but is not limited to:

- Construction of any additions or accessory buildings on a lot that is already developed.
- Modifications to site features like parking, patios and decks, filling of land, landscaping, or drainage facilities.
- New construction on any lot involving buildings or site improvements in the RPA.

To gain approval of a request for an exception the proposal must comply with the requirements of Chapter 9.1 of the City Code. **Please note that all requests for exceptions in the Resource Protection Area will require a Water Quality Impact Assessment (WQIA).**

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Chesapeake Bay exceptions are reviewed and approved by one of two different decision-making bodies, depending upon the scope of work proposed.

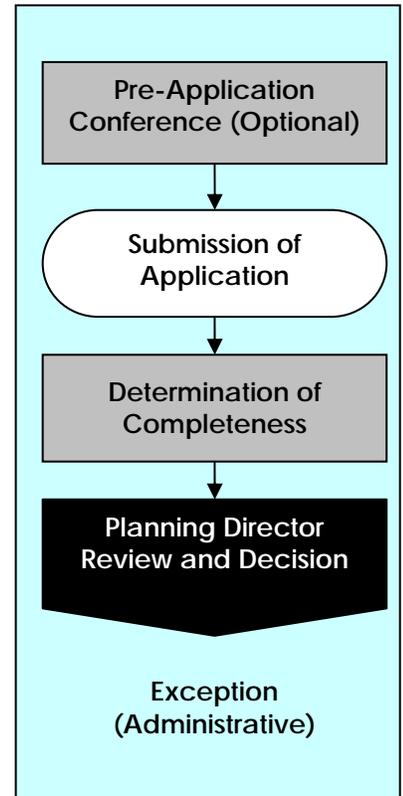
- Applications for Chesapeake Bay exceptions for minor additions that meet the standards of Section 9.1-12(c) of the City Code may be approved by the Director of Planning.
- Applications of Chesapeake Bay exceptions for all other development and for requests denied by the Director of Planning and that meet the standards of Section 9.1-12(a) of the City Code may be approved by the Planning Commission

Applicants considering filing a Chesapeake Bay exception application are strongly encouraged to schedule a pre-application conference with the Planning Department staff to discuss the application forms, process, and required information prior to submitting the application.

(B) The Review Procedure for a CBPA Exception

(1) Planning Director Review

1. Applicants are strongly encouraged to conduct a pre-application conference with the Planning Department prior to submitting a request for an exception to the Chesapeake Bay regulations application.
2. The applicant shall submit an application for a certificate of appropriateness in accordance with Chapter 9.1 of the City Code. A complete application must contain:
 - o the limits of the RPA on a physical survey including the wetlands determination with references to the date and name of the delineator
 - o delineation of the seaward and landward 50 buffers
 - o and a water quality impact statement.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. Once the application is determined complete, the Planning Director shall commence review.
5. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
6. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards any maximum review period.
6. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application within approximately 30 days after it was determined complete (minus time needed for revision by the applicant).

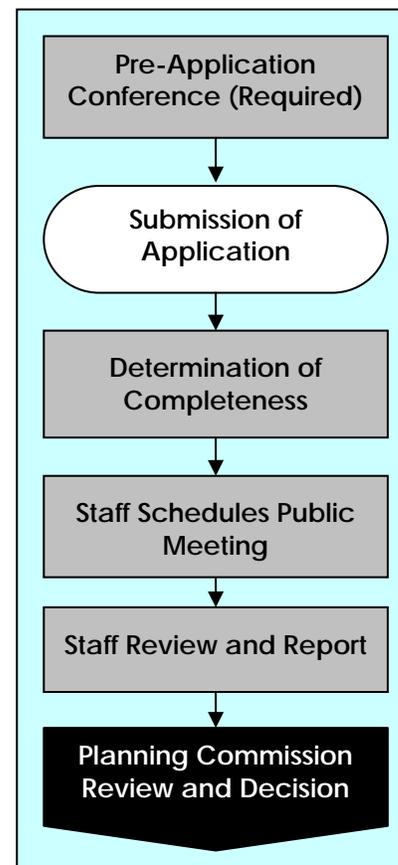


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Applications for Permits and Development Approvals
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7. In cases where the Planning Director and the applicant cannot agree on whether or not the application complies with the applicable review standards, the application shall be required to seek approval of the exception from the Planning Commission.
8. Appeals of a Planning Director decision may be taken to the Planning Commission.
9. Applicants with an approved exception may obtain any subsequent permits or complete the work within one year of the date the exception was approved. Failure to obtain other required permits within one year shall render the approval invalid.

(2) Planning Commission Review

1. Applicants are required to conduct a pre-application conference with the Planning Department prior to submitting an application for a Chesapeake Bay Exception.
2. The applicant shall submit an application for a Chesapeake Bay Exception in accordance with Chapter 9.1 of the City Code.
 - o the limits of the RPA on a physical survey including the wetlands determination with references to the date and name of the delineator
 - o delineation of the seaward and landward 50 buffers
 - o and a water quality impact statement.
 - o Projects that involve a land disturbance of 2,500 square feet or greater are also required to submit and Erosion and Sediment plan.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. Once the application is determined complete, the Planning Director shall commence review.
5. In the event the Planning Director finds the application fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
6. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application. This time period shall not be counted towards the maximum review period.



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7. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall review the application, complete a staff report, schedule the public meeting on the application with the Planning Commission and forward the application and staff report to the Planning Commission. Exceptions request do require public notification and a public hearing before the Planning Commission, but do not require a public hearing before the City Council.
8. The Planning Commission, shall review and decide the application within approximately 60 days after it was determined complete (minus time needed for revision by the applicant). Applications that require review by state agencies may take an additional 30 days.
10. The Planning Commission, as appropriate, may include conditions of approval with an exception application approval.
11. Appeals of an exception decision, as appropriate, shall be taken to the Circuit Court of Virginia. Such an appeal must be filed within 30 days of the date of such decision.

(C) Things to Know about the Chesapeake Bay Exception Review Procedure

- The use of pervious pavement in both the RPA and RMA is required for all sidewalks, driveways and vehicle parking and maneuvering areas unless an engineer determines that the water table is too high of the soil conditions is of such poor quality that the removal of sediment will not occur.
- Detailed information on the location of the wetlands and limits of the RPA buffer must be provided as established in Chapter 9.1 of the City Code. Additional detailed information related to what mitigation factors will be used, trees to be removed or added, and types location and area of all paving in the RPA.
- In areas where approval of an application for an exception is required, application approval shall be obtained prior to approval of any subsequent permits or before starting work, when no subsequent permits are required.
- Demolition of an existing building or existing building features visible from a public street in the D1 Downtown and historic districts requires prior approval of a certificate of appropriateness application.
- Normal maintenance of exterior items such as sidewalk or driveway replacement, including replacing existing materials with matching in-kind materials does require a zoning certificate.

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 Section 4.20: Encroachments

(D) Submittal Requirements

The following checklist includes the submittal requirements for a Chesapeake Bay Exception application:

CESAPEAKE BAY EXCEPTION APPLICATION CHECKLIST (Submittals should include 11 copies of listed items, unless otherwise stated)		
A. GENERAL INFORMATION		
1	Completed application form and fee	
2	Completed Master Development form	
3	Project name, location, parcel number, zoning district, and application number	
4	Written description of all exterior work including changes to an existing structure/site, new construction, additions, and demolition	
5	A water quality impact statement.	
6	Any additional information determined to be necessary by the Planning Department	
B. FOR SITES		
7	Scaled drawings showing physical survey including the property, wetlands determination, RPA buffer limits including the seaward and landward buffers, the name of the wetlands delineator and date of the delineation, all proposed alterations and improvements, and limit of land disturbance and location of construction fencing.	
C. FOR NEW CONSTRUCTION AND ADDITIONS		
8	Scaled drawings showing physical survey including the property, wetlands determination, RPA buffer limits including the seaward and landward buffers, the name of the wetlands delineator and date of the delineation, all proposed alterations and improvements, and limit of land disturbance and location of construction fencing.	
9	For demolition projects disturbing more than 2,500 sq ft, an erosion and sediment plan and a land disturbance permit is also required	
D. FOR DEMOLITION		
10	Scaled drawings showing physical survey including the property, wetlands determination, RPA buffer limits including the seaward and landward buffers, the name of the wetlands delineator and date of the delineation, all proposed alterations and improvements, and limit of land disturbance and location of construction fencing.	

4.20 ENCROACHMENTS

Additional information on the encroachment review procedure is under development and will be incorporated into this manual at a later date.

4.21 SPECIAL PERMITS

The City of Portsmouth requires permits for a number of special activities that are not usually associated with the development of property. These permits are required to make certain, various activities, while necessary in an urban environment, do not create disruptions for businesses and residences. All of the permits can be obtained from the Planning Department and require a review and approval period of at least 30 days.

Block Party/Street Closure – This permit is required for the closure of any city-right-of-way (i.e. sidewalk or street) for events including, but not limited to block parties, community events, neighborhood events, etc. A 30-day deadline is required for the review of complete applications, including the review fee. An application should be submitted well in advance of larger events or for events requiring advertisement. **The permit review fee for this application is \$50.00.**

Outdoor Dining – This permit an annual permit that must be renewed each year and is required by an establishment offering outdoor seating for its patrons on a sidewalk/city right-of-way. Outdoor dining facilities within the Downtown or Historic Districts must also receive approval for the design and layout of the dining area including, but not limited to proposed chairs, tables, awnings, signing, planters, etc. This permit is required prior to erecting an outdoor dining facility. A site plan drawn to scale that clearly shows the sidewalk width, any items on the sidewalk (trees, bicycle racks, benches, signs, fire hydrants and the like), the number of tables and chairs, type of separation that delineates the seating area, awnings and the total area of the sidewalk that will be used. **The permit review fee for this application is \$25.00.**

Parade – This permit is required for a procession of persons, animals or vehicles on any city rights-of-way (i.e. sidewalk or street) along a designated route. Parades may not exceed 2 hours in length. Funerals, military processions, lawful picketing/demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment are exempt from this permit. A 30-day deadline is required for the review of complete applications, including the review fee. An application should be submitted well in advance of larger events or for events requiring advertisement. Even if a parade is an annual event separate permits must be obtained each year. The applicant will be required to provide a parade route, staging and break down area, time of the event and a description of the event. **The permit review fee for this application is \$50.00.**

Street/Sidewalk Vendor – This permit is an annual permit that must be renewed each year and is required for all vendors requesting to operate a vending unit (i.e. cart, truck, etc.) at a fixed location within a city right-of-way (i.e. sidewalk or street). Once approved, an applicant will have conditional daily use of their approved location between the hours of 7:00 a.m. and 10:00 p.m. This permit must accompany a business license. Vendors may not operate without an approved permit. **The permit review fee for this application is an initial \$25.00. Upon approval, the applicant must pay \$50.00.**

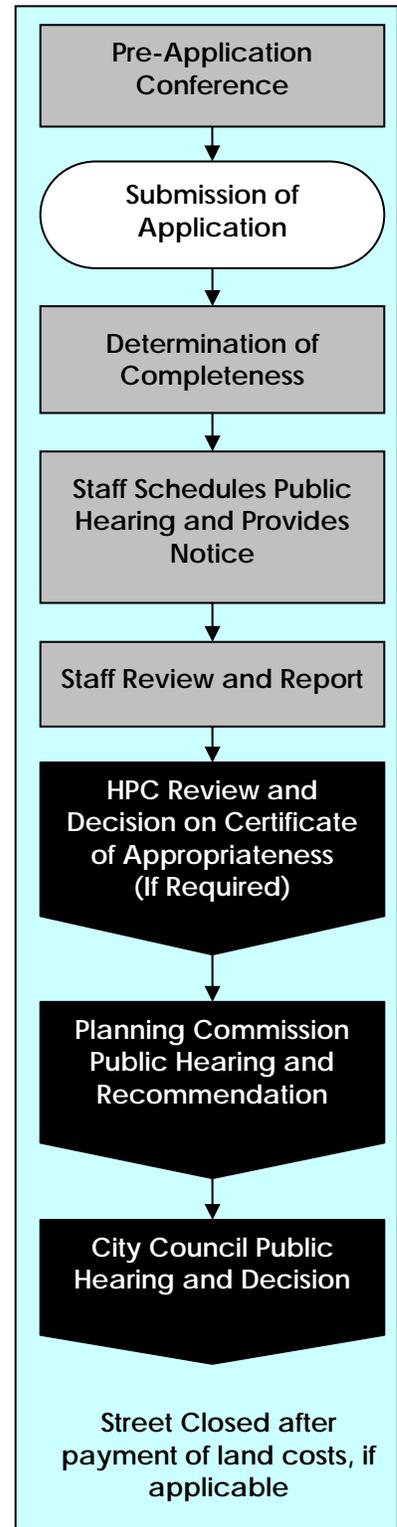
4.22 STREET CLOSURES

(A) General Description

The closing of a platted right of way is necessary for some development projects. The application and title search that must accompany the application requires the services of an attorney to conduct the necessary research and title review of the underlying fee and adjacent property ownership. All adjoining property owners must consent to the proposed street closure prior to an application being filed. Where all of the adjacent owners do not consent to the street closure the procedures outlined in Section 15.2-2006 of the Code of Virginia may be followed.

(B) The Review Procedure for Street Closure Requests

1. The applicant shall request a Street Closure determination from the City Attorney to determine if there is a need to maintain the recorded right of way.
2. Once the City Attorney's Office has determined there is no need for the public right of way, the applicant shall schedule a preliminary review of the proposal with Planning Staff.
3. After the preliminary review the applicant shall submit an application for the proposed street closure. If the subject closure is in a Historic or Downtown area the applicant shall also schedule a request to obtain the approval of the HPC or DDC prior to the Planning Commission public hearing.
4. After staff has determined the application is complete including the signatures of all adjoining property owners the matter will be scheduled for a public hearing before the Planning Commission.
5. The Planning Commission after its public hearing will forward a recommendation to the City Council for final action.



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Section 4.22: Street Closures

6. After receiving the Planning Commission recommendation the City Council will hold a second public hearing at which time a final determination to close or not close the right of way will be made.
7. The applicant will be responsible for all fees for the transfer, resubdivision of land and purchase of the land in the right of way.

(C) Things to Know about Street Closure Requests

- No Street Closure Requests shall be issued unless the City indicates there is no need for the street.
- All required conditions of the street closure must be met before a deed is put to record transferring the land from the city to the applicant.

(D) Submittal Requirements

The following checklist includes the submittal requirements for a Street Closure Requests permit application:

STREET CLOSURE APPLICATION CHECKLIST (Submittals should include three copies of listed items, unless otherwise stated)		
1	Application form	
2	Title Report on the underlying fee of the proposed street to be closed	
3	Letter detailing the reason for the closure	
4	Site plan showing the location of the proposed closure that depicts all improvements and the ownership of all adjoining property owners	
5	Letters from all Utility companies that details the equipment in the proposed closure and easement needs if any.	

4.23 INTERPRETATIONS AND NONCONFORMING USES

(A) General Description

The responsibility for interpreting the zoning ordinance and the zoning map is shared by the Planning Director and the Zoning Administrator. The Zoning Administrator is responsible for the following interpretations:

- The zoning district dimensional requirements in Article 40.1-3: Zoning Districts, in the zoning ordinance;
- The summary use tables and use classifications provisions in Article 40.1-4: Use Standards, in the zoning ordinance; and
- The zoning district boundaries of the Official Zoning Map.

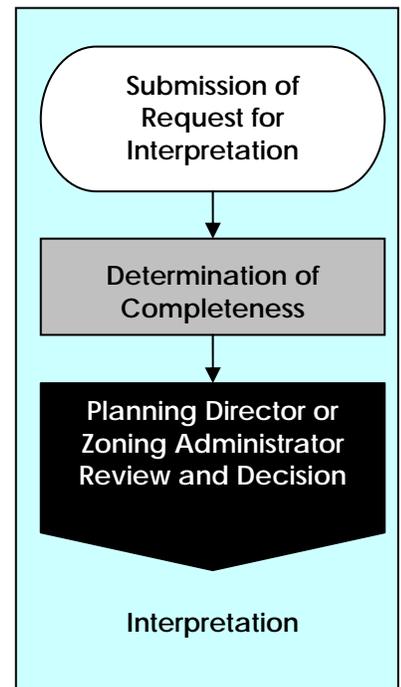
The Planning Director is responsible for making interpretations on all other provisions of the zoning ordinance.

An interpretation of the zoning ordinance is a request for a formal interpretation of the zoning ordinance. An interpretation may be required when an applicant is unclear about the meaning of a provision in the zoning ordinance or the Official Zoning Map.

The interpretation process is not intended for persons seeking to verify the standards that apply to a particular development or proposed development. In addition, the interpretation procedure is not intended to determine if a particular development complies with applicable review standards or development regulations. The zoning verification procedure is used for these purposes.

(B) The Review Process for an Interpretation

1. Applicants may request a pre-application conference with the Planning Department prior to submitting an interpretation request.
2. The applicant shall submit a request for interpretation in accordance with Section 40.1-2.2 and section 40.1-2.3.J of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. Once the application is determined complete, the Planning Director, or Zoning Administrator, as appropriate, shall commence review.
5. Upon completion of the review process, the Planning Director, or Zoning Administrator, as appropriate, shall render an interpretation.
6. Appeals of an interpretation may be taken to the Board of Zoning Appeals.



(C) Things to Know about the Interpretation Review Procedure

- Detailed information on the interpretation review process and review standards is established in Section 40.1.2.3.J of the zoning ordinance.
- An interpretation may be requested by an advisory or decision-making body, a resident, landowner, or person with a contractual interest in land located within the City.
- The Planning Department maintains an official record of interpretations that is on the City’s website and on file in the Planning Department and available for public inspection during business hours

(D) Submittal Requirements

The following checklist includes the submittal requirements for an interpretation request:

INTERPRETATION APPLICATION CHECKLIST		
(Submittals should include 3 copies of listed items, unless otherwise stated)		
1	Application form and fee	
2	Owner/applicant information including name, address, phone number, email address, and status	
3	Project information including name, location, lot number, and City’s project identification number	
4	Each provision for which interpretation is requested	
5	Description explaining proposal and any additional reasons or material in support of proposed interpretation	
6	Technical evidence to support proposed interpretation of district boundaries and description of how interpretation carries out intent and purpose of zoning ordinance for district	
7	Any other information determined to be necessary by the Planning Department	

(E) Nonconforming Uses

A unique category of interpretation is the evaluation and determination that a use qualifies as nonconforming use based upon general criteria established in the Zoning Ordinance. A nonconforming use, sometimes referred to as a grandfathered use, is one that existed prior to a change in the ordinance that is no longer permitted by the ordinance.

In order to be eligible as a grandfathered (pre-existing nonconforming) use the owner/applicant must document the following:

- The Property Owner/Applicant must be able to prove that their use was legally established under the laws and ordinances in effect at the time the use was established.

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- The use must have been in continuous use and must not have been discontinued for a period of two years or more.
- The use has never been changed to another use (conforming or nonconforming) since the date the use became nonconforming.

In order to submit documentation that meets these three criteria, the property Owner/Applicant must provide third party documentation as evidence. This documentation must be directly related to the specific use and property in question and acceptable to the Zoning Administrator. Personal written statements and affidavits will generally not be acceptable.

To request a determination of a grandfathered use, please provide a written detailed description of the use (this can be in letter form) along with any and all support documentation. The type of documentations that may be acceptable include, but is not limited to:

- Tax Records, Invoices, Ledger Books
- Retail & Professional or other Occupational Licenses that show dates of use covering each year since the use became nonconforming and includes the address of the use.
- Receipts showing services or goods provided from Vendors to include Company Names, Logos & Letterheads
- Statements of Utilities, such as Power, Water, or Gas which indicates the time and amount of use for the nonconforming use. These are used to demonstrate use of the site not to establish the use was legally established.
- Business License records or City Directories
- A copy of the city approved Site Plan
- An approved Building Permit
- An Approved Zoning Clearance

NOTE: It is the responsibility of the Owner/ Applicant to produce evidence proving the existence and continuous use of every lawful nonconforming use on the property.

Additional information regarding grandfathered (pre-existing nonconforming) uses can be found in Section 40.1-6.1 and 6.2 of the City of Portsmouth Zoning Ordinance.

4.24 COMPREHENSIVE PLAN AMENDMENTS

Additional information on the comprehensive plan amendment review procedure is under development and will be incorporated into this manual at a later date.

4.25 ZONING ORDINANCE TEXT AND MAP AMENDMENTS

(A) General Description

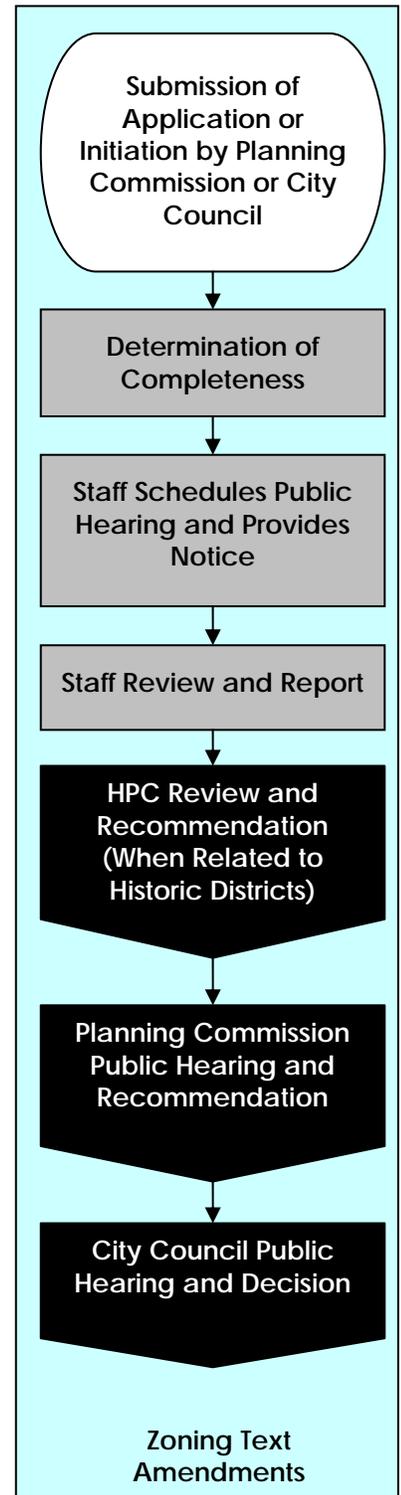
The zoning ordinance text and Official Zoning Map are the key tools for implementing the comprehensive plan and regulating land use in the City.

The zoning ordinance text comprises the legal language used by the City to regulate the use of land through the establishment of zoning districts, use standards, development standards, provisions for nonconformities, and enforcement. The zoning map depicts the location of zoning districts.

The zoning ordinance text and map amendment application procedures allow for the review of proposed modifications either to the zoning map or to the text of the zoning ordinance, provided the application includes a statement of the statutory public purpose for the amendment, and an analysis of consistency with the comprehensive plan.

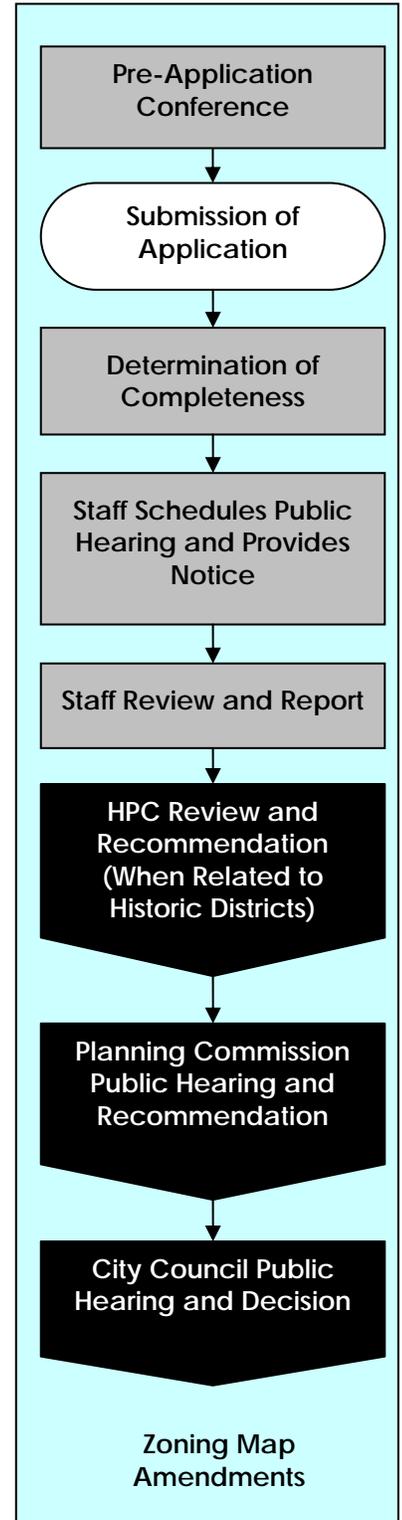
(B) The Review Process for a Zoning Text Amendment or Zoning Map Amendment

1. Applicants for zoning map amendments are required to conduct a pre-application conference with the Planning Department prior to submitting a zoning map amendment application.
2. Following the pre-application conference (if required), the applicant shall submit an application for zoning ordinance text or zoning map amendment in accordance with Section 40.1-2.2 and Section 40.1-2.3.A of the zoning ordinance.
3. The Planning Department reviews the application for completeness within ten business days, and notifies the contact person if the application is not complete.
4. In the event a proposed application for a zoning map amendment is located within the D1 Downtown or historic zoning district, or deals with historic district-related ordinance text, the Historic Preservation Commission shall review the application and provide a recommendation on the application prior to review by the Planning Commission.
5. Once the application is determined complete, the Planning Director shall commence review.



PART 4:
Applications for Permits and Development Approvals
 Section 4.25: Zoning Ordinance Text and Map Amendments

6. In the event the Planning Director finds the zoning ordinance text or zoning map application, as appropriate, fails to comply with the applicable review standards, the Planning Department notifies the contact person and describes the revisions necessary to comply.
7. The applicant has 30 days to revise the application or request the application be reviewed with no changes. Failure to respond within 30 days shall be considered withdrawal of the application.
8. Following revision and re-submission of the application (if appropriate), or in any other instance, the Planning Director shall then review the application, forward the application to other City agencies or departments for review, complete the staff report, schedule the public hearing on the application with the Planning Commission, provide required public notification, and forward the application and staff report to the Planning Commission and applicant. The Planning Commission will hear the matter at a public hearing in accordance with standards in Section 40-1.2.2.K.
9. The Planning Commission shall review the application and provide a recommendation for approval, approval with conditions, revision (in the case of ordinance text amendments), or denial to the City Council.
10. Following the Planning Commission recommendation, the Planning Director shall schedule the public hearing on the application with the City Council, provide the required public notification, and forward the application, staff report, and Planning Commission recommendation to the City Council, who will hear the matter at a public hearing in accordance with standards in Section 40-1.2.2.K.
11. The City Council shall review the application and make a decision to approve, approve with conditions, revise (in the case of ordinance text amendments), or deny the application for a zoning ordinance text or zoning map application.



(C) Additional Review Procedures for Zoning Map Amendments with Proffers

A proffer is a voluntarily condition of approval proposed by a landowner or agent seeking a zoning map amendment (rezoning). Proffered conditions supplement any specific zoning district regulations, and may not be less restrictive than the applicable zoning district regulations. Proffered conditions must also have a reasonable relationship to the zoning district designation being requested, and must be in

conformity with the City's comprehensive plan. Proffers may also take the form of land dedication or cash payments for necessary public facilities. The City Council is authorized to accept or deny proposed proffers, but may not require them to be proposed.

Zoning map amendment applications supplemented with proffers must include the voluntary proffer statement identified in Section 40.1-2.2.M.2.b of the zoning ordinance along with a written description of the proposed proffers. Written proffers must be submitted as part of application materials prior to public notification of the first public hearing for the associated zoning map amendment (rezoning).

The Planning Director may require the posting of a performance guarantee to ensure compliance with proffers included as conditions of approval. Failure to comply with applicable proffers is a violation of the zoning ordinance, and may result in the denial of subsequent applications for permits or development approvals.

(D) Things to Know about the Zoning Text and Map Amendment Review Procedures

(1) Text Amendments

- Detailed information on the zoning text amendment review procedure and review standards is established in Section 40.1-2.3.A of the zoning ordinance.
- A text amendment application is typically sponsored by a City official or advisory and decision-making body.
- Any changes proposed to language related to the historic district provisions must be reviewed by the Historic Preservation Commission prior to the Planning Commission.

(2) Map Amendments

- Detailed information on the zoning map amendment review procedure and review standards is established in Section 40.1-2.3.A of the zoning ordinance.
- A zoning map amendment application should be consistent with the comprehensive plan and therefore, may also require a comprehensive plan amendment.
- The City Council may not apply conditions of approval to a zoning map amendment application.
- Applicants may propose additional limitations on a zoning map application through the use of voluntary proffer statements. A proffer statement is a voluntary limitation on the range of development potential of land following approval of a map amendment.
- Proffer statements may not be less restrictive than the requested base zoning district standards.
- Proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent.
- Published notices regarding public hearings for the purpose of considering a zoning text or zoning map amendment application shall be provided by the City in accordance with state law.

(3) Establishing an Activity Center District

Activity centers are areas of heightened density and intensity recognized by the comprehensive plan. Only lands located within a designated activity center on the City's future land use map may file a zoning map amendment application to establish an activity center district.

Activity centers are intended as the densest centers of mixed-use development activity in the City, and as such, an activity center district allows a wider degree of flexibility in meeting minimum development standards. Applicants proposing development under the activity center district provisions are subject to a requirement to submit a zoning map amendment application that includes a conceptual master plan of the entire development and a statement of design standards that describes how the development will comply with the district-specific standards. The master plan and statement of design standards are embodied in the approval of the zoning map amendment application. All subsequent development must be in substantial conformity with the approved zoning map amendment application, including the master plan and statement of design standards.

(4) Submittal Requirements

The following checklist includes the submittal requirements for a zoning ordinance text or zoning map amendment application:

ZONING ORDINANCE TEXT AND MAP AMENDMENT SUBMITTAL REQUIREMENTS (Submittals should include 20 copies of the listed items, unless otherwise stated)		
A. GENERAL INFORMATION		
1	Application form and fee	
2	Applicant/owner information including name, address, phone number, email address, and status	
3	Project name and City's project identification number	
4	Pre-application conference material, if applicable	
5	Any other information determined to be necessary by the Planning Department	
B. DESCRIPTION AND JUSTIFICATION		
6	Description of how existing conditions have changed, thereby making the amendment submittal valid	
7	Description of how the proposed amendment will result in development that has a better fit with the desired land use patterns for the City	
8	Proposed text and image revisions or additions to the zoning ordinance text (if applicable)	
9	Description of how the proposed amendment furthers the objectives of the comprehensive plan	
C. SUBMITTALS ASSOCIATED WITH ZONING MAP AMENDMENT		
10	Property information including parcel number, address, current zoning district, proposed zoning district, number of acres on site, square feet, existing land use, existing building on site, proposed use of rezoned property, and abutting land uses and zoning	
11	A copy of the most recent deed that provides a metes and bounds legal description of the property, or, if unavailable, a metes and bounds legal description prepared by a licensed surveyor, engineer or attorney.	

PART 4:
Applications for Permits and Development Approvals
 Section 4.25: Zoning Ordinance Text and Map Amendments

ZONING ORDINANCE TEXT AND MAP AMENDMENT SUBMITTAL REQUIREMENTS (Submittals should include 20 copies of the listed items, unless otherwise stated)		
12	Scaled drawing showing boundaries of property (scale 1" = 20' or larger, at least one plan set should be no larger than 11" by 17")	
13	Description of proposed use of rezoned site including type of site improvement, buildings, and activities anticipated	
14	Written description explaining why rezoning is necessary	
15	Elevations required if rezoning involves new construction or changes to an existing building	
16	Proposed proffers, if applicable	
17	Transportation analysis, if required	
18	Conceptual master plan, if required	
19	Statement of Design Standards, if applicable	

PART 4:
Applications for Permits and Development Approvals
Section 4.25: Zoning Ordinance Text and Map Amendments

5

PART 5: CONSTRUCTION PROCESSES

5.1 LANDSCAPING REVIEW PROCEDURES

This section describes the various landscaping review procedures for development subject to the landscaping standards in Article 40.1-5 of the zoning ordinance.

(A) LANDSCAPE PLAN REQUIREMENTS

- All landscape plans shall be prepared by a Certified Landscape Architect or Certified Landscape Designer.
- All landscape plans shall be drawn to the same scale and orientation as the development plan or plot plan, as appropriate.

(B) APPLICABLE SPECIFICATIONS & STANDARDS

- Landscaping plans shall employ standardized plant names from the most recent edition of the American Joint Committee on Horticulture Nomenclature and American Standard for Nursery Stock: ANSI Z60.1-1996 American Association of Nurseryman.

(C) PLANT QUALITY

All plant material shall be "Specimen Plants", in accordance with American Standards for Nursery Stock (most recent edition) prepared by American Association of Nurseryman, Inc. Plants shall be typical of their species and variety, have normal growth habits, well-developed branches, densely foliated with vigorous and fibrous root systems. No trees will be accepted unless they show healthy growth and satisfactory foliage conditions.

Plants shall be nursery grown and free from defects, injuries, plant diseases and insect infestations. No infested plants shall be used at any time. Such plants found during construction shall be removed that day and replaced promptly with healthy specimens.

Plant heights in relationship to caliper; plant heights in relationship to minimum width of foliage; spread of root system, size of root balls and any other standards shall be in accordance with American Standards for nursery Stock (most recent edition) prepared by American Association of Nurseryman, Inc.

All plants of each particular variety shall be reasonably uniform in size and configuration.

All new trees must have straight trunks with a single leader intact unless multi-stemmed is specified. Bark shall be free of abrasions and all fresh cuts over one and a quarter inches shall be callused over. Trees will not be accepted which have had their leaders damaged so that cutting is necessary.

PART 5:
Construction Processes
Section 5.1: Landscaping Review Procedures

All plants shall be equal or exceed the measurements specified, which are minimum acceptable sizes. Any necessary pruning shall be done at time of planting and all plants shall be measured after pruning with branches in their normal position.

(D) ACCEPTABLE PLANT MATERIALS

- Trees must be selected from the City of Portsmouth's Tree Species List.
- No plants may be selected from the list of unacceptable plants.
- No plants may be used that are designated as Highly Invasive or Moderately Invasive on the Virginia Invasive Plant Species List (for the Coastal Region) compiled and maintained by the State Department of Conservation and Recreation (DCR) as posted on the state website (www.dcr.virginia.gov).

(E) TREE AND SHRUB PLANTING GUIDELINES

- Trees and shrubs shall be planted in accordance with Virginia Cooperative Extension Publication 430-295 "Tree and Shrub Planting Guidelines".
- The landscaping shall be done in accordance with the approved landscape plan. Any substitutions or changes to the approved landscaping plan must be re-submitted to the City for approval prior to installation of plant material.
- All trees shall be planted so that the trunk does not extend onto the public right-of-way at maturity.
- All shrubs shall be planted so that they do not extend onto or over the public right-of-way at maturity.
- All trees must be planted so that the trunk (at the time of planting) is at least 10 feet horizontally from all underground utilities (gas, water, sewer, and drainage pipes, telephone, cable, and electric wires, etc.)
- No trees may be planted in any public utility easements without written permission from the utility agency holding the easement.
- Only trees with a mature height of less than 20 feet may be planted within 15 feet of overhead utility lines.
- Trees with mature height of 20 to 40 feet must be at least 15 feet from overhead utility lines.
- Trees with a mature height over 40 feet must be at least 30 feet from overhead utility lines.
- Light poles should be at least 15 feet from small and medium trees and at least 30 feet from large trees.
- No trees may be planted within 30 feet of a street corner.
- No trees may be planted within 10 feet of a water meter, fire hydrant, transformer, telephone pedestal, traffic control box, utility pole, traffic sign, driveway, catch basin, drop inlet, or other utility infrastructure element.

(F) TREE AND SHRUB PROTECTION

- Proper tree protection must be shown on the plan around existing trees and shrubs that are to remain on site. Silt fence alone is not sufficient as proper tree protection.

PART 5:
Construction Processes
 Section 5.1: Landscaping Review Procedures

- Tree protection must be shown on all sheets of the development plan.
- Tree protection must be in place prior to the commencement of any construction activities.
- Tree protection must remain in place, undisturbed for the duration of the construction.
- No construction activities (including but not limited to stockpiling of soil, storage of materials, parking and driving of vehicles and equipment, grading, installation of utilities, etc.) may occur within the tree protection areas.
- Evidence of any construction activities in tree protection areas shall render those trees and shrubs ineligible to be counted toward any of the required plantings and additional plants will be required regardless of whether any damage to the plants is evident.

(G) TREE SPECIES LIST

The following table lists the trees acceptable for use in complying with the City's landscaping requirements.

TREE SPECIES LIST				
BOTANICAL NAME	COMMON NAME	SPREAD IN 30 YEARS (FEET)	CANOPY CREDIT (SQ FT)	SIZE (SEE NOTES)
Acer ginnala	Amur Maple	25	300	Small
Amelanchier canadensis	Serviceberry	8	300	Small
Betula alba	European White Birch	13	300	Small
Betula platyphylla japonica	Japanese White Birch	20	300	Small
Cercidiphyllum japonicum	Katsuratree	25	300	Small
Cercis canadensis	Eastern Redbud	25	300	Small
Chioanthus virginicus	White Fringetree	20	300	Small
Cornus florida	Flowering Dogwood	20	300	Small
Cornus mas	Corneliancherry Dogwood	7	300	Small
Crataegus phaenopyrum	Washington Hawthorn	20	300	Small
Ilex opaca	American Holly	28	300	Small
Koelreuteria paniculata	Panicled Goldenraintree	23	300	Small
Lagerstroemia	Crape Myrtle ***	13	300	Small
Magnolia soulangiana	Saucer Magnolia	20	300	Small
Magnolia stellata	Star Magnolia	13	300	Small
Magnolia virginiana	Sweetbay Magnolia	15	300	Small
Malus	Flowering Crabapple **	13	300	Small
Metasequoia glyptostroboides	Dawn Redwood	25	300	Small
Prunus serulata	Japanese Flowering Cherry	28	300	Small
Prunus subhirtella pendula	Weeping Cherry	20	300	Small
Prunus yedoensis	Yoshino Cherry	25	300	Small
Quercus acuta	Japanese Evergreen	23	300	Small

PART 5:
Construction Processes
Section 5.1: Landscaping Review Procedures

TREE SPECIES LIST				
BOTANICAL NAME	COMMON NAME	SPREAD IN 30 YEARS (FEET)	CANOPY CREDIT (SQ FT)	SIZE (SEE NOTES)
	Oak			
Stewartia monodelpha	Tall Stewartia	15	300	Small
Styrax japonicus	Japanese Snowbell	20	300	Small
Taxodium distichum	Common Baldcypress	28	300	Small
Acer campestre	Hedge Maple	30	1,000	Medium
Acer platanoides	Norway Maple ***	40	1,000	Medium
Acer rubrum	Red Maple ***	40	1,000	Medium
Acer rubrum 'October Glory'	October Glory Red Maple	35	1,000	Medium
Acer saccharum	Sugar Maple ***	40	1,000	Medium
Betula nigra	River Birch	40	1,000	Medium
Fraxinus pennsylvanica	Green Ash	45	1,000	Medium
Fraxinus pennsylvanica	Green Ash 'Marshall's Seedless'	45	1,000	Medium
Ginkgo biloba	Ginkgo (male varieties only)	40	1,000	Medium
Gleditsia triacanthos	Thornless Honey Locust ***	40	1,000	Medium
Magnolia grandiflora	Southern Magnolia *	40	1,000	Medium
Nyssa sylvatica	Sour Gum	35	1,000	Medium
Pinus nigra	Austrian Pine	30	1,000	Medium
Pinus taeda	Loblolly Pine	40	1,000	Medium
Pyrus calleryana	Callery Pear ***	35	1,000	Medium
Quercus acutissima	Sawtooth Oak	35	1,000	Medium
Quercus bicolor	Swamp White Oak	38	1,000	Medium
Quercus coccinea	Scarlet Oak	40	1,000	Medium
Quercus nigra	Water Oak	40	1,000	Medium
Quercus phellos	Willow Oak	43	1,000	Medium
Quercus robur 'Fastigiata'	Pyramidal English Oak	30	1,000	Medium
Quercus velutina	Black Oak	50	1,000	Medium
Quercus virginiana	Live Oak	50	1,000	Medium
Sophora japonica	Japanese Pagodatree	30	1,000	Medium
Tilia cordata	Littleleaf Linden ***	38	1,000	Medium
Zelkova serrata	Japanese Zelkova	40	1,000	Medium
Liriodendron tulipifera	Tulip Poplar	58	2,000	Large
Platanus acerifolia 'Bloodgood'	Bloodgood London Plane	73	2,000	Large
Platanus occidentalis	American Sycamore	88	2,000	Large
Quercus macrocarpa	Bur Oak	70	2,000	Large
Quercus montana	Chestnut Oak	60	2,000	Large

* All species and cultivars except Dwarf and Semi-Dwarf

** All species and cultivars

*** All cultivars

Minimum caliper of small and medium trees is 2.5"

Minimum caliper of large trees is 3"

Minimum height of multi-stemmed trees is 6 feet

5.2 DETERMINATION OF CONTEXTUAL SETBACKS

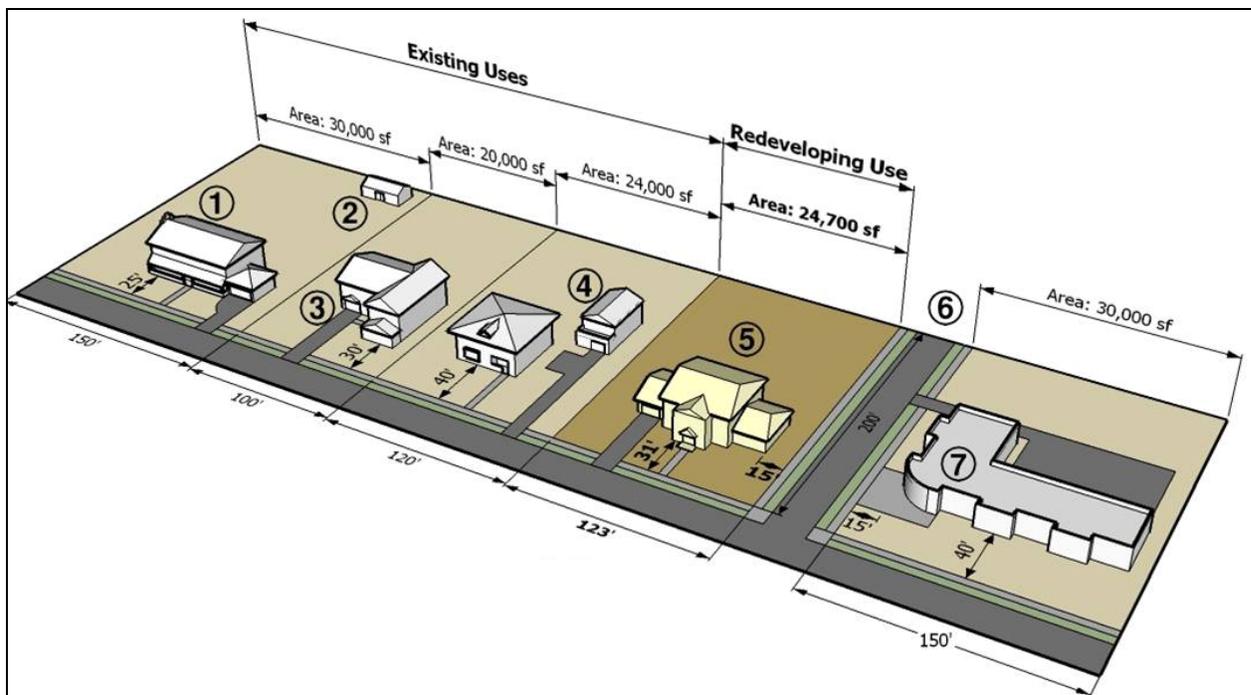
Portsmouth is a mature City. Much of Portsmouth was developed prior to the establishment of zoning and subdivision regulations. As a result, many of the lots in the City are nonconforming with respect to the lot area standards or minimum required yards (the open space between a lot line and a building wall) specified in the zoning district where they are located.

To help address this problem and to limit the need for costly or time-consuming variance permit applications, the zoning ordinance allows single-family residential development on lots within the residential and mixed-use zoning districts to use contextual lot area and required yard standards, under specific circumstances.

Contextual lot area standards allow new or redeveloped single-family residential development to be located on a lot that does not meet the minimum lot area requirements for the zoning district where it is located. Single-family residential development may proceed, without applying for a variance permit, provided the lot has an area that equals or exceeds the average lot area of the other lots along the same block face within a certain distance (e.g., 300 feet) of the proposed development.

Contextual required yard standards allow new or redeveloped single-family uses to include front, side, or rear yards with a lesser depth than the minimum requirements for the zoning district where it is located, provided each of the yards equals or exceeds the average yard depth found on other lots along the same block face within a specific distance (e.g., 300 feet) of the proposed development.

The image below provides an example of how the contextual provisions would apply to a hypothetical single-family development in the Neighborhood Residential (NR) zoning district. The single-family home marked "5" is a redeveloping use proposed on a lot that uses the contextual lot area, lot width, and required front yard provisions.



PART 5:
Construction Processes
Section 5.3: Nonconforming Site Aspects

The NR district requires a 30,000-square-foot lot, but the redeveloping lot is not large enough. It does, however, meet the average lot area found on lots within 300 feet (24,700 square feet). The minimum lot width in the NR district is 150 feet, which the redeveloping lot does not meet. It, however, complies with the average lot width for lots within 300 feet (123 feet). Finally, the NR district requires a 40-foot front yard, but the proposed development is located 31 feet from the front lot line. As with lot width, this is acceptable given that the 31 foot setback is consistent with the average front yard found on other lots within 300 feet.

Development that is authorized to use contextual dimensional standards is reviewed and approved administratively by the Planning Director. Proposed development that requires a deviation from district standards beyond the maximum allowed under the contextual setbacks must obtain approval of an administrative adjustment or variance permit.

City staff shall determine the contextual standards on the application during review of a proposed application for a permit or development approval. Applicants may determine the average lot area or yard requirement context on-line by using the City's interactive parcel map located at http://www.portsmouthva.gov/website/intersect_in/viewer.htm.

To determine distances, zoom in to the appropriate location, select the check box next to "Building Footprints" to show building outlines, and use the ruler tool (the only button on the toolbar with a question "?" mark). To measure, position the crosshairs at the location where you wish to measure from, and then click the mouse once. Then, move the mouse to where you wish to stop measuring and click the mouse again. You will see a red line segment, and a total (in feet) will appear in the "total" box on the upper right-hand corner of the screen. This figure is the distance corresponding to the red line segment. Click on the eraser tool to start over, if necessary.

5.3 NONCONFORMING SITE ASPECTS

The nonconforming site aspects section in Article 40.1-6: Nonconformities of the zoning ordinance describes how nonconforming site features like off-street parking, landscaping, or screening are addressed during structural alteration, remodeling, or expansion of a building or structure. As an incentive for redevelopment, the zoning ordinance allows redevelopment to proceed without achieving 100 percent compliance with off-street parking, landscaping, or screening standards in some cases.

The nonconforming site aspect standards allow minor structural alterations of 25 percent or less of structural value or floor area expansions of 15 percent or less to proceed without addressing nonconforming site features related to off-street parking, landscaping, or screening.

Structural alterations between 25 and 75 percent of structural value are required to increase the site's compliance with applicable off-street parking, landscaping, and screening standards in an amount corresponding to the alteration's percentage of structural value.

***For Example:** a nonresidential site with nonconforming off-street parking (site feature) with an assessed value of \$100,000 is undergoing remodeling equaling \$40,000 (40 percent of the assessed value), the developer must add a corresponding number of additional required parking spaces until the site fully complies. The site, at the time of remodel, has 10 parking spaces, but the ordinance requires a minimum of 20 for the use that is proposed (10 more spaces are required for the site to be conforming). In this case, the applicant would be required to provide 40 percent of the 20 spaces - or 8 more parking spaces, bringing the total number of spaces after the remodeling to 18 spaces.*

PART 5:
Construction Processes
Section 5.4: Construction Drawing Review

Expansions in floor area between 15 and 50 percent are also required to address site compliance with applicable off-street parking, landscaping, and screening standards in an amount corresponding to the percentage of floor area expansion.

For Example: A 25 percent increase in square footage will necessitate a 25 percent increase in the total number of parking spaces provided (up to the minimum requirement). Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

Expansions exceeding 50 percent of the existing floor area, or remodeling of 75 percent or more of a structure's value are required to come into full compliance with all off-street parking, landscaping, and screening standards.

To maintain flexibility for redevelopment, physically-constrained lots, like those with insufficient area or size to achieve partial or full compliance, are only required to achieve compliance with the nonconforming site feature standards to the maximum extent practicable, as determined by the Planning Director.

5.4 CONSTRUCTION DRAWING REVIEW

(A) Architectural

Two sets of signed and sealed plans are to be submitted to the Department of Permits and Inspections. Turnaround time for plan review is a maximum of three weeks

Civil

[placeholder]

5.5 INSPECTIONS

(A) Building Inspections

Effective March 1, 2009, in an effort to comply with the Virginia Uniform Statewide Building Code and to produce buildings that are safe and represent quality construction, the following building inspections are required:

- Footing – Trenches, pile caps, reinforcing steel, and grounding connection to reinforcing steel.
- Slab – After preparation and prior to placement of concrete.
- Foundation/Box Inspection – To include sills, girders, floor joists, flood and wind load zone strapping, as required by the U.S.B.C.
- Sheathing Inspection – To include the floor/sub floor, roofing and wall sheathing prior to the coverage or "drying-in" of the building.
- Framing Inspection – This may be scheduled simultaneously with sheathing inspection when desired by the permit holder. However, it is the responsibility of the permit holder to schedule sheathing and/or framing inspections. All necessary plumbing, mechanical/sprinkler, gas (pressure test) and electrical "rough-in" inspections must be completed prior to receiving a framing inspection. All firewall and fire resistant rated assemblies must be inspected at the time of the framing inspection.

- Insulation Inspection – Electrical “rough-in” must occur prior to installation of insulation.
- Final Inspection

(B) Tree Protection

A landscape plan is required with the submittal of any preliminary or final subdivision plat, site development plan, or application for a building permit. The landscape plan should indicate tree protection areas and trees to be retained or planted to meet the minimum tree canopy coverage requirements of Section 36, Article 3, of the City code of ordinances.

Failure to comply with the tree protection standards is a violation of City requirements, and may result in the denial of a certificate of occupancy and/or other remedies. If the protection measures for protecting trees are not in place during construction, a stop work order can be issued that is effective until the measures are installed.

For lands in the Chesapeake Bay Overlay district, indigenous vegetation must be preserved to the maximum extent practicable consistent with the use or development proposed in accordance with the Virginia Erosion and Sediment Control Handbook. Included in these protection standards are existing trees over two inches in diameter outside of a construction footprint, other woody vegetation outside of a construction footprint, limitations on clearing, and protective barriers for critical areas.

(C) Post Construction Inspections

Remove all construction debris, office and storage trailers, temporary equipment, and signs. “Grand Opening” signs, banners, tube dancers and similar devices must conform the Zoning requirements.

5.6 PERFORMANCE GUARANTEES

[placeholder]

5.7 TRANSPORTATION PLAN REQUIREMENTS

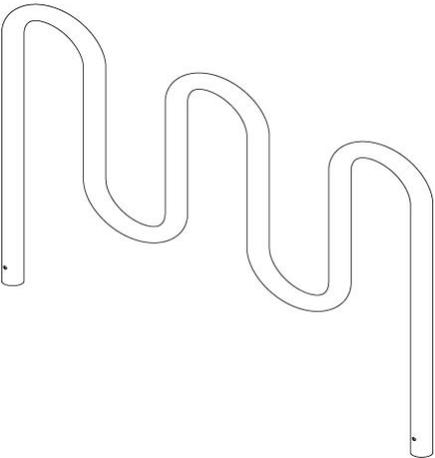
(A) Bike Racks

BICYCLE RACK DESIGNS

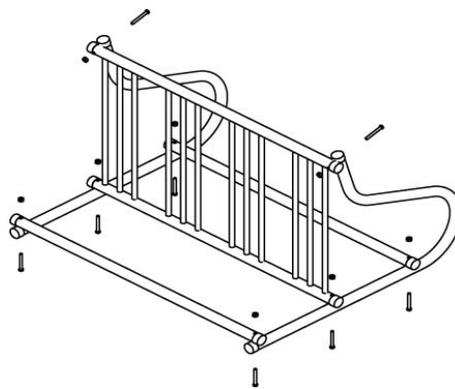
PREFERRED DESIGNS



UNACCEPTABLE DESIGNS



This type of rack does not support the bicycle in at least 2 places.



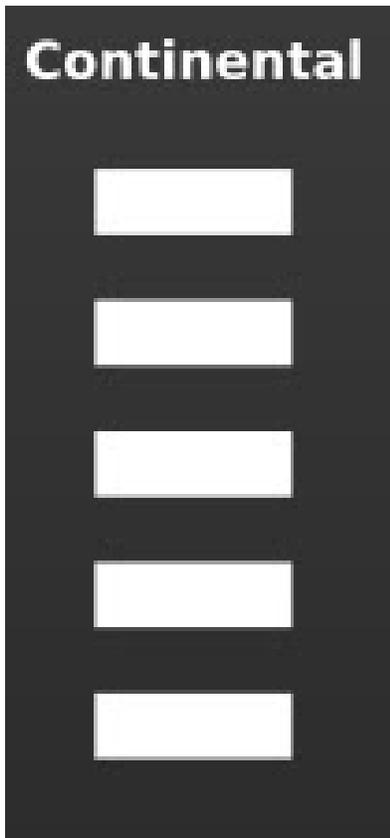
This type of rack can bend and damage the wheel.

The rack must:

- Support the bicycle frame in at least two (2) places, allowing the frame and wheel to be locked to the rack.
- Be durable and securely anchored.
- Prevent the wheel and the bicycle from tipping over.
- Allow front-in or back-in parking.
- Not damage the bicycle.

(B) Crosswalk Details

There are several details or methods for creating markings for a cross walk. Within the City of Portsmouth the following detail of the Continental type striping is to be used for all crosswalks.



Crosswalks are to be striped in the continental style shown at left. Lines are to be 24 inches wide with a 24 inch space in between. Minor, local streets may be striped with a six foot (6') crosswalk. Commercial driveways, collector, arterial, and otherwise major roadways are to be striped with an eight foot (8') crosswalk.

Paint may be used as crosswalk installation material for crosswalks required for interior lot circulation or across driveways located outside the right-of-way.

Crosswalks within the right-of-way must be striped using thermoplastic material.

6

PART 6: APPENDICES

This portion of the manual includes the supporting documents and resources associated with the development review process. The table below lists the resources included in the section of the Procedures Manual.

A. Contact Information

B. Application Forms

C. Submission and Review Schedules

D. Fee Schedule

E. Standard Details and Specifications

F. Frequently Asked Questions About Construction Permits

PART 6:
Appendices
Section 6.1: Appendix A: Contact Information

6.1 APPENDIX A: CONTACT INFORMATION

The following is a summary listing of key contact information for City departments, department heads, and other agencies may play a role in the review of development. Contact information on current members of the Board of Mayor and Aldermen or the Portsmouth Municipal Planning Commission can be found on the City's website at <http://www.portsmouthva.gov/planning/>.

DEPARTMENT OR AGENCY	CONTACT INFORMATION	
	CONTACT	PHONE
GENERAL PORTSMOUTH CITY OFFICES		
City Attorney's Office		757-393-8731
City Clerk's Office		757-393-8639
Police		757-393-8257
Fire		757-393-8765
Engineering		757-393-8592
Health		757-393-8585
PLANNING AND PARKS DEPARTMENT		
Planning		757-393-8836
Parks, Recreation, & Leisure Services	Meg Pittenger	757-393-8481
ZONING		
General Information	Christine Stewart	757-393-8836
Rezoning	Fred Brusso	757-3938836
Use Permit	Fred Brusso	757-3938836
Housing Use Permit	Fred Brusso	757-3938836
Variance Request	Christine Stewart	757-393-8836
SUBDIVISION		
Preliminary Subdivision Plat	Sampson Okafor	757-393-8836
Final Subdivision Plat	Sampson Okafor	757-393-8836
Street Closure	Susan Wilson	757-393-8836
HISTORIC AND DESIGN REVIEW		
Historic Preservation Commission	Jocelyn Adumuah	757-393-8836
Downtown Design Committee	Sampson Okafor	757-393-8836
WATER/SEWER TAP FEES		
Public Utilities/Works	Frank Wilson	757-393-8561 ext. 130
BUILDING PERMIT		
Building Plan Review (New Construction)	Bruce Brinkley	757-393-8531
Demolition Permit	Bruce Brinkley	757-393-8531
Plumbing, Electrical & Mechanical Permits	Bruce Brinkley	757-393-8531
MISCELLANEOUS AGENCIES		
Chesapeake Bay Preservation Act	Stacy Porter	757-393-8836
Local Wetlands Board	Stacy Porter	757-393-8836
Tree Replacement Preservation Ordinance		757-393-8836

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Section 6.1: Appendix A: Contact Information

DEPARTMENT OR AGENCY	CONTACT INFORMATION	
	CONTACT	PHONE
Sign Permit	Christine Stewart	757-393-8836
Encroachment Permit		757-393-8731
Site Plan Review	Jeff Harper	757-393-8592
Type II Site Review		757-93-8836
Stormwater BMP Agreement	James Wright	757-393-8592
Hauling Permit	Judy Mastros	757-393-8594
Special Event Permit	Stacy Porter	757-393-8836
Traffic Impact Analysis	Susan Wilson	757-393-8836
Certificate of Occupancy	Yolanda Price	757-393-8531

6.2 APPENDIX B: APPLICATION FORMS

1. Zoning Clearance Application – Development

2. Zoning Clearance Application -Business License [placeholder]

3. Use Permit

4. Rezoning

5. Certificate of Appropriateness

6. Development in the D1 or D2 Downtown Districts

7. Zoning Compliance Permit – Signs

8. Street Closure

9. Variance Permit/Appeal

10. Pre-application Request Form [placeholder]

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Section 6.3: Appendix C: Submission and Review Schedules

6.3 APPENDIX C: SUBMISSION AND REVIEW SCHEDULES

The following table includes the approximate review time for permit and development approval applications and associated tasks. Time frames do not start until after an application has been determined to be complete.

TABLE OF PERMIT AND DEVELOPMENT APPLICATION REVIEW TIMEFRAMES

PROCEDURE	TIMEFRAME FOR REVIEW
Completeness Determination	10 days
Conceptual Plan Review	10 days
Exempt Plan Review	5 days
Type I Plan Review	45 days (30 days on resubmittals)
Type II Plan Review	8 weeks
Building Plan Review	3 weeks (review can be concurrent with other reviews)
Building Permit Review	3 days
Electrical Plan Review	3 weeks (review can be concurrent with other reviews)
Electrical Permit Review	3 days
Mechanical Plan Review	3 weeks (review can be concurrent with other reviews)
Mechanical Permit Review	3 days
Plumbing Plan Review	3 weeks (review can be concurrent with other reviews)
Plumbing Permit Review	3 days
Chesapeake Bay Administrative Exception	4 weeks
Chesapeake Bay Exception	8 weeks
Wetlands Permit	8 weeks
Flood Zone Determination Letter	3 days
Use Permit Application	3 months, longer if deferred
Rezoning Application	3 months, longer if deferred
Street Closure	3 months, longer if deferred
Street Name Change	3 months, longer if deferred
Text Amendment	3 months, longer if deferred
Board of Zoning Appeals	8 weeks
Administrative Adjustment	3 weeks
Zoning Verification	
Buildable Lot	5 days
Nonconforming Site Aspects	5 days
Nonconforming Use	5 days
Zoning Clearance	
Business License (home)	3 days
Business License (commercial)	3 days
Development (same as exempt plan review)	5 days
Use	5 days
HPC Administrative Review	3 days
HPC Committee Review	21 days
DDC Administrative Review	3 days
DDC Committee Review	21 days

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Section 6.3: Appendix C: Submission and Review Schedules

TABLE OF PERMIT AND DEVELOPMENT APPLICATION REVIEW TIMEFRAMES

PROCEDURE	TIMEFRAME FOR REVIEW
Land Disturbing Permit	3 days (if E and S Plan has been approved)
Work in Right-of-Way Permit	3 days
Erosion and Sediment Plan	30 calendar days
Minor Subdivision Preliminary	30 days 2-3 weeks on re-submittals)
Minor Subdivision Final	3 weeks
Major Subdivision Preliminary	8 weeks
Major Subdivision Final	4 weeks (3-4 weeks on re-submittals)
Notes: 1. Times are provided for plans that are complete and contain all of the required information so appropriate staff can issue approvals. 2. All time limits for days are to be business days unless note otherwise.	

6.4 APPENDIX D: FEE SCHEDULE

The table found at the website address below lists the application fees associated with all application reviews in the City. The fee schedule amounts are subject to change and applicants should confirm they have the most current version of the fee schedule. Applicants should make all checks payable to "City of Portsmouth", and the memo line should reference application type and project name.

<http://www.portsmouthva.gov/planning/docs/DepartmentofPlanningFeeSchedule.pdf>

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Section 6.5: Appendix F: Standard Details and Specifications

6.5 APPENDIX F: STANDARD DETAILS AND SPECIFICATIONS

(A) Development Information Table

City of Portsmouth
Site Plan Information
last revised 5/2010

Site & Zoning	Address Zoning, including subdistrict, overlay, or Street Frontage type, if applicable Site Size (both in s.f. and ac.) Existing Use of the Site Proposed Use of the Site No. and type of proposed dwelling units, if applicable # of dwelling units per acre (for MF projects only) Site Flood zone designation (list all that apply) Chesapeake Bay Preservation Area designation, if applicable Use Permit Case #, if applicable Conditional Rezoning Case #, if applicable Approved Variance Case #, if applicable Building Coverage (as % of lot size) Floor to Area Ratio (FAR) Front Yard width Side Yard width Rear Yard width Accessory Structure Size(s), if applicable Accessory Structure Height(s), if applicable Height of Building # of building stories Height of First Story (interior) Height of First Floor above sidewalk Height of stories above the first floor (interior) S.F. of existing buildings (gross), if applicable S.F. of proposed buildings (gross)
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Section 6.5: Appendix F: Standard Details and Specifications

	S.F. of existing buildings (net), if applicable S.F. of proposed buildings (net)
	Floorplate size(s) of each building
	Current property assessment (for the structure(s), not the land) Value of the proposed improvements
Parking	Total number of parking spaces required by ordinance Total number of parking spaces proposed: Off-Street On-Street Shared Off-site Deferred Valet and Tandem Number of bicycle spaces provided Number of handicapped parking spaces provided Number of loading spaces provided Number of stacking spaces provided, if applicable
Landscaping	# of different tree species proposed
<i>Parking Lots</i>	Total Parking Lot Area (both in s.f. and ac.) % of the total land area occupied by shrubs in the landscape islands Width of planting strip Number of aggregate caliper inches of canopy trees per 100 linear feet of planting strip
<i>Perimeter Buffer</i>	Buffer Type Used Buffer Width provided Number of aggregate caliper inches of canopy trees per 100 linear feet Number of shrubs per 100 linear feet
<i>Site</i>	Number of aggregate caliper inches of canopy trees per 10 feet of outer building perimeter Number of shrubs per 10 feet of outer building perimeter
Open Space	Open Space set-aside area provided (as % of total development site area)
M.F. Development Stds	Roof pitch, if applicable

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Commercial Development Stds

Amount of fenestration on the ground floor front façade area; 1st floor (as a %)
Amount of fenestration on the ground floor front façade area; upper floors (as a %)

Transportation

Anticipated number of vehicle trip ends in a 24-hour period
Anticipated number of peak hour trip ends

Building

Building Use and Occupancy
Type of Construction
Fire protection system
Maximum occupancy

Green Building Bonus requested:
Green Building Features provided:

Finished floor elevation of lowest floor of building
Elevation of base of equipment
Elevation of lowest point of elevator
Crawl space or slab construction type

Distance between entry doors

(B) Standard Development Notes

Standard Site Plan Notes, *last revised: May 3, 2010*

Site

1. All utilities within or serving this development shall be located underground in accordance with Section 32-155 of the City Code.
2. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured to the degree practicable, to have a minimal visual impact as seen from the street.
3. Reflective or tinted glass that obstructs views into the building shall not be used.
4. Public and Institutional uses, commercial uses, and industrial uses that are adjacent to existing residential development or vacant land in residential districts, shall turn off all exterior lighting - except lighting necessary for security or emergency purposes - within one hour of closing.
5. No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.

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6. Barbed or razor wire is prohibited, unless other specially allowed in writing from the City.
7. Wetlands and land within resource protection areas and associated buffers shall remain in a natural undisturbed state except for those activities permitted by Chapter 9.1 of the City of Portsmouth City Code.

General

1. All material and methods shall conform to the 4th edition of the Hampton Roads Regional standards and specifications as amended by the city of Portsmouth's special provisions.
2. Elevations shown hereon are based on city of Portsmouth datum.
3. All concrete shall be class "a3" air-entrained (3,000 p.s.i.).
4. Temporary drainage during construction shall be provided by the contractor to relieve areas that may cause damage to roadways.
5. Prior to construction or excavation, the contractor shall assume the responsibility of locating any underground utilities (public or private) that may exist and cross through the area of construction that are not shown on these plans. Utility companies shall be notified 48 hours in advance of any excavation in the proximity of their utilities. The contractor shall be responsible for repairing, at his expense, any existing utilities damaged during construction.
6. Prior to construction within any existing public right-of-way, the contractor shall obtain all necessary permits from the city of Portsmouth, Virginia.
7. The contractor shall be responsible for replacing with matching materials any pavement, driveways, walks, curbs, etc. That must be cut or that are damaged during construction.
8. All storm sewer pipes, drop inlets, and curb inlets shall be cleaned of debris and eroded materials at last stages of construction.
9. All slopes within right-of-way or in city easements shall be topsoiled and seeded in accordance with City of Portsmouth specifications.
10. Pavement replacement within the city right-of-way shall match the existing pavement.
11. Before you dig, to miss the utilities, call "miss utility" of tidewater at 1-800-552-7001.
12. All cracked concrete in the right-of-way shall be removed and replaced to the nearest acceptable joint. Patching is not acceptable.
13. All storm drain joints in the right-of-way shall be double wrapped with 24" wide geotextile fabric per city/regional standards.

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Section 6.5: Appendix F: Standard Details and Specifications

14. Sewer lateral and cleanout to be installed by owner/developer at his/her own expense.
15. Tree protection shall be installed prior to construction and shall remain in place, undisturbed, until project completion.

Building

1. All on-site Utilities shall be installed in compliance with the Virginia Uniform Statewide Building Code.

Erosion and Sediment Control

- ES-1:** Unless otherwise indicated, all vegetative and structural erosion and sediment control practices will be constructed and maintained according to minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook and the *Virginia Erosion and Sediment Control Regulations* (4VAC50-30).
- ES-2:** All erosion and sediment control measures are to be placed prior to or as the first step in clearing.
- ES-3:** A copy of the approved erosion and sediment plan shall be maintained on the site at all times.
- ES-4:** Prior to commencing land disturbing activities in areas other than indicated on these plans (including, but not limited to, off-site borrow or waste areas), the contractor shall submit a supplementary erosion control plan to the owner for review and approval by the City of Portsmouth.
- ES-5:** The contractor is responsible for installation of any additional erosion control measures necessary to prevent erosion and sedimentation as determined by the City of Portsmouth's erosion control inspector.
- ES-6:** All disturbed areas are to drain to approved sediment control measures at all times during land disturbing activities and during site development until final stabilization is achieved, after which, upon approval of the City of Portsmouth's erosion control inspector, the controls shall be removed. Trapped sediment and the disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- ES-7:** During dewatering operations, water shall be pumped into an approved filtering device.
- ES-8:** The contractor shall inspect all erosion control measures at least every 2 weeks and immediately after each runoff-producing rainfall event. Any necessary repairs or cleanup to maintain the effectiveness of the erosion control devices shall be made immediately.
- ES-9:** The contractor is responsible for the daily removal of sediment that has been transported onto a paved or public road surface.
- ES-10:** Seeding operations shall be initiated within 7 days after reaching final grade or upon suspension of grading operations for anticipated duration of greater than 30 days or upon completion of grading operations for a specific area.
- ES-11:** Permanent vegetation shall not be considered adequately stabilized until the vegetation is uniform in height, thick enough to prevent erosion and mature enough to survive.
- ES-12:** The contractor shall be responsible for preventing surface and air movement of dust from exposed soils which may present health hazards, traffic safety problems, or harm animal or plant life.

6.6 APPENDIX G: POLICY GUIDELINES FOR COMMUNICATION TOWERS

(1) Definition and Purpose

Communication towers are defined as any tower or antenna structure and its appurtenances erected on a lot or attached to another structure that supports broadcast and receiving equipment for commercial purposes. Towers are permitted in all districts with approval of a conditional use permit. The collocation of communications equipment on an existing tower or structure is permitted by right subject to the standards contained in Section 40.1-4.3 (B)(8)(a) of the Zoning Ordinance.

The following guidelines will be used during the conditional use permit process by the City of Portsmouth to evaluate the appropriateness of any proposed communication tower facility. The guidelines are intended to: 1) provide for the appropriate location and development of communication towers to serve the residents and businesses in the City of Portsmouth; 2) minimize adverse visual effects of towers through careful design, siting, and vegetative screening; 3) avoid potential injuries to persons and damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and 4) maximize use of any new or existing communication tower to reduce the number of towers needed.

(2) Location Principals and Review Criteria

In addition to the general criteria listed in Section 40-106 (See Appendix A) of the City Code for issuance of a use permit; the following general principals will be applied during discussion of proposed communication towers:

- A. Whenever possible, new communication antennas should be located on existing towers or buildings.
- B. New towers should be designed to accommodate two additional users, the principal of co-location, or a written statement should be provided explaining why co-location is not possible.
- C. Communication towers should be located, whenever possible, in an industrial area where tall towers or structures already exist, or at or on existing public facilities such as water towers.
- D. The more unique the proposed tower site in terms of the absence of other communication towers or the more the immediate site is natural and not a man-made environment, the greater will be the effort required by the applicant to demonstrate how a proposed tower site fits into the environment.
- E. When a new tower location is proposed that does not have a tower in the immediate vicinity, the applicant will be required to demonstrate alternative approaches suitable to the environment of

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the location for construction of the tower, including methods of tower disguise or incorporation in an existing structure.

- F. Depending on the sensitivity of a proposed location and a preliminary assessment of possible visual impacts associated with construction of the proposed tower, the City may require submission of additional material by which the visual impact of the proposed tower may be gauged. Such material should include photographs of a balloon raised to the planned tower height or other suitable means of assessing the tower's visibility from nearby locations.

More specifically, the following criteria will be used to evaluate individual applications. Any proposed deviations from the criteria will receive particular scrutiny as to the need and the associated impact.

1. The capacity of a proposed structure and its associated land area to accommodate additional users.
2. Agreement that other facilities in the area cannot reasonably accommodate the proposed antenna through co-location.
3. In historic, residential, or other sensitive areas, the telecommunication provider must prove that there is no reasonable alternative at another less sensitive area.
4. More suitable alternative locations within the same service area are not available.
5. The appropriateness of the size and location of the site to accommodate parking and accessory facilities. The minimum site should be 2,000 square feet.
6. For roof mounted towers:
 - a) The tower and antenna, including support structures, is appropriately located or screened.
 - b) The building/structure is at least two stories in height.
7. The applicant's willingness to remove obsolete or unused communication tower facilities within twelve months of abandonment.
8. Advertising signs will not be attached to the tower.
9. Towers not subject to federal requirements will have gray, galvanized or other appropriate finish. Towers subject to federal regulations shall be painted in accordance with FCC or FAA regulations.
10. Lighting will not be incorporated unless required by the FCC and FAA or considered necessary for the security of the facility.
11. Towers should be set back at least 50 feet from any street, 25 feet from any property line.

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Section 6.6: Appendix G: Policy Guidelines For Communication Towers

12. In non-residential areas towers should be setback at least 1 foot for every foot of height from a principal residential structure and the height of the tower should not exceed 199 feet.
13. All sides of the tower site should be fenced and screened with appropriate landscaping.
14. Sites should be located outside the 50-foot seaward RPA buffer area of the Chesapeake Bay Preservation Area.
15. The proposed tower should have minimal impact on the primary use of the property.
16. In residentially-zoned districts, the following criteria will also be applied:
 - a) Non-residential sites and sites located on the edge of residential areas will be preferred.
 - b) The height of the tower should not exceed 150 feet.
 - c) The tower should be set back 4 feet for every 1 foot of tower height from the nearest residence unless there are mitigating circumstances or special steps taken.
 - d) The quality and design and detailing of the towers, antennas, fencing, landscaping, accessory structures and driveways will be required so that the facility blends into the residential character of the area.

(3) Submittal Requirement

In addition to a completed use permit application and fee, applicants must submit the following:

- A. Ten copies of a site plan, drawn to scale, specifying the location of tower(s), guy anchors, buildings, cabinets (or other accessory structures), parking, access, landscaped areas, fences and adjacent uses.
- B. Documentation from a qualified and licensed professional engineer that co-location cannot be accommodated on an existing tower or other structure within the service area.
- C. A report indicating the tower height, design, structure, installation and lighting or other appropriate information. Also, the total anticipated capacity of the structure (including number and type of users that the structure will accommodate).
- D. A map showing the location of the applicant's adjacent tower facilities and the boundaries of the proposed transmission cells.

(4) Conditions of Approval

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In addition to conditions that insure compliance with these guidelines, and any other site-specific conditions, the use permit should be approved with the following conditions:

- A. Prior to obtaining construction permits, a certified report from a qualified and licensed professional engineer must be submitted to the Director of Planning demonstrating that:
 - 1. the proposed tower will meet the structural requirements of the statewide building code and the requirements of EIA-222E, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures;
 - 2. that the non-ionizing electromagnetic radiation (NIER) that will be emitted from the proposed facility, along with others on the same structure or in the immediate vicinity, will not exceed exposure standards of the U.S. government; and
 - 3. the tower will not cause interference with any equipment such as radio, television and computers operated by users on adjacent properties

For towers over 199 feet in height, documentation from the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC) and any appropriate state review authority must be provided stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from these regulations.

6.7 APPENDIX H: FREQUENTLY ASKED QUESTIONS ABOUT CONSTRUCTION PERMITS

The following paragraphs include frequently asked questions and responses regarding construction permits, such as building permits, mechanical, electrical, structural, or HVAC permits.

(A) What is the cost of a permit?

The cost of the permit is determined by the type of permit and the work being done. Fee Schedules are available on the City's website.

(B) What do I need to bring with me when applying for a permit?

What you need to bring with you is also determined by the type of permit and work to be done, so a phone call will be necessary. Rule of thumb for property owners seeking electrical, plumbing and mechanical permits would be to bring a description of work, an estimation of the cost of the project and a list of materials to be used. For building projects such as additions, carports, garages or storage sheds bring a survey of the property and drawings of the work to be done.

Property owners must bring a photo identification in and sign an affidavit stating that a contractor has not been hired to do the work. This affidavit will be notarized when signed.

(C) When do I need a permit?

1. Constructing, enlarging, altering, repairing or demolishing a building or structure.
2. Changing the use of the building.
3. Installing or altering any equipment, which is regulated by the USBC.
4. Removing or disturbing any asbestos.
5. Any garage, shed or accessory building over 150 sq. ft.
6. Any roof, siding, decking or repairs over 100 sq. ft.
7. An elevator, stair chair lift, wheelchair lift or dumbwaiter.
8. Movement of a property line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
9. Converting a duplex or multifamily Residence to a single-family residence.
10. Replacement windows in any historic district as determined by the City.

(D) Do I need a permit for a fence? And which side of the fence faces outward.

A permit is not needed for a fence, but a Zoning Clearance is needed. The fence must be installed with finished side facing outward.

(E) What time is my inspection?

Inspection times must be coordinated with the inspectors. Inspections are performed between 10:00 a.m. and 4:00 p.m. during the business week.

(F) Who is my inspector?

Some inspectors are assigned to separate parts of the City, so it depends on where you live. This can be determined when you obtain a permit.

(G) Can a homeowner get a mechanical permit to install a gas water heater?

Yes.

(H) What time can a homeowner obtain a permit?

Homeowners should come into the planning department between 8:00 a.m. and 10:00 a.m. to see the appropriate inspector.

(I) What type of permit does not require an inspection?

It depends on the complexity of the proposed work. Generally, roof, siding, windows, and some minor electrical, mechanical and plumbing permits, as determined by the Building Official, can be issued without inspection.

(J) Do I need to be there for the inspection?

If work on the interior of the house requires an inspection, you or your representative (who must be over the age of 18) must be present.

(K) Does the City accept credit cards for payment?

Not at this time.

(L) If you own rental property, what permits can you obtain without having to hire a contractor?

The owner may obtain building permits.

(M) How long is a building permit good for?

Work must begin within 180 day of permit issuance. Once work begins, significant work must be accomplished and proven through the inspection process within 180 days of the last inspection. If work does not cease, the permit is good until the project is complete.

(N) What is the cost of a re-inspection?

Re-inspection on a building, electrical, mechanical, plumbing is \$35. A re-inspection fee for a rental inspection is \$50.

(O) Why is Portsmouth the only City that requires a bond?

A bond is required by City code.

(P) Is there a list of condemned properties?

No, there is not a list. Any property that has any property maintenance issues can be accessed through the City's website.

(Q) What is going to be done with the vacant houses in the City of Portsmouth?

Depending on the condition and length of vacancy, they can be declared a derelict structure and required to be renovated (for occupancy or resale) or demolished.

(R) Is there a list of properties with property maintenance issues?

No, there is not a list. Any property that has any property maintenance issues can be accessed through the City's website.

(S) What are the repercussions for not obtaining a rental inspection if you are in a rental district?

Court action can be taken and fines may be levied if rental inspection is not obtained upon notification from the Department of Permits and Inspections.

(T) Where are the standards for the D1 and D2 Districts?

The standards for development on lots within the D1 Downtown and the D2 Downtown districts are found in Appendices A and B of the Zoning Ordinance.

(U) Can I cut down a specimen tree?

Specimen trees may be removed **ONLY AFTER obtaining approval from the Planning Director** provided:

- The tree is on a lot in the D1 or D2 zoning districts; or
- The tree is on a lot containing a single-family detached dwelling established prior to May 1, 2010 (the effective date of the new ordinance); or
- The tree is dead, dying, diseased, or at high risk of dying, according to an arborist or other qualified professional; or
- The tree's location limits building size to less than would otherwise be allowed, or hinders compliance with other zoning ordinance standards.

Removal of a healthy specimen tree requires mitigation (replacement trees to be planted).

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Section 6.7: Appendix H: Frequently Asked Questions About Construction permits

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