

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 21, 2013 TIME: 7:00PM

AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING NEGOTIATIONS – RSA 91-A:2, I (b-c)

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Recognition of Art Students
2. Update on Wayfinding Project – Juliet Walker and Glenn Swantak, Principal, MERJE

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this meeting)*

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for approval this meeting)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8
- B. Third and final reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28)
- C. Third and final reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile Race, requesting permission to hold the annual Eastern States Race on Sunday, March 31, 2014 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Lt. Erin Rischawy, The Salvation Army, requesting permission to place “Christmas Kettles” in Market Square beginning November 11, 2013 through December 24, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. *Acceptance of Donation to the Coalition Legal Fund
 - Town of New Castle - \$500.00(***Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund***)
- D. Letter from Tiffany McKenna, A Safe Place, requesting permission to hold a candle light vigil on Thursday, October 24, 2013 from 6:00 p.m. – 7:00 p.m. at the Vaughan Mall (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jessica Brazean, Families First Health and Support Center and Cross Road House, requesting permission to hold a Memorial on December 19, 2013 at 5:30 p.m. in Market Square to bring awareness of homelessness to our community
- B. Letter from Josh Andrews, Runner’s Alley, requesting permission to hold the NH Veterans Day 1 Miler on Saturday, November 15, 2014 at 10:00 a.m.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Third and Final Reading of Proposed Ordinance Amendments:
 - 1.1 Third and Final Reading of Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8 (***Action on this matter should take place under Section VIII of the Agenda***)
 - 1.2 Third and Final Reading of Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28) (***Action on this matter should take place under Section VIII of the Agenda***)

- 1.3 Third and Final Reading of Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D (**Action on this matter should take place under Section VIII of the Agenda**)

City Manager's Items Which Require Action

1. Request for First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District
2. Request for First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning), and Miscellaneous Conforming Amendments
3. Report Back Re: Historic District Commission Request for Funding to Develop Design Review Tools
 - a) 3-D Model for Building in Downtown Portsmouth
 - b) Building Design Guidelines
 - c) Update the Historic Survey of the Historic District
4. Request to Authorize African Burying Ground Expenditures from the Trust
5. Parking Lot Usage/Maintenance Agreement with Isles of Shoals Steamship Company, Inc.

Informational Items

1. Events Listing
2. Canvass of the Vote

B. MAYOR SPEAR

1. Appointments to be Voted:
 - John Bosen – Reappointment to the Economic Development Commission
 - Joshua Cyr – Reappointment to the Economic Development Commission
 - Michael Barker – Planning Board
 - Justin Finn – Planning Board
2. Resignation
 - Michael Barker from the Taxi Commission

C. ASSISTANT MAYOR LISTER

1. *Status of New and Existing Surface Lots

New Lots

- 299 Vaughan Street – 90 Spaces
- Heinemann Lot on Rock Street – 110 Spaces
- Federal Building on weekends – 33 Spaces
- City Hall Lot on weekends – 166 Spaces
- Isles of Shoals Lot (Winter only) – 51 Spaces

Total New Spaces: 450 Spaces

Existing Lots

- The Masonic Lot on Miller Avenue – 61 Spaces
- CCC Church on Market Street Extension – 93 Spaces
- South Playground – 90 Spaces
- Parrott Avenue – 186 Spaces
- Sheraton Lot – 40 Spaces
- Middle Street Baptist (staff only) – 17 Spaces
- Bridge Street – 63 Spaces
- Worth Lot – 87 Spaces
- Wright Avenue – 38 Spaces

Total Existing Spaces: 675 Spaces

These spaces are listed on the website at www.ParkPortsmouth.com. There are a total of 1,125 spaces available for use.

D. COUNCILOR KENNEDY

1. *Street Sweeping

E. COUNCILOR NOVELLINE CLAYBURGH & COUNCILOR SMITH

1. *Fee Committee Report Back Re: Fee for Registration Permit

F. COUNCILOR LOWN

1. *Sustainability Committee Update

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8, Article III, "**Street Trees**," of the Ordinances of the City of Portsmouth is hereby deleted in its entirety and replaced with the following amendment to Chapter I, Article IV creating a Trees & Public Greenery Committee and the adoption of a new Portsmouth Urban Forestry Ordinance as described below:

ADD following Committee to Chapter I, Article IV:

Section 1.412: TREES & PUBLIC GREENERY COMMITTEE

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper

maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

AND be it further ordained that the Ordinance of the City of Portsmouth, Chapter 8 – Encumbrances and Injurious Practices in Streets, be amended by deleting existing Article III: Street Trees, and replacing it with a new Article III: Portsmouth Urban Forestry Ordinance, as follows:.

ARTICLE III: PORTSMOUTH URBAN FORESTRY ORDINANCE

Section 8.301: AUTHORITY

This Ordinance is adopted with the authority of RSA 231:139 (et. seq.)

Section 8.302: DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "City" is the City of Portsmouth, New Hampshire.

B. "Tree Warden" is a member of the City Administrative Staff appointed by the City Manager with an interest in trees and public greenery and may be the Director of the Department of Public Works of the City or his/her designee. The Tree Warden shall be appointed in accordance with this Ordinance and in accordance with State Statute.

C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

D. "Street tree" or "Tree" is a tree in a public place on property owned by the City of Portsmouth or in a public right of way, or easement controlled by the City, and is defined as a woody plant with a single main stem that has the potential to grow to at least thirteen (13) feet high and two (2) inches in diameter.

E. "Urban Forest" is defined as trees in any public park, public parking lot, or within any public right of way within the City of Portsmouth.

F. "Public Greenery" is defined as any vegetation on public property or on public rights-of-way in the City of Portsmouth whose existence improves the aesthetics of the area where it is located and contributes to the fabric of the City of Portsmouth in a positive manner.

Section 8.303: FINDINGS

The value of urban trees can hardly be overstated. In addition to conferring significant environmental value they provide equally important psychological benefits. What was said in the early 1800's remains true today: "There is not a village in America, however badly planned at first, or ill-built afterwards, that may not be redeemed, in a great measure, by the aid of shade trees in the streets... and it is never too late or too early to project improvements of this kind." [Andrew Jackson Downing (1815-1852)]

Section 8.304: PURPOSE

This Ordinance establishes policies, requirements, and standards to ensure a healthy and stable urban forest in Portsmouth. Its provisions are enacted to:

1. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
2. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.

3. Regulate and enforce the planting and maintenance of trees on City property.
4. Establish limits on the amount of disturbance of trees that may take place on public property.

Section 8.305: POLICIES

It shall be the policy of the City to expand the urban forest through the planting of trees alongside the streets of the City and in City parks and other public places, consistent with the best arboricultural practices, horticultural practices, aesthetic concerns, and public safety.

Whenever feasible, trees that are removed shall be replaced as soon as possible with one or more specimens appropriate to the site.

The City shall endeavor to meet the national standards set forth in the Tree City USA Program so as to qualify annually as a Tree City USA Award-Winning Community.

Section 8.306: TREE WARDEN

The Tree Warden, in consultation with the Trees & Public Greenery Committee, is charged with the responsibility for the enforcement of this Ordinance and all applicable provisions of state law. The Tree Warden may serve notice to any person in violation of this Ordinance or, in consultation with the Trees & Public Greenery Committee, may institute legal proceedings through the Office of the City Attorney.

Section 8.307: AUTHORITY OF THE TREE WARDEN

A. The Tree Warden shall have jurisdiction and supervision over all street trees and any tree in any park, public right-of-way, easement, or any other public place within City limits.

B. The Tree Warden, in consultation with the Trees & Public Greenery Committee, shall have the authority to plant, care for, and replace trees and other plantings.

C. Order to Preserve or Remove:

The Tree Warden shall have the authority, and it shall be the duty of the Tree Warden, to order the trimming, spraying, preservation, or removal of trees upon property owned by or controlled by the City, or in any City right of way. The Tree Warden, subject to the approval of the Trees & Public Greenery Committee, shall take such action necessary to order the removal of street trees and trees in public places wherever necessary to preserve public safety or to prevent the spread of disease or insects to public trees and places. No street tree or tree in a public place having a diameter larger than two (2) inches as measured, four (4) feet above the ground, shall be removed without approval of the Trees & Public Greenery Committee, after a public hearing, except where delay in the removal of the tree would pose an imminent threat to public safety or property.

D. The Tree Warden shall have the authority, subject to applicable provisions of state law and municipal ordinance, to order the trimming or removal of a tree on private property if the Tree Warden deems such tree to be a public hazard.

E. The Tree Warden or designee shall provide advice to the Site Review Technical Advisory Committee on tree removal, tree selection, and placement on projects that come before the Planning Board.

Section 8.308: PROHIBITED ACTS

A. No person or entity (except a public utility with the express written approval of the Tree Warden, after consultation with the Trees & Public Greenery Committee) shall cut, prune, injure, affix wires or cables, post notices, or remove any tree in any public right of way, public park, or other public property.

B. No person shall plant a tree or shrub on City property without first obtaining the consent of the Tree Warden.

C. Any person planting a tree between the carriage way and the sidewalk in any public street or highway on which his or her estate is situate shall consult with the tree warden concerning the location, species, size of the tree, and proper planting techniques.

Section 8.309: PERMITS REQUIRED

A. No person shall trim, cut, or alter trees in public places without first filing an application and procuring a permit from the Tree Warden.

B. No person shall remove trees in any public right of way or public place, including parks or parking lots, without a permit from the Tree Warden, which permit shall not be granted until after a hearing has been held by the Trees & Public Greenery Committee. Said hearing shall be a public hearing and shall be held within forty-five (45) days from the date of the application for removal.

Upon receipt of an application for removal of a tree, the Tree Warden shall cause to be attached to any tree sought to be removed, a conspicuous tag of a kind and color approved by the Tree Warden. Said tag shall be attached to such tree or trees not less than seven (7) days prior to the public hearing.

C. No person shall alter or remove any tree shown on a Site Plan approved by the Planning Board without the approval of the Planning Board or the Planning Director (as determined by the Planning Board), and no tree located in a public right of way and shown on a Site Plan shall be removed without approval of the Planning Board or the Planning Director and without approval of the Trees & Public Greenery Committee.

D. Application Data: The application required herein shall state the number and kind of trees to be trimmed, altered, or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and such other information as the Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

E. Standards for Issuance: The Trees & Public Greenery Committee shall issue an approval for the removal of a tree only upon the finding that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory. It shall be the duty of the Tree Warden to coordinate with the Public Works Department all work to be done under a permit issued in accordance with the terms of this Ordinance. The Tree Warden shall have the authority to affix reasonable conditions to the granting of a permit.

F. No person shall affix any sign or signs to any public trees except as in B. above.

G. The Tree Warden shall order the issuance of permits for tree removal only after a public hearing is held by the Trees & Public Greenery Committee and after the Committee finds that the desired action is necessary and the proposed methods and

workmanship are satisfactory. Except for exigent circumstances, the decisions of the Tree Warden shall be subject to prior review and approval by the Trees & Public Greenery Committee, which will consider the following: (1) the reason for the request; (2) the health of the tree; and (3) the importance of the tree to the streetscape and/or neighborhood.

Section 8.310: ENFORCEMENT

- A. Any person, natural or otherwise, who violates a provision of this ordinance, shall be:
 - a. Subject to a fine of not more than \$1,000.00 per violation; and
 - b. Shall be liable to the City of Portsmouth for all costs of treating, restoring, or replacing any trees or public greenery under the jurisdiction of this Ordinance or the Tree Warden, as well as other damages allowed by law.

- B. This ordinance may be enforced by means of a civil action seeking injunctive relief.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All Ordinances or parts of Ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk


Explanation: (Not part of the ordinance) This version of the ordinance assumes that the Council will make the amendment to Section 1.412 to create a nine person Committee as proposed by the Trees & Greenery Committee.

h:\ordinance\ord\trees & greenery ordinance – final (Peter Loughlin)

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: August 26, 2013
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 
RE: PROPOSED TREES AND PUBLIC GREENERY ORDINANCE

You have requested a summary of the proposed Trees and Public Greenery Ordinance scheduled for first reading before the City Council on August 5, 2013. This memorandum will provide that summary.

The proposed ordinance would replace the City's current Tree and Public Greenery regulatory mechanism, with the following:

1. The creation of a Tree and Public Greenery Committee consisting of nine (9) voting members primarily selected by the Mayor and City Council but with the addition of the City Manager, Tree Warden, Public Works Foreman in charge of tree maintenance or their respective designees, all ex-officio.
2. The Committee will advise and assist the City's Tree Warden (to be described below) with respect to virtually anything involving the, "City's Urban Forest". This function will include dealing with arborcultural, horticultural, aesthetic and public safety concerns as well as the preparation of an annual report summarizing all activity relating to the ordinance for the City Council.
3. The ordinance would create the position of "Tree Warden" who shall be a member of the City's administrative staff appointed by the City Manager.
4. The stated purpose of the ordinance is based upon the finding that, "the value of urban trees can hardly be overstated".
5. An explicit responsibility of the City under the ordinance will be to:

- a. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
 - b. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.
 - c. Regulate and enforce the planting and maintenance of trees on City property.
 - d. Establish limits on the amount of disturbance of trees that may take place on public property.
6. The Tree Warden created by the ordinance will be provided with, "responsibility for the enforcement of this ordinance and all applicable provisions of state law" this authority will include the authority to institute legal proceedings operating through the City's Legal Department.
 7. The Tree Warden will have both the authority and the duty to order, "trimming, spraying, preservation and/or removal of trees upon property owned or controlled by the City, or in any City right-of-way" in a manner consistent with the ordinance.
 8. The ordinance will expressly prohibit planting, cutting, pruning or taking virtually any action with respect to trees located in any public right-of-way, public park or other public property without approval of the Tree Warden.
 9. The ordinance will authorize persons to remove trees in the public right-of-way or public places, however, the action cannot be taken absent a permit issued by the Tree Warden after a public hearing to be held by the Committee.
 10. An important new provision in the ordinance would be to authorize the Committee to enforce tree related provisions which may be placed on private property site plans or the public rights-of-way by the Planning Board.
 11. Violations of the proposed ordinance would subject the violator to a fine of up to \$1,000.00 per violation and make that person liable to the City for all costs of replacing any damages to City property or any other damages allowable by law.

The foregoing constitutes a brief summary of the ordinance.

cc: Trees & Greenery Committee
Peter H. Rice, Public Works Director

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ADD following Committee to Chapter I, Article IV:

Section 1.412: TREES & PUBLIC GREENERY COMMITTEE

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of up to nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance or designee; and up to six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper

maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

AND be it further ordained that the Ordinance of the City of Portsmouth, Chapter 8 – Encumbrances and Injurious Practices in Streets, be amended by deleting existing Article III: Street Trees, and replacing it with a new Article III: Portsmouth Urban Forestry Ordinance, as follows:.

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- A. "City" is the City of Portsmouth, New Hampshire.
- B. "Tree Warden" is a member of the City Administrative Staff appointed by the City Manager with an interest in trees and public greenery and may be the Director of the Department of Public Works of the City or his/her designee. The Tree Warden shall be appointed in accordance with this Ordinance and in accordance with State Statute.
- C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

D. "Street tree" or "Tree" is a tree in a public place on property owned by the City of Portsmouth or in a public right of way, or easement controlled by the City, and is defined as a woody plant with a single main stem that has the potential to grow to at least thirteen (13) feet high and two (2) inches in diameter.

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Section 8.303: FINDINGS

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Section 8.304: PURPOSE

This Ordinance establishes policies, requirements, and standards to ensure a healthy and stable urban forest in Portsmouth. Its provisions are enacted to:

1. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
2. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.

3. Regulate and enforce the planting and maintenance of trees on City property.
4. Establish limits on the amount of disturbance of trees that may take place on public property.

Section 8.305: POLICIES

It shall be the policy of the City to expand the urban forest through the planting of trees alongside the streets of the City and in City parks and other public places, consistent with the best arboricultural practices, horticultural practices, aesthetic concerns, and public safety.

Whenever feasible, trees that are removed shall be replaced as soon as possible with one or more specimens appropriate to the site.

The City shall endeavor to meet the national standards set forth in the Tree City USA Program so as to qualify annually as a Tree City USA Award-Winning Community.

Section 8.306: TREE WARDEN

The Tree Warden, in consultation with the Trees & Public Greenery Committee, is charged with the responsibility for the enforcement of this Ordinance and all applicable provisions of state law. The Tree Warden may serve notice to any person in violation of this Ordinance or, in consultation with the Trees & Public Greenery Committee, may institute legal proceedings through the Office of the City Attorney.

Section 8.307: AUTHORITY OF THE TREE WARDEN

A. The Tree Warden shall have jurisdiction and supervision over all street trees and any tree in any park, public right-of-way, easement, or any other public place within City limits.

B. The Tree Warden, in consultation with the Trees & Public Greenery Committee, shall have the authority to plant, care for, and replace trees and other plantings.

C. Order to Preserve or Remove:

The Tree Warden shall have the authority, and it shall be the duty of the Tree Warden, to order the trimming, spraying, preservation, or removal of trees upon property owned by or controlled by the City, or in any City right of way. The Tree Warden, subject to the approval of the Trees & Public Greenery Committee, shall take such action necessary to order the removal of street trees and trees in public places wherever necessary to preserve public safety or to prevent the spread of disease or insects to public trees and places. No street tree or tree in a public place having a diameter larger than two (2) inches as measured, four (4) feet above the ground, shall be removed without approval of the Trees & Public Greenery Committee, after a public hearing, except where delay in the removal of the tree would pose an imminent threat to public safety or property.

D. The Tree Warden shall have the authority, subject to applicable provisions of state law and municipal ordinance, to order the trimming or removal of a tree on private property if the Tree Warden deems such tree to be a public hazard.

Section 8.308: PROHIBITED ACTS

A. No person or entity (except a public utility with the express written approval of the Tree Warden, after consultation with the Trees & Public Greenery Committee) shall cut, prune, injure, affix wires or cables, post notices, or remove any tree in any public right of way, public park, or other public property.

B. No person shall plant a tree or shrub on City property without first obtaining the consent of the Tree Warden.

C. Any person planting a tree between the carriage way and the sidewalk in any public street or highway on which his or her estate is situate shall consult with the tree warden concerning the location, species, size of the tree, and proper planting techniques.

Section 8.309: PERMITS REQUIRED

A. No person shall trim, cut, or alter trees in public places without first filing an application and procuring a permit from the Tree Warden.

B. No person shall remove trees in any public right of way or public place, including parks or parking lots, without a permit from the Tree Warden, which permit shall not be granted until after a hearing has been held by the Trees & Public Greenery Committee. Said hearing shall be a public hearing and shall be held within forty-five (45) days from the date of the application for removal.

Upon receipt of an application for removal of a tree, the Tree Warden shall cause to be attached to any tree sought to be removed, a conspicuous tag of a kind and color approved by the Tree Warden. Said tag shall be attached to such tree or trees not less than seven (7) days prior to the public hearing.

C. No person shall alter or remove any tree shown on a Site Plan approved by the Planning Board without the approval of the Planning Board or the Planning Director (as determined by the Planning Board), and no tree located in a public right of way and shown on a Site Plan shall be removed without approval of the Planning Board

or the Planning Director and without approval of the Trees & Public Greenery Committee.

D. Application Data: The application required herein shall state the number and kind of trees to be trimmed, altered, or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and such other information as the Tree Warden shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.

E. Standards for Issuance: The Trees & Public Greenery Committee shall issue an approval for the removal of a tree only upon the finding that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory. It shall be the duty of the Tree Warden to coordinate with the Public Works Department all work to be done under a permit issued in accordance with the terms of this Ordinance. The Tree Warden shall have the authority to affix reasonable conditions to the granting of a permit.

F. No person shall affix any sign or signs to any public trees except as in B. above.

G. The Tree Warden shall order the issuance of permits for tree removal only after a public hearing is held by the Trees & Public Greenery Committee and after the Committee finds that the desired action is necessary and the proposed methods and workmanship are satisfactory. Except for exigent circumstances, the decisions of the Tree Warden shall be subject to prior review and approval by the Trees & Public Greenery Committee, which will consider the following: (1) the reason for the request;

(2) the health of the tree; and (3) the importance of the tree to the streetscape and/or neighborhood.

Section 8.310: ENFORCEMENT

A. Any person, natural or otherwise, who violates a provision of this ordinance, shall be:

- a. Subject to a fine of not more than \$1,000.00 per violation; and
- b. Shall be liable to the City of Portsmouth for all costs of treating, restoring, or replacing any trees or public greenery under the jurisdiction of this Ordinance or the Tree Warden, as well as other damages allowed by law.

B. This ordinance may be enforced by means of a civil action seeking injunctive relief.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All Ordinances or parts of Ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article II, Section 7.222 – **MAXIMUM NUMBER OF TAXICABS** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

Section 7.222: **MAXIMUM NUMBER OF TAXICABS**

Medallions for not more than ~~twenty-five (25)~~ **twenty-eight (28)** taxicabs shall be in force at any time. Each medallion shall authorize the operation of one taxicab only. One of the ~~twenty-five (25)~~ **twenty-eight (28)** medallions shall be reserved at all times and made available only to a taxicab which is of sufficient size, construction and equipment to allow for the access and egress of handicapped individuals, including passengers utilizing electric wheelchairs, without requiring such passengers to be removed from the wheelchairs. Notwithstanding any other provision of this Ordinance, the vehicle to which is issued the taxi medallion dedicated to handicapped accessibility, may be a vehicle designated to carry up to nine (9) passengers

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article X, Section 7.1000 E – TOWING of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing

Section 7.1000 – TOW ZONES:

E. Limited Parking Areas: City Streets

3. Any vehicle or object remaining in the same location ~~on a public street in~~ **any uncontrolled on-street parking space** for more than ~~72~~ **24** hours **in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City,** may be removed in the manner provided in Section 7.1000 D.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

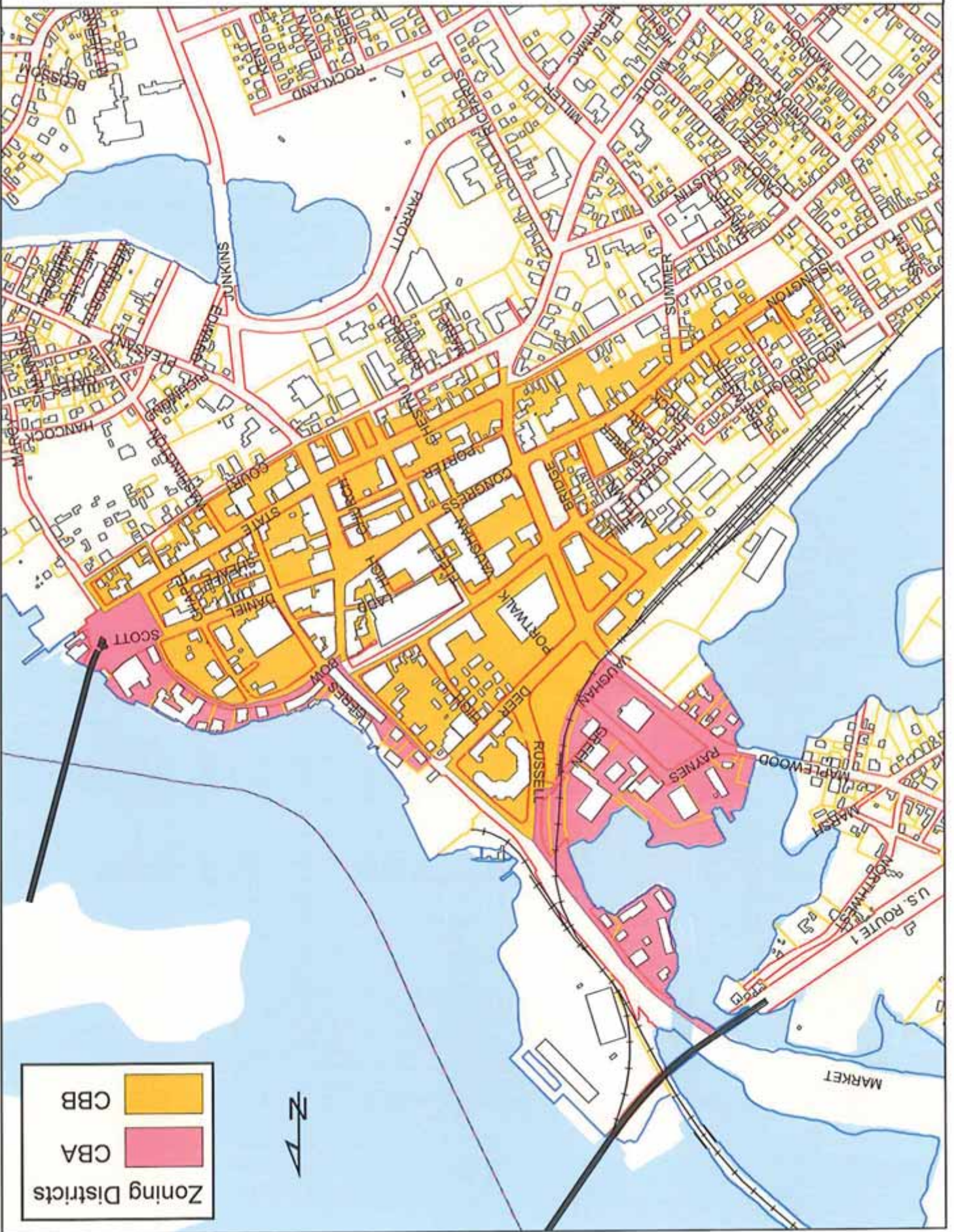
Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Central Business Districts

Portsmouth Planning Department | September 2013
0 300 600 900 1,200 Feet



OCT - 3 2013

October 1, 2013

Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

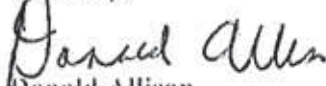
Dear Sirs,

Please accept this letter as a request to once again hold the Eastern States 20 Mile Road Race, scheduled for Sunday, March 31, 2014. I have successfully held this race the past 18 years and look forward to doing do again this year. I hope you will grant a permit, as you have done in each of the last 18 years.

I have worked with the City of Portsmouth Police Department and will contact them again about securing police detail for all intersections that the runners pass through. The race is expected to have a few hundred runners, and since Portsmouth High School is the start, all runners will move through Portsmouth very quickly. I am aware of the construction of the Sagamore Bridge; I have discussed this with the chief of police and will work them on an alternate route.

Thank you very much for your cooperation in this matter. I hope to hear from you soon.

Sincerely,



Donald Allison
Eastern States 20 Mile
725 Broad St #9
Weymouth, MA 02189
617-835-2378

GENERAL ANDRÉ COX



THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM AND CATHERINE BOOTH

PORTSMOUTH CITADEL
15 MIDDLE STREET
PORTSMOUTH, NH 03801
TELEPHONE (603) 436-2606
FAX (603) 436-8426

BARRY C. SWANSON
TERRITORIAL COMMANDER
MAJOR JAMES P. LABOSSIERE
DIVISIONAL COMMANDER

CAPTAIN DEBORA COOLIDGE
COMMANDING OFFICER
LIEUTENANT ERIN RISCHAWY
ASSISTANT OFFICER

October 9, 2013

Mr. John Bohenko, City Manager
Portsmouth City Hall
7 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko:

The Annual Red Kettle Campaign is one of our most important fundraisers. The money raised during the Holiday Season supports our wide array of services. It has been a success every year thanks to the generous support of the thousands of people who put money in the Red Kettles. Because of this support we are able to provide services to those in need here in the Portsmouth and Seacoast communities.

Again we are asking the City of Portsmouth to allow us to place our "Christmas Kettles" in Market Square beginning November 11th and ending on December 24th. This year, more than ever, we are cultivating Bell Ringers who will best represent the Salvation Army in integrity and image.

We look forward to working with you and your staff so that this Christmas Kettle Effort will be as successful as past years, and the funds raised will meet the needs of the projected 150 families (2200 individuals) in the Portsmouth Area this Christmas season.

If you have any questions please contact me at 436-2606. Thank you.

Sincerely,

Erin Rischawy
Lt. Erin Rischawy
Assistant Corps Officer



October 16, 2013

John Bohenko, City Manager
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko,

As you may already know, October is domestic violence awareness month. We would like to begin this month of raising awareness by hosting a candlelight vigil in honor of those who have lost their lives at the hands of their intimate partner due to domestic violence and to honor survivors who have escaped by celebrating their lives.

Our agency works diligently every day to serve victims of domestic abuse throughout Rockingham and Strafford Counties by serving 48 towns and cities. We hope that you will support our efforts by approving our request below.

Please present the following information for approval to city council. We would like to hold a candle light vigil on Thursday, October 24, 2013 from 6:00PM to 7:00PM at the Vaughan Mall. We hope to have as many as 30 people will attend the event. We will provide candles and we will clean up after the vigil. We held a vigil at this same location in 2011 and 2012.

We also request that the Mayor read a proclamation as he did last year for us. We also invite city councilors and other officials to attend.

I hope you will approve this event and join with A Safe Place as we further our mission of breaking the cycle of domestic abuse. If you need further information or would like to schedule a meeting, please don't hesitate to contact me at 603-436-4619 or on my cell at 603-380-5872

Sincerely,

Tiffany M. McKenna
Director of Development

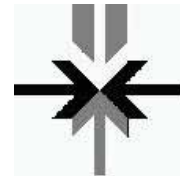
Domestic Abuse Support Services

Administrative Offices
6 Greenleaf Woods Suite 101
Portsmouth NH 03801

603.436.4619
Fax 603.436.7951

24 Hour Hotlines
Portsmouth: 603.436.7924
Rochester: 603.330.0214
Salem: 603.890.6392

Toll Free: 1.800.854.3552
www.asafeplacenh.org



CROSS ROADS HOUSE
600 Lafayette Road
Portsmouth, NH 03801
Ph 603.436.2218

Dear John Bohenko and Portsmouth City Council Members:

Families First Health and Support Center and Cross Roads House have sponsored a Homeless Memorial Service for the past five years at Prescott Park. It has been a small intimate affair honoring those that had died in the year and bringing awareness of homelessness to our community.

Last year we met at the Vaughn Mall and did a walk to Prescott Park where we held the ceremony. This year we were hoping to discuss the option of not doing a walk and just holding the whole ceremony in Market Square as this would give us more visibility to spread more awareness to the public and give us an opportunity to bring our message to the people in our community and give them the opportunity to join us in remembering those less fortunate.

We would like to hold this Memorial on December 19th starting at 5:30 and lasting approximately an hour and a half. We are hoping to attract 50 people to this event. I don't see a need for street closures.

We would also hope that Mayor Spear or another representative from the city would be willing to speak at this event.

Please approve this request. Please respond to Jessica Brazeau 603-436-2218 ext 105.

Please let us know if there are any more details you need for the approval process.

Thank you for your consideration.

Jessica Brazeau, MSW
Case Manager
Cross Roads House
Portsmouth NH
604-436-2218 ext 105

We are seeking permission to organize a road race in Portsmouth, NH/Kittery, ME to honor New Hampshire Veterans. We want to plan the event around Veterans Day and cross the Memorial Bridge to maximize its potential reach and ensure its success. We envision the event as a family-friendly way to bring the Seacoast community together to support local Veterans.

1. Event Details

Proposed Event: NH Veterans Day 1 Miler

Race Director: Josh Andrews

Date/Time: 10am Saturday, November 15th 2014 (pending approval from city council Portsmouth, NH; Kittery ME, and NH DOT)

Duration: 1 hour

Venue: 1 mile loop on State St. crossing over the Memorial Bridge (course map attached) - this will require at least 1 lane of the Memorial Bridge be coned off for runners to cross the bridge safely.

Beneficiary: This event is for the benefit of NH Veterans. Money raised will be donated to the VA office in Manchester to help expand their range of services.

Projected Number of Participants: 300+

Parking: Municipal lots, parking garages, and street parking

2. Scope of Work and Responsibilities

Event Management & Coordination: Josh Andrews, Runner's Alley and a group of volunteers will be responsible for ensuring the event runs smoothly. Runner safety (including police detail and EMT services), registration, porta potty's and water stops along the course will be of high priority.

Timing Services: We will hire a 3rd party to manage timing services (Granite State Timing Services, Yankee Timing)

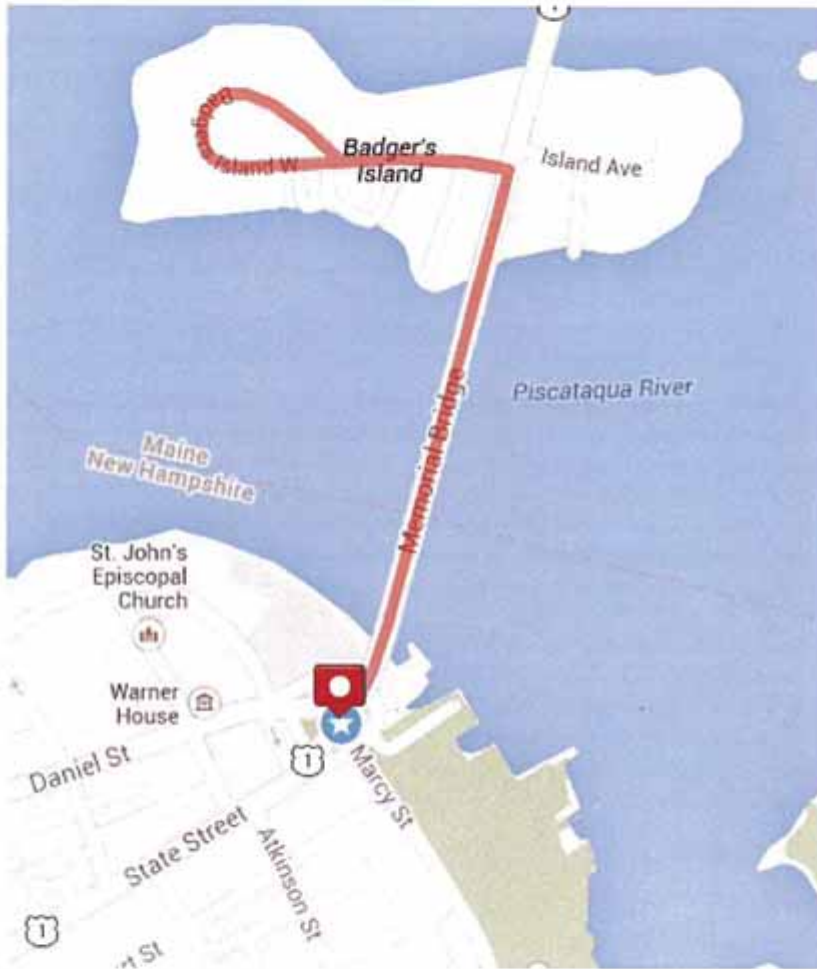
Clean-up: A group of volunteers will be responsible for thoroughly removing all waste leftover from the event.

Marketing: Comprehensive marketing plan including social media, unique guerilla marketing techniques, and sponsorship support.

Ann Sharpe


From: Josh Andrews [jandrews925@gmail.com]
Sent: Tuesday, October 15, 2013 11:27 AM
To: Ann Sharpe
Subject: Veterans 1 Miler course map

Veterans 1 Miler Course Map



**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 17, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 21, 2013 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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Presentation:

1. **Update on Wayfinding Project.** On Monday evening, Juliet Walker, Transportation Planner, and Glenn Swantak, Principal, MERJE, will give an update to the City Council regarding the Wayfinding Project.

Items Which Require Action Under Other Sections of the Agenda:

1. **Third and Final Reading of Proposed Resolution and Ordinance Amendments:**
 - 1.1 **Third and Final Reading of Proposed Ordinance amending Chapter 8, Article III, "Street Trees," is hereby deleted in its entirety and replaced with the following amendment to Chapter 1, Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8.** As a result of the October 7th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance.

In preparing the amendment to the pending ordinance regarding the Trees and Public Greenery Committee suggested by Councilor Dwyer, the Legal Department became aware of an issue which should be corrected at third reading of that ordinance. Specifically, the form of the ordinance which has gone to the first two readings is from an early draft which established the committee as having seven (7) voting members. However, after concern expressed by the members of the existing Committee at that time, the proposed ordinance was amended prior to submission to the Council to create a nine (9) voting member committee (see item number 1 in Attorney Robert Sullivan's memorandum addressed to my office dated August 26, 2013) copy attached. Somehow the 7 member version of the ordinance was reintroduced into the system. Thus, the ordinance which has now gone to two readings for the Council needs to have one sentence amended by suspension of the rules at third reading. A motion which would accomplish that result is as follows:

1) *Move to suspend the rules and amend Section 1.412 of the proposed ordinance to read as follows:*

The Committee shall consist of ~~seven (7)~~ nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and ~~four~~ six (6) individuals with an interest in trees and public greenery; and,

2) *Move to pass third and final reading on the proposed Ordinance, as amended.*

Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28).** As a result of the October 7th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance.

I would recommend the City Council move to pass third and final reading on the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 1.3 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets - be amended that any vehicle or object remaining in the same location in any uncontrolled on –street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D.** As a result of the October 7th City Council meeting, under Section VIII of the Agenda,

I am bringing back for third and final reading the attached proposed Ordinance and map delineating area to be covered.

I would recommend the City Council move to pass third and final reading on the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Donation to the Coalition Legal Fund.** The Town of New Castle has donated funds in the amount of \$500.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 - Historic District.** On October 9th 2013, the Historic District Commission (HDC) voted to request the City Council schedule first reading of several proposed amendments to the Zoning Ordinance. The proposed amendments make the following changes:
 1. Include a provision to allow for limited administrative approvals by City staff for very small projects such as field changes or minor changes to a previously approved Certificate of Approval. The purpose of this amendment is to reduce the HDC's caseload and thereby to free up meeting time and resources for reviewing larger, more complex projects.
 2. Require applicants to submit electronic copies of plans, rendering and other application material for all projects requesting approval from the HDC. The purpose of this amendment is to enable the Planning Department to post such plans and associated materials on the City's web site for public viewing in advance of the meeting, and to facilitate presentations at work sessions and public hearings.
 3. Require large projects (over 10,000 sq. ft. of new floor area) to submit an electronic or physical model of the proposed building. The purpose of this amendment is to assist the HDC and the public to evaluate the height and scale of the proposed building within the context of the surrounding neighborhood.

4. Include a provision to allow the HDC to approve small projects through a Consent Agenda process. The purpose of this amendment is to help expedite the review of small projects and free up meeting time and resources for the review of larger, more complex applications.

Nick Cracknell, Principal Planner, will be making a presentation on this matter on Monday evening.

I have attached a copy of the proposed Ordinance for your review.

I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed amendments to the Zoning Ordinance, as presented, at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.

2. **Request for First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning), and Miscellaneous Conforming Amendments.** As you know, the Planning Department and the City’s consultants, Town Planning and Urban Design Collaborative (TPUDC) have been working throughout 2013 on a “form-based zoning” study for a large portion of the Central Business District and adjacent areas. Consideration of the form-based zoning approach is in response to growing concern among residents that the scale and style of new developments are not fitting into the downtown’s historic character. Compared to the City’s existing Zoning Ordinance, form-based zoning places more emphasis on the forms of buildings (versus their use) and their relationship to the street and to each other.

This project began with a detailed building-by-building analysis of the study area, including an inventory of lot and building dimensions and architectural features. In June, TPUDC led a design charrette at which many residents, property owners and City officials contributed their concerns, ideas and suggestions. Since then, the staff and consultants have worked through several drafts of the proposed ordinance, and the Planning Board has reviewed the ordinance in two work sessions. The current draft of the ordinance incorporates comments from the Board’s work session on October 10. In order to keep this process moving forward, the Planning Board will hold a public hearing on the proposed ordinance on Thursday, October 24.

The proposed ordinance is based on the design character of the places that people have grown to love in downtown Portsmouth and seeks to reflect these attributes so new buildings and developments fit in better to the surrounding context. The goal of this effort is to create zoning regulations that encourage development that not only respects the historic character, but actually strengthens and enhances that character by filling in holes in the urban fabric with high-quality buildings.

The attached proposed ordinance being requested for first reading at the November 18th City Council meeting, is referred to as “character-based” zoning in order to emphasize

this focus on encouraging development that fits into the City's historic character. As presented to you in the attached draft, the ordinance consists of two parts: the text of a new Article 5A (to be inserted between the existing Articles 5 and 6), and a set of tables, maps and illustrations that are referred to throughout the text of the ordinance. These prominent graphic elements are a distinguishing feature of the proposed ordinance, and of form-based zoning in general. During the drafting process, the text and graphic elements have been separated in order to facilitate editing, but ultimately, these elements will be integrated into a single document for ease of use by residents, developers and City staff and officials.

The proposed ordinance consists of six major sections (with their associated graphics) and an appendix, as follows:

Section 10.5A10 – General describes the purpose and intent of the Character Districts, their relationship to other parts of the Zoning Ordinance and to other local land use regulations, and how to use the ordinance.

Section 10.5A20 – Regulating Plan establishes the special Zoning Map for the Character Districts, including maps of “special requirements” that fine-tune the zoning to the existing and proposed character of individual streets, blocks and lots. This section will contain the three maps that together constitute the Regulating Plan.

Section 10.5A30 – Development Plans and Projects sets forth the procedures for applying for and obtaining land use approvals in the Character Districts, including the relationship to existing requirements and procedures in the rest of the Zoning Ordinance and the Site Plan Review Regulations.

Section 10.5A40 – Character Districts, Civic Spaces and Municipal Districts establishes the three new Character Districts and sets forth the specific standards applicable in each District. Integral to this Section are the tables and illustrations of Character District Standards (Illustrations 10.5A42.10A-C and Tables 10.5A42.10A-C).

Section 10.5A50 – Development Standards itemizes the specific standards that must be addressed in any development, and modifies the use standards and off-street parking and loading requirements.

Section 10.5A60 – Definitions provides new definitions for terms that either appear only in this Article or are used in this Article differently than in other parts of the Zoning Ordinance.

Appendix A – Architectural Standards and Guidelines lists mandatory *standards* and recommended *guidelines* for development within the Character Districts. These standards and guidelines are to be used by the Historic District Commission in its review of development projects.

The proposed Character-Based Zoning ordinance is very different from the existing Zoning Ordinance in its format and structure, and initially it appears to be more complex. However, it is also more explicit in its standards for physical development, and its use of graphics should make it easier to apply in the long run.

Along with the proposed Article 5A, I will also bring back for first reading a set of “conforming amendments” to other sections of the Zoning Ordinance:

- Adding references to the new Character Districts in the listing of Zoning Districts (Sec. 10.410), the description of the Downtown Overlay District (Sec. 10.641.10) and the listing of Sign Districts (Sec. 10.1230);
- Incorporating into the Zoning Map, by reference, the Regulating Plan maps, along with two other maps that describe areas subject to special zoning regulations;
- Adding a cross-reference in Article 15 to definitions in the new Article 5A.

The proposed “conforming amendments” also include several substantive changes to the off-street parking provisions of the Downtown Overlay District: parking setbacks from certain streets are reduced from 30 feet to 24 feet, the list of such streets is expanded, and the setback requirement is changed to apply only to above-ground parking areas (i.e., off-street parking in basement levels would not have to be set back from the street).

For your information, the Planning Board is preparing to hold a public hearing on this proposed ordinance on Thursday, October 24th at 7:00 p.m.

Rick Taintor, Planning Director, will be making a presentation on this matter on Monday evening.

I would recommend the City Council take the following actions:

1. *Move to authorize the City Manager to bring back for first reading the attached Ordinance dealing with form-based zoning, which is entitled Character Districts, at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.*
2. *Move to authorize the City Manager to bring back for first reading the attached Ordinance dealing with conforming amendments at the November 18, 2013 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendation.*
3. **Report Back Re: Historic District Commission Request for Funding to Develop Design Review Tools.** As you will recall, at the joint Work Session of the City Council and Historic District Commission on August 19, 2013, the HDC discussed several proposed tools that it believes will be of assistance as it carries out its responsibilities under the Zoning Ordinance. Following that Work Session, the HDC has refined its

concepts and researched costs, and has voted to request funding to develop three new tools to assist in its design review responsibilities:

1. 3-D Model for Building in Downtown Portsmouth: In the past ten years, the Historic District has witnessed several major commercial and residential development projects. These projects have involved large buildings that both fill the lot and maximize the building height allowed under the Zoning Ordinance. In reviewing these development proposals, the HDC has had to rely exclusively on plans, elevations and renderings submitted by the applicant in order to assess and determine whether the proposed building volume and height is appropriate for the site. The wide variability in both the quality and effectiveness of these submission materials has made the evaluative process challenging, and it is clear that better information is needed for the HDC to adequately fulfill its design review responsibilities.

As one response to this need for information, the HDC proposes to engage an outside consultant to develop an electronic three-dimensional model of existing buildings in the core commercial areas of the downtown area, using the City's Geographic Information System and extensive database as the foundation. City staff will provide the baseline data to the consultant and will assist with implementation and management of the system. The scope for the proposed project includes modeling approximately 215 buildings, applying texturing to the models (images showing the exterior features of the building) and providing technical assistance to integrate the models into the City's GIS. Once this modeling project is complete, City staff will be able to insert compatible electronic models of new major development proposals into the City's model for review and analysis. Estimated cost: \$50,000.

2. Building Design Guidelines: The HDC is proposing to develop a set of detailed Design Guidelines to assist in the preservation of Portsmouth's historic buildings by providing technical guidance to residents and their contractors in planning changes and additions to their homes. The Guidelines will be created by a consultant under contract with the City, working with the HDC and Planning Department staff.

The proposed Design Guidelines document will expand on guidelines prepared in the 1970s for new construction and building additions in the Historic District. The document will identify the major architectural styles in the City, illustrated with photographs of actual Portsmouth buildings; and will include detailed examples of both historically appropriate and inappropriate building changes. While the focus will be on maintaining and restoring historic buildings within the Historic District, the information contained in the Design Guidelines will also be useful to owners of older buildings outside the District.

By highlighting the design and detailing of the styles, the Guidelines will serve to increase public awareness of the quality and diversity of Portsmouth's historic

homes and in turn assist in their preservation. Products will include hard copies of the Design Guidelines document that will be available free to the property owners within the District, and a digital editable version of the Guidelines for the City website and future printing. Estimated cost: \$50,000.

3. Update the Historic Survey of the Historic District: In 1982, the Portsmouth Advocates completed an historic survey of properties in the Historic District. The survey inventoried and assessed all 850 properties in the District and rated each structure as either “focal,” “contributing” or “non-contributing.” The HDC regularly uses this information in its review of applications for Certificates of Approval.

In 1995, the original Historic District was expanded down Middle Street to Middle Road, down Islington Street to Dover Street, and along Dennett Street to Walker Street. In 2009, the District was further expanded along Islington Street to the Brewery District and along Middle Street to South Street, along with a small extension on New Castle Avenue. These two expansions added approximately 170 properties to the District, and increase of 20 percent. Unlike the original Historic District, the properties added in the 1995 and 2009 expansions of the District were never reviewed using a standardized historic assessment and rating system.

The HDC is proposing that an historic survey comparable to the 1982 survey be conducted for approximately 200 properties: the 170 properties that have been added to the Historic District since 1982, and about 30 additional properties that are currently being considered for inclusion in the District along Richards Avenue, Summer Street and Austin Street. Detailed historic district survey forms would be developed for each structure, documenting its age, historic name, rating, architectural style, materials and any specific features. A consultant under contract with the City would update the survey data working with the HDC and Planning Department staff. Estimated cost: \$50,000.

Each of these projects would involve developing a Request for Proposals and selecting a consultant. It is anticipated that the electronic modeling project would be completed in 4-6 months after consultant selection, and that the other two projects could be completed in 6-8 months. The total funding for this project is estimated at \$150,000 (see attached Resolution).

In accordance with Section 7.14 of the City Charter, move to establish a public hearing and adoption at the November 18, 2013 City Council meeting to appropriate \$150,000 for the following purposes as stated above from the unassigned fund balance:

1. *Computer Model of Downtown Buildings*
2. *Historic District Design Guidelines*
3. *Historic Survey Update*

4. **Request to Authorize African Burying Ground Expenditures from the Trust.** As you are aware, the African Burying Ground Committee and its Community Volunteers have made exciting progress on the campaign to raise the needed funds to construct the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten.

Moving forward, the African Burying Ground Committee has recommended contracting with Jerome Meadows to continue fabrication of the sculptural components of the African Burying Ground to ensure – when the site work begins – that the sculptural elements are ready to be installed. This is necessary due to the long lead time the artwork fabrication requires. Recently, Mr. Meadows completed work on the entry piece sculpture and the African Burying Ground Committee has recommended moving forward with the next piece: the community figures encircling the burial vault.

The cost of this sculptural element is \$82,000 and sufficient funding is available within the Trust to cover this expense. As a reminder, this is the element that will include the phrases from the artist’s poem *We Stand in Honor of Those Forgotten*.

*I stand for the Ancestors Here and Beyond
I stand for those who feel anger
I stand for those who were treated unjustly
I stand for those who were taken from their loved ones
I stand for those who suffered the middle passage
I stand for those who survived upon these shores
I stand for those who pay homage to this ground
I stand for those who find dignity in these bones*

The African Burying Ground Trust specifies the manner in which these funds can be expended.

In accordance with the Trust terms, I recommend that the City Council move to authorize the City Manager to request funds from the African Burying Ground Trust in the amount of \$82,000 in order to ensure the project artwork is available at the time of project construction.

5. **Parking Lot Usage/Maintenance Agreement with Isles of Shoals Steamship Company, Inc.** The City is seeking a trial parking lot usage/maintenance agreement with the Isles of Shoals Steamship Company, Inc., with the consent of the Pease Development Authority, Division of Ports and Harbors, to allow downtown employees the opportunity to purchase parking permits issued by the City to use 51 parking spaces at the parking lot located at 315 Market Street. The trial agreement will allow permit holders to park in the lot from November 1, 2013 through March 31, 2014 from Monday through Sunday. No overnight parking will be allowed. The City will maintain the lot during the term of the trial agreement and the City will pay the Isles of Shoals Steamship Company, Inc. at the end of the term with the net parking permit revenues. The Parking and Traffic Safety Committee’s Action Sheet and Minutes of February 14, 2013 as submitted to the City Council indicated “No Further Action” due to the required approval

of the Port Authority. The Pease Development Authority Board of Directors approved and authorized the Isles of Shoals Steamship Company, Inc. to enter into a parking agreement with the City by vote dated March 14, 2013. The City staff has reviewed the attached draft Parking Lot Usage/Maintenance Agreement and recommends that the City enter into a trial agreement consistent with the terms of the attached draft.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a trial Parking Lot Usage/Maintenance Agreement with the Isles of Shoals Steamship Company, Inc., as described in the Agreement.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on October 7, 2013. In addition, this now can be found on the City's website.
2. **Canvass of the Vote.** For your information, the Canvass of the Vote is on Thursday, November 7, 2013.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 6 – Historic District, are hereby amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

1. Amend Section 10.633 – Scope of Review, by inserting the following new Section 10.633.30:

10.633.30 Administrative Approval

The Code Official may grant administrative approval for minor modifications on work for which a Certificate of Approval has previously been issued, provided that the Code Official determines that the modifications do not alter the overall quality or character of the work which had been certified as appropriate by the Commission, and indicates this determination as a written addendum to an existing Certificate of Approval.

2. Amend Section 10.634 – Application Procedure, Section 10.634.10 – Application Submission, as follows:

10.634.10 Application Submission

The property owner or authorized representative shall submit to the Commission, through the Code Official, a written application for a Certificate of Approval (Certificate) as elaborated in Section 10.634.20, along with all required fees. The application shall be accompanied by a completed Building / Change of Use Permit Application, where required. **The applicant shall also be required to submit digital files in Portable Document Format (PDF) of all application materials including the application form, plans, photos, renderings, and other supporting documents used at both a Work Session(s) and Public Hearing. The applicant may request a waiver from this requirement if they are unable to comply due to undue financial burden or other hardship.**

3. Amend Section 10.634 – Application Procedure, Section 10.634.20 – Application Contents, by inserting the following new Section 10.634.23:

10.634.23 An electronic and/or physical scale massing model shall be required for new construction of any proposed building or addition over 10,000 s.f. gross floor area. Said model shall include the building and site, adjacent structures, and the two

block faces surrounding the building. Said models shall accurately reflect the scale and relationships of the project and its surrounding buildings. Electronic or physical models of buildings may be required for smaller projects at the discretion of a majority of the Commission. The type, scale and details shall be stated, if said model is required.

4. Amend Section 10.635 – Review by the Commission, by inserting the following new Section 10.635.35:

10.635.35 Public hearings may include a Consent Agenda for consideration of applications for which Commission approval is anticipated to be routine or expeditious, subject to the following:

- (1) An application may be included on the Consent Agenda if (a) the Code Official and the Chairman of the Commission jointly recommend in favor of approval; and (b) the applicant concurs in writing with any stipulations or limitations included in the Code Official's recommendation.
- (2) Applications included on the Consent Agenda shall be considered, voted on and approved as a group rather than individually.
- (3) Any person wishing to address the Commission on a matter contained on the Consent Agenda shall be permitted to do so in accordance with the Commission's Rules and Procedures.
- (4) Applicants are encouraged to attend the Commission meeting in the event that the Commission or a member of the public has questions or concerns.
- (5) An application may be removed from the consent agenda and considered separately as a regular agenda item by majority vote of the Commissioners present.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Form-Based Zoning Ordinance
October 17, 2013

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby amended by inserting a new Article 5A – Character Districts, as set forth in a document titled “Proposed Character-Based Zoning Ordinance,” dated October 17, 2013. The proposed ordinance is provided in the Agenda packet for the City Council meeting of October 21, 2013, under separate cover, and may be reviewed during normal business hours of City Hall in the offices of the City Clerk and Planning Department.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this revision.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



City of Portsmouth

PROPOSED CHARACTER-BASED ZONING ORDINANCE

October 17, 2013

Includes proposed Article 5A – Character Districts, and accompanying tables, maps, and illustrations.

NOTE:

Page numbering of maps, illustrations and tables will be adjusted when these graphics are integrated into the final document.

ORGANIZATION OF ARTICLE 5A

Article 5A is divided into 7 sections as follows:

SECTION 10.5A10

GENERAL



Provides general items applicable throughout Article 5A.

SECTION 10.5A20

REGULATING PLAN



Provides requirements for the zoning map of the Portsmouth Character-Based Zoning District.

SECTION 10.5A30

DEVELOPMENT PLANS



Provides for Development Plans & Standards.

SECTION 10.5A40

CHARACTER DISTRICTS, NON-MUNICIPAL CIVIC ZONES & MUNICIPAL CIVIC ZONES



Identifies and describes the Character Districts, and Civic Zones included in this Article 5A.

SECTION 10.5A50

DEVELOPMENT STANDARDS



Provides for Development Plans & Standards.

SUBSECTION 10.5A60

DEFINITIONS



Provides definitions of terms used throughout Article 5A.

APPENDIX A

ARCHITECTURE STANDARDS & GUIDELINES

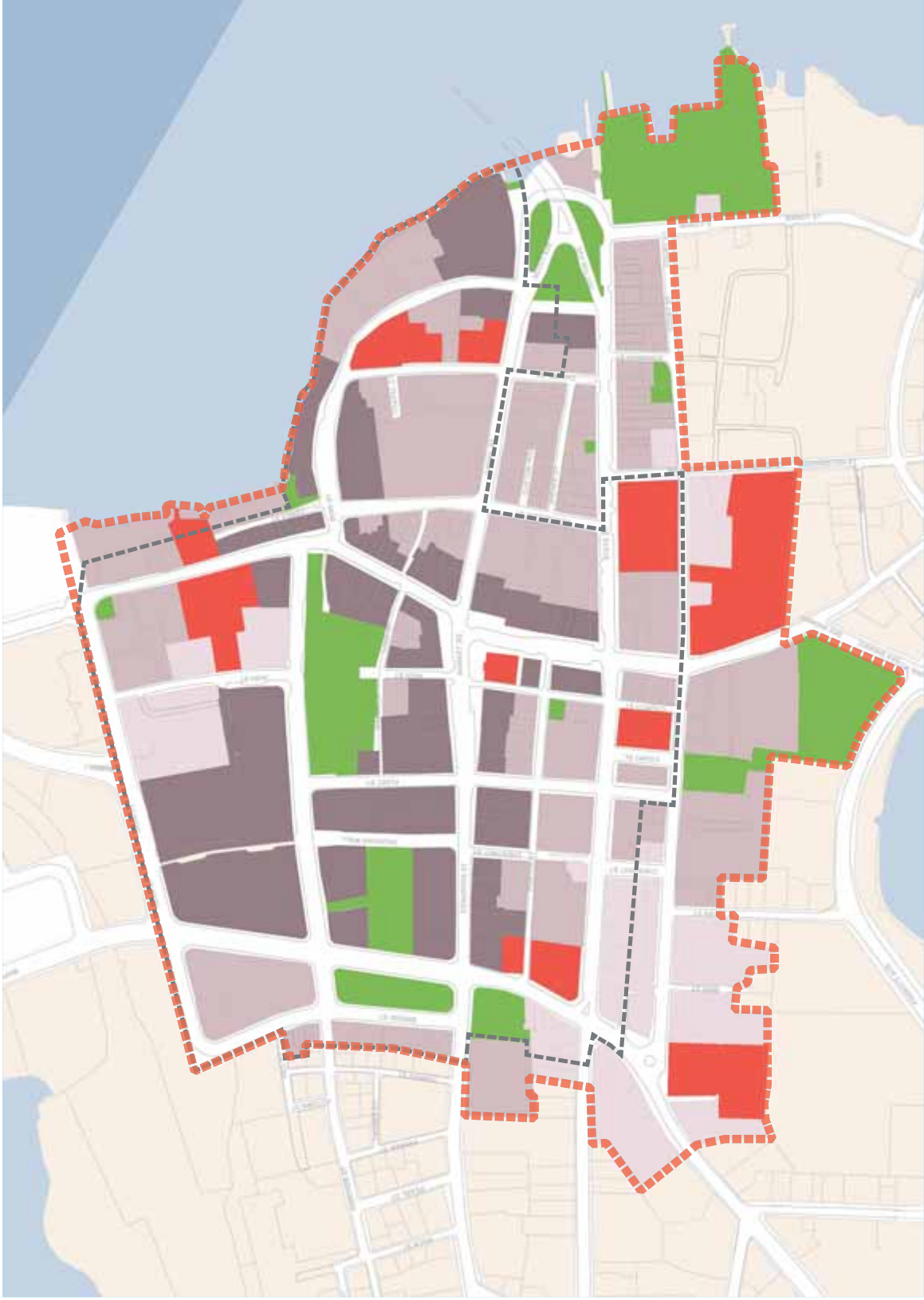


Provides for Architectural Standards & Guidelines.

Map 10.5A10.3 Boundary Map



Map 10.5A21A Regulating Plan

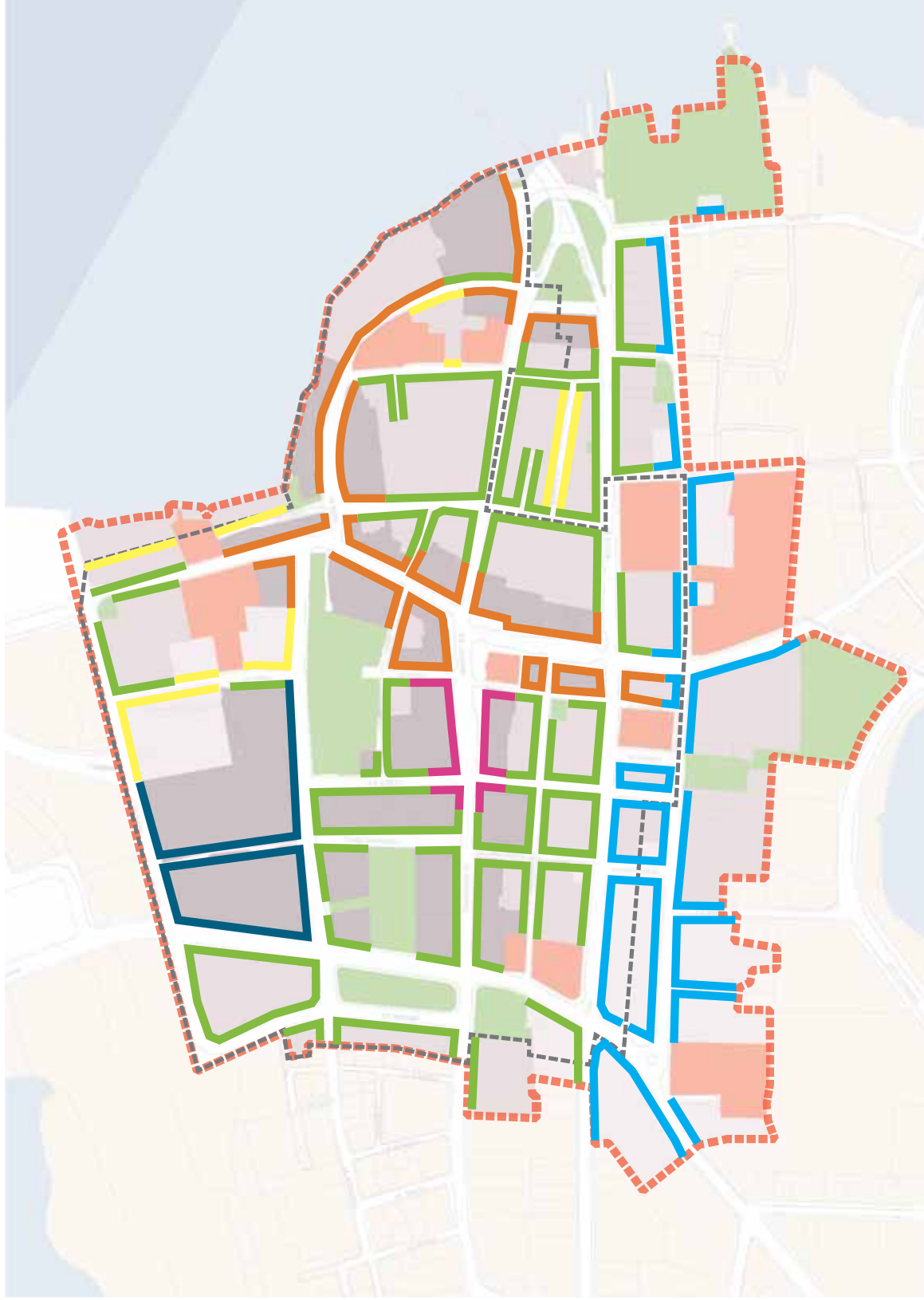


LEGEND

- CD4-L
- CD4
- CD5
- Municipal District
- Civic District
- River
- Downtown Overlay District
- Character Area

* See special requirement maps for supplemental requirements

MAP 10.5A21B SPECIAL REQUIREMENTS: SPECIFIC BUILDING HEIGHT REQUIREMENT AREAS



LEGEND

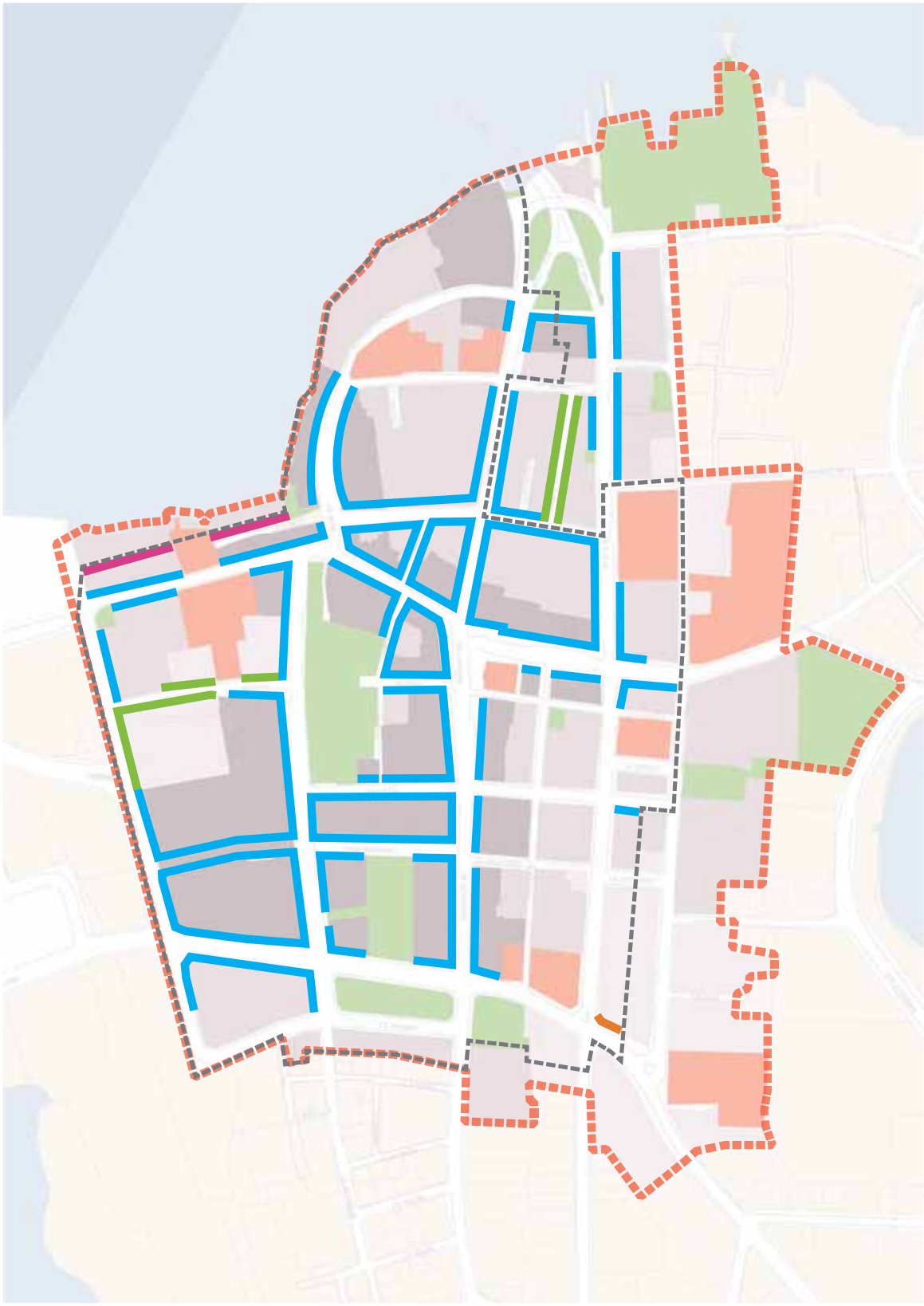
- 2 Stories
- 2 - 3 Stories (short 3rd*)
- 2 - 3 Stories
- 2 - 4 Stories (short 5th*)
- 3 Stories (short 4th*)
- 4 Stories (short 5th*)
- Within Downtown Overlay District
- Character Area

* A short story includes either:
 1) use of a top story below the cornice line that is at least 20% shorter in height than the story below; or
 2) a story within a mansard roof.

** In instances of consolidation of two or more lots that cause the new lot to fall within more than one building height requirement, the lot shall be permitted to use the higher height requirement.

NOTE: Airtic Space within a roof is not considered as a Story.

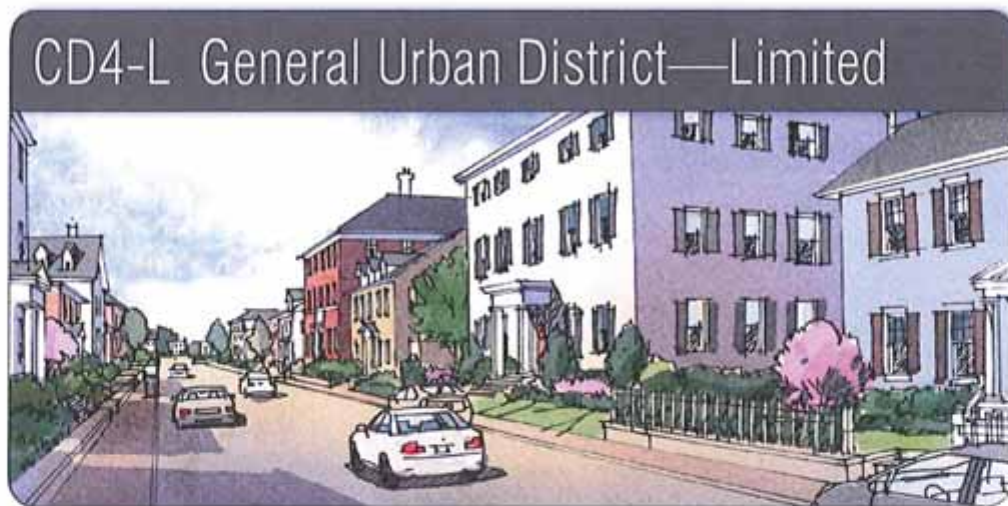
MAP 10.5A21C SPECIAL REQUIREMENTS: REQUIRED SPECIFIC SHOPFRONT, STEP PRIVATE FRONTAGES, PERCENT FRONTAGE BUILDOUT & USE REQUIREMENT AREAS



LEGEND

- No more than 50% Frontage Buildout, Wood Siding Requirement and Uses shall be those permitted in the Waterfront Industrial Zone & Section 10.830
- Shopfront Frontage
- Step Frontage
- Office Front Frontage
- Downtown Overlay District
- Character Area

TABLE 10.5A42.10 CHARACTER DISTRICT DESCRIPTIONS



CD4-L General Urban District—Limited. This District consists of a medium density transitional area that has a mix of medium to large residential house types with almost entirely residential uses; there are shallow front Setbacks and shallow to medium to side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define medium to large blocks.

TABLE 10.5A42.10 CHARACTER DISTRICT DESCRIPTIONS (CONTINUED)

CD4 General Urban District



CD4 General Urban District. This District consists of a medium-to-high density transitional area that has a mix of building types and residential, retail, and other commercial uses; there are shallow or no front Setbacks and medium to no side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define small to medium blocks.

CD5 Urban Center District



CD5 Urban Center District. This District consists of a high density development center with a mix of building types and residential, retail and other commercial uses; there are no front Setbacks and no side Setbacks; it has limited landscaping; and it has Streets with curbs, sidewalks and street trees that define small to medium blocks.

**ILLUSTRATION 10.5A41.20A CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT—LIMITED**

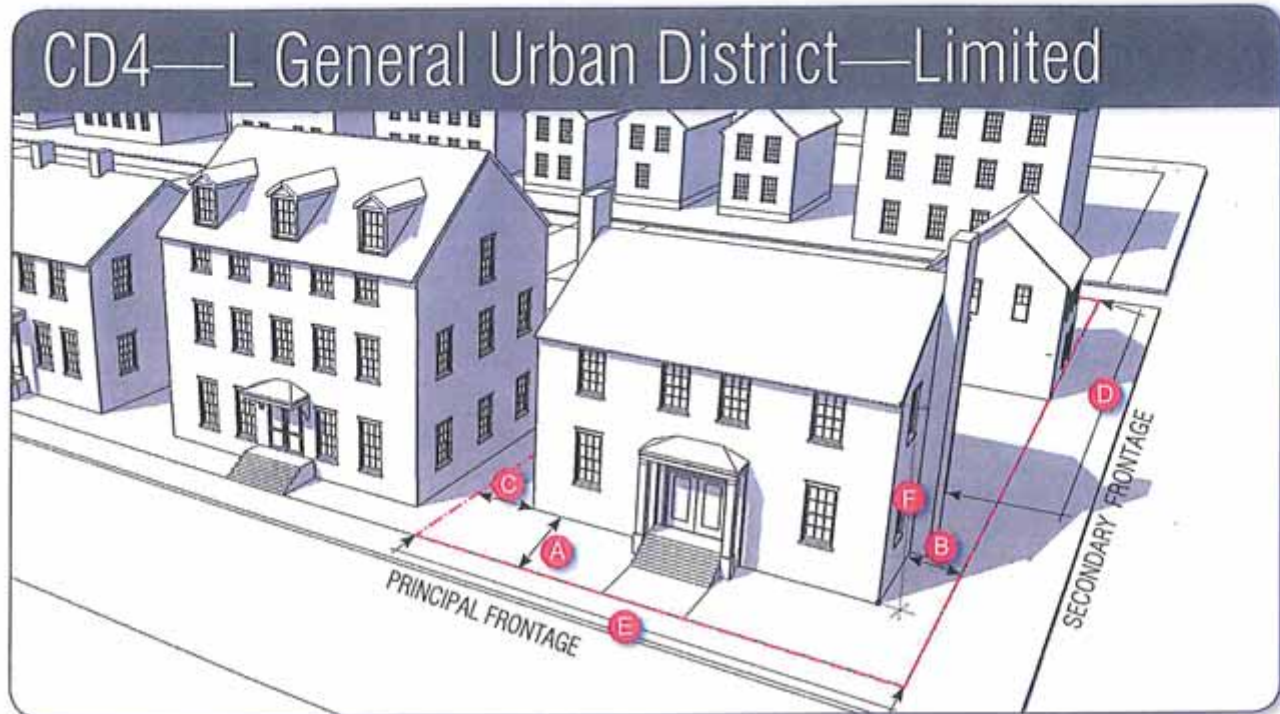
CD4-L

CD4-L General Urban District—Limited. This District consists of a medium density transitional area that has a mix of medium to large residential house types with almost entirely residential uses; there are shallow front Setbacks and shallow to medium to side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define medium to large blocks.



**TABLE 10.5A42.10A CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT—LIMITED**

CD4-L



LEGEND --- Property Line (ROW)

BUILDING PLACEMENT — PRINCIPAL BLDG

Front Setback, Principal Frontage*	0 ft min, 12 ft max	A
Front Setback, Secondary Frontage	0 ft min, 12 ft max	B
Side Setback	5 ft min, 20 ft max	C
Rear Setback	greater of 5 ft min or 10 ft from center line of alley	D
Frontage Buildout	60% min to 80% max at front setback	

YARD TYPES

(see Table 10.5A54.20)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted

BUILDING & LOT USE

See Section 10.5A57

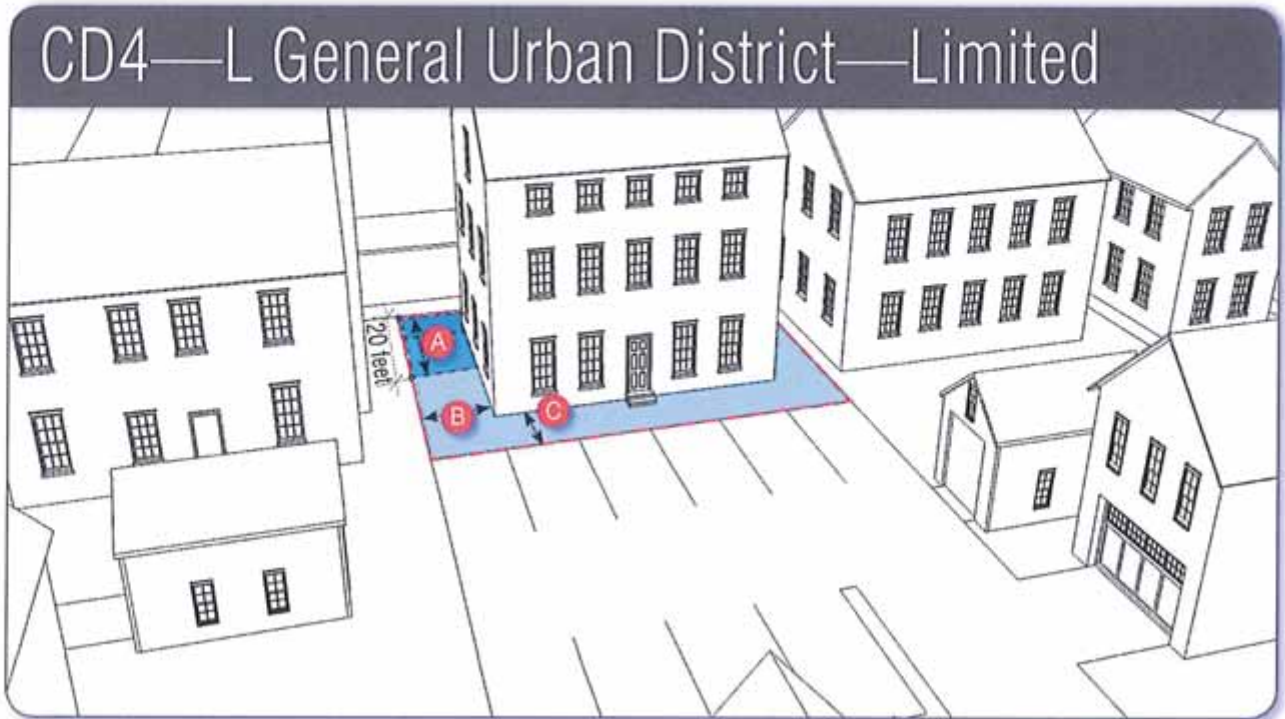
LOT OCCUPATION

Lot Width	35 ft min, 80 ft max	E
Building Coverage	60% max	
Open Space	25% Min	

BUILDING FORM — PRINCIPAL BUILDING

Building Height	See Map 10.5A21B Special Requirements: Specific Building Height Requirements/ Areas	F
Ground Floor Height	10 ft min	
Upper Floor Height	9 ft min	
Facade Glazing	25% to 40%	
Roof Type	gable, hip, gambrel	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min gambrel: 6:12 min, 30:12 max	

TABLE 10.5A42.10A CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT—LIMITED CD4-L



LEGEND - - - - Property Line (ROW) ■ First Layer ■ Second Layer ■ Third Layer

BUILDING PLACEMENT — OUTBUILDING

Front Setback	Principal Bldg setback + 20 ft min	A
Side Setback	0 ft min	B
Rear Setback	3 ft min	C

PARKING

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

PRIVATE FRONTAGES & ENCROACHMENTS

PRIVATE FRONTAGE TYPES	(see Table 10.5A54.30)*
Common Lawn	not permitted
Porch	permitted
Forecourt	not permitted
Step	permitted
Stoop	permitted
Shopfront	not permitted
Officefront	not permitted*

ENCROACHMENT OF BUILDING ELEMENTS

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	10 ft max
Front Setback, Secondary Frontage	10 ft max
Rear Setback	5 ft max

* See Illustration 10.5A21C for additional requirements.

**ILLUSTRATION 10.5A42.10B CHARACTER DISTRICT STANDARDS
CD4 GENERAL URBAN DISTRICT**

CD4

CD4 General Urban District. This District consists of a medium-to-high density transitional area that has a mix of building types and residential, retail, and other commercial uses; there are shallow or no front Setbacks and medium to no side Setbacks; it has variable private landscaping; and it has Streets with curbs, sidewalks, and street trees that define small to medium blocks.



**TABLE 10.5A42.10B CHARACTER DISTRICT STANDARDS
GENERAL URBAN DISTRICT**

CD4

CD4 General Urban District



LEGEND --- Property Line (ROW)

BUILDING PLACEMENT — PRINCIPAL BLDG

Front Setback, Principal Frontage	0 ft min, 15 ft max	A
Front Setback, Secondary Frontage	0 ft min, 15 ft max	B
Side Setback	0 - 20 ft max	C
Rear Setback	greater of 5 ft min or 10 ft from center line of alley	D
Frontage Buildout	50% min at front setback; except no min - 50% max. per Special Req. Map 10.5A21C on Ceres Street.	

YARD TYPES

(see **Table 10.5A54.20**)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted

BUILDING & LOT USE

See **Section 10.5A57**

LOT OCCUPATION

Lot Width	18 ft min, 60 ft max	E
Building Coverage	90% max	
Open Space	10% Min	

BUILDING FORM — PRINCIPAL BUILDING

Building Height	See Map 10.5A21B Special Requirements: Specific Building Height Requirement Areas	F
Ground Floor Height	12 ft min, 25 ft max *	
Upper Floor Height	9 ft min	
Facade Glazing	20% min - 70% max **	
Roof Type	flat, hip, gable, gambrel, mansard	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard / gambrel: 6:12 min, 30:12 max	

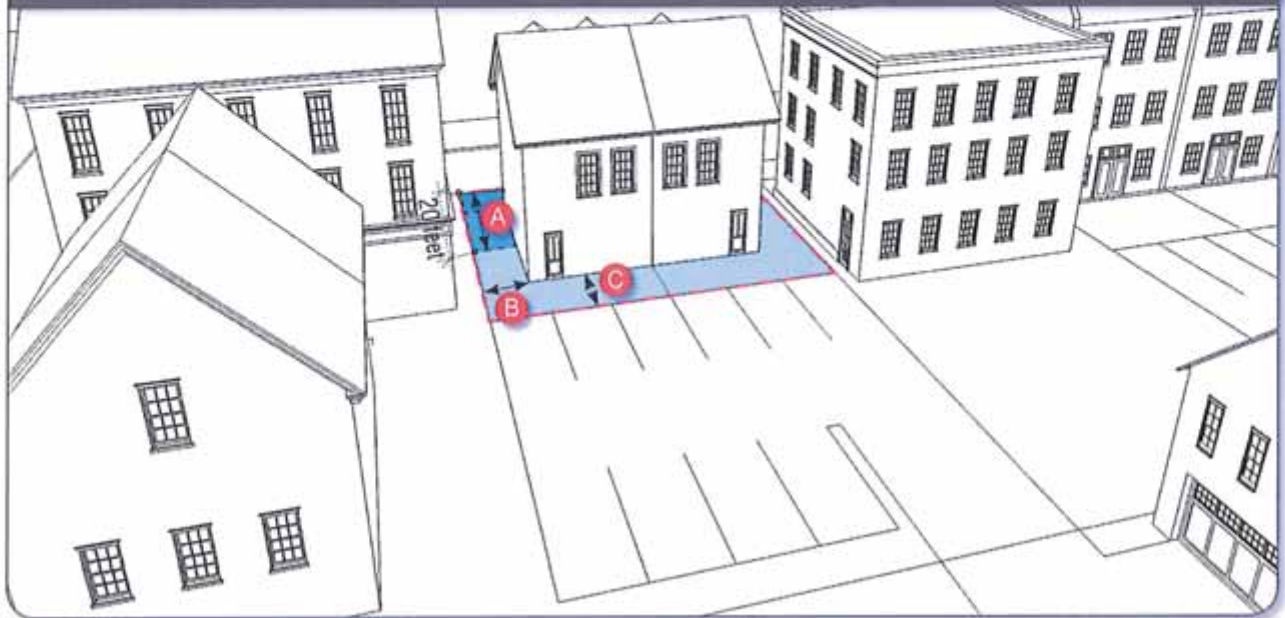
* Only for mezzanine level

** 70% min for shopfront

**TABLE 10.5A42.10B CHARACTER DISTRICT STANDARDS
CD4 GENERAL URBAN DISTRICT**

CD4

CD4 General Urban District



LEGEND - - - - Property Line (ROW)

First Layer

Second Layer

Third Layer

BUILDING PLACEMENT — OUTBUILDING

Front Setback	Principal Bldg setback + 20 ft min	
Side Setback	0 ft min	
Rear Setback	3 ft min	

PARKING

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

PRIVATE FRONTAGES & ENCROACHMENTS

PRIVATE FRONTAGE TYPES (See [Table 10.5A54.30](#)*)

Common Lawn	not permitted
Porch	permitted
Forecourt	permitted
Step	permitted
Stoop	permitted
Shopfront	permitted
Officefront	permitted

ENCROACHMENT OF BUILDING ELEMENTS

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	8 ft max
Front Setback, Secondary Frontage	8 ft max
Rear Setback	5 ft max

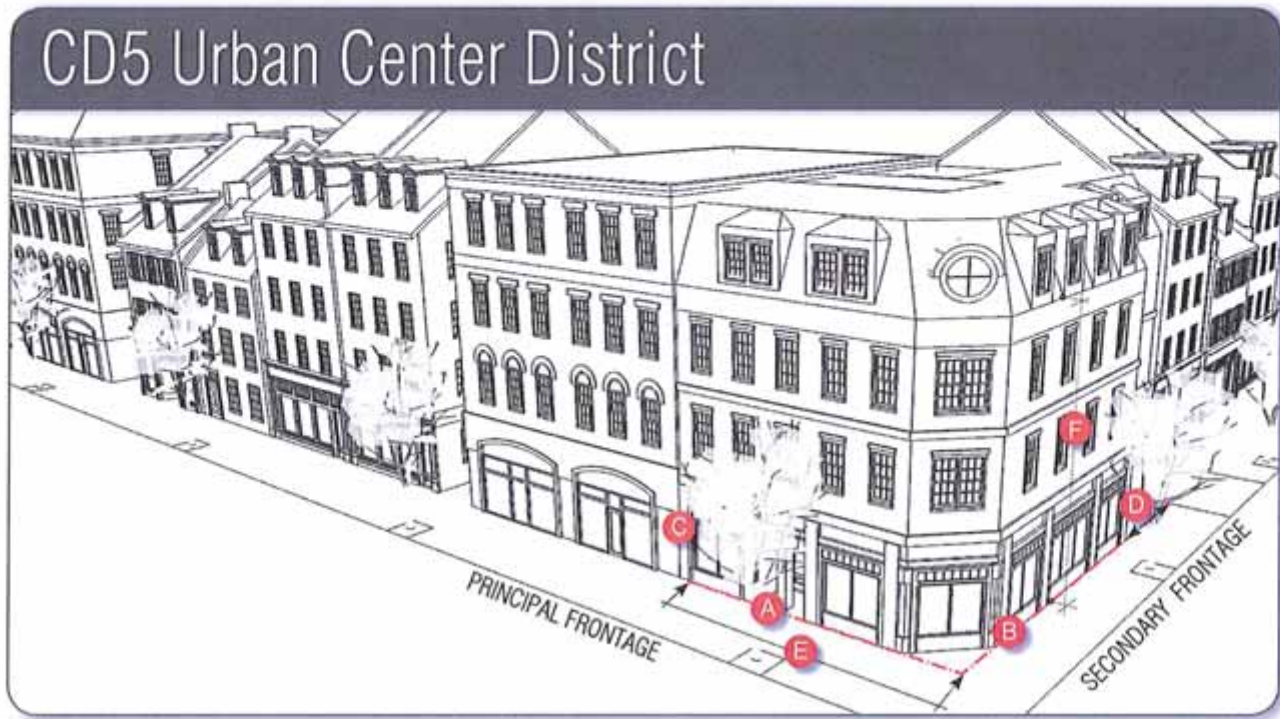
* See Illustration 10.5A21C for additional requirements.

ILLUSTRATION 10.5A42.10C CHARACTER DISTRICT STANDARDS
URBAN CENTER DISTRICT CD5

CD5 Urban Center District. CD5 Urban Center District. This District consists of a high density development center with a mix of building types and residential, retail and other commercial uses; there are no front Setbacks and no side Setbacks; it has limited landscaping; and it has Streets with curbs, sidewalks and street trees that define small to medium blocks.



TABLE 10.5A42.10C CHARACTER DISTRICT STANDARDS
URBAN CENTER DISTRICT CD5



LEGEND - - - - Property Line (ROW)

BUILDING PLACEMENT — PRINCIPAL BLDG

Front Setback, Principal Frontage	0 ft max.*	A
Front Setback, Secondary Frontage	0 ft max.	B
Side Setback	0 ft max.	C
Rear Setback	greater of 0 ft min or 10 ft from center line of alley	D
Frontage Buildout	100% at front setback **	

* Building setbacks may be increased where public access easements are accepted by the City.
 ** Except for Truncated Corners, Building Projections or other Open Spaces.

YARD TYPES (see Table 10.5A54.20)

Edgeyard	not permitted
Sidyard	not permitted
Rearyard	permitted

BUILDING & LOT USE

See Section 10.5A57

LOT OCCUPATION

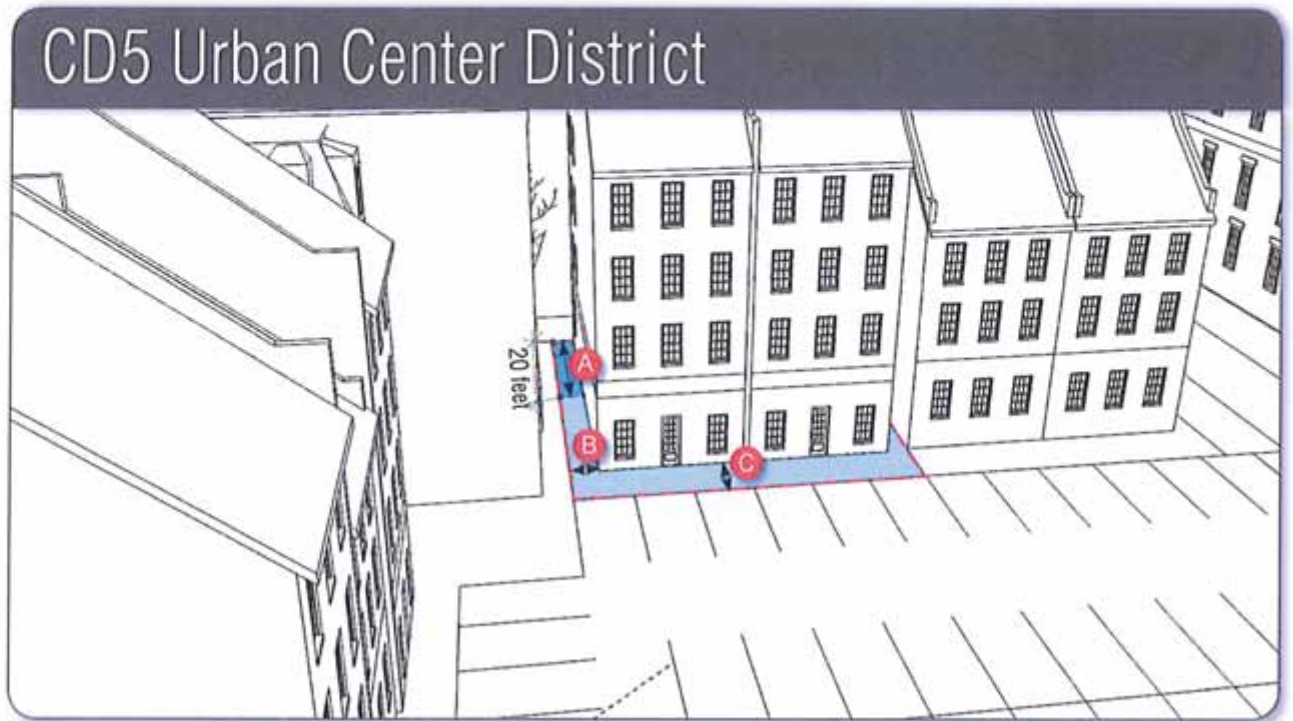
Lot Width	18 ft min, 60 ft max	E
Building Coverage	95% max	
Open Space	5% Min	

BUILDING FORM — PRINCIPAL BUILDING

Building Height	See Map 10.5A21B Special Requirements: Specific Building Height Requirement Areas	F
Ground Floor Height	12 ft min, 25 ft max ***	
Upper Floor Height	6 ft min	
Facade Glazing	20% min - 50% max ****	
Roof Type	flat, hip, gable, mansard	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard: 6:12 min, 30:12 max	

*** Only for mezzanine level
 **** 70% min for shopfront

**TABLE 10.5A42.10C CHARACTER DISTRICT STANDARDS
URBAN CENTER DISTRICT** CD5



LEGEND Property Line (ROW) First Layer Second Layer Third Layer

BUILDING PLACEMENT — OUTBUILDING

Front Setback	Principal Bldg setback + 20 ft min	A
Side Setback	0 ft min	B
Rear Setback	3 ft min	C

PARKING

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

PRIVATE FRONTAGES & ENCROACHMENTS

PRIVATE FRONTAGE TYPES	(see Table 10.5A54.30)*
Common Lawn	not permitted
Porch	not permitted
Forecourt	not permitted
Step	permitted
Stoop	permitted
Shopfront	permitted
Officefront	permitted

ENCROACHMENT OF BUILDING ELEMENTS

Porches, Stoops, and other Elements may encroach the indicated setbacks by the following distances.

Front Setback, Principal Frontage	10 ft max
Front Setback, Secondary Frontage	10 ft max
Rear Setback	5 ft max

* See Illustration 10.5A21C for additional requirements.

TABLE 10.5A51.20 CIVIC SPACES



A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding building Frontages. Other than active use areas, its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 2 acres.



A linear Civic Space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A Greenway may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed. The minimum size shall be 2 acres.



A paved/brick pedestrian connector between buildings. Pedestrian Alleys provide shortcuts through long blocks and connect rear Parking Areas and other Civic Spaces with Street Frontages. Pedestrian Alleys may be covered by a roof and or lined by Shopfronts.

TABLE 10.5A51.20 CIVIC SPACES (CONTINUED)



A Civic Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/8 acre.



A Civic Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.



A Civic Space available for informal activities in close proximity to neighborhood residences. A Pocket Park is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Pocket Parks shall be in public places or in more intimate mid-block locations. There is no minimum/maximum size.



A Civic Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

ILLUSTRATION 10.5A33.10 LOT LAYERS

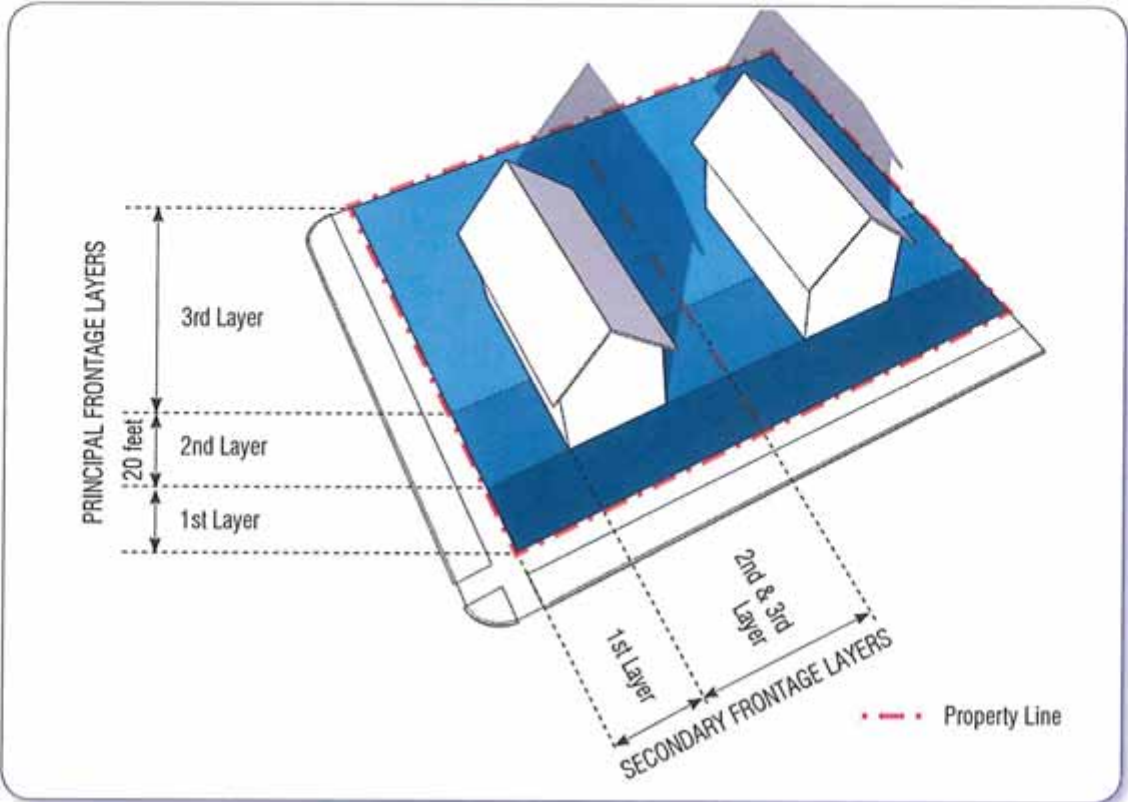


TABLE 10.5A54.20 YARD TYPES

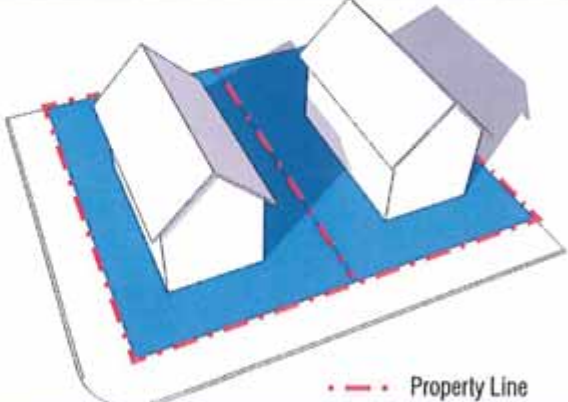
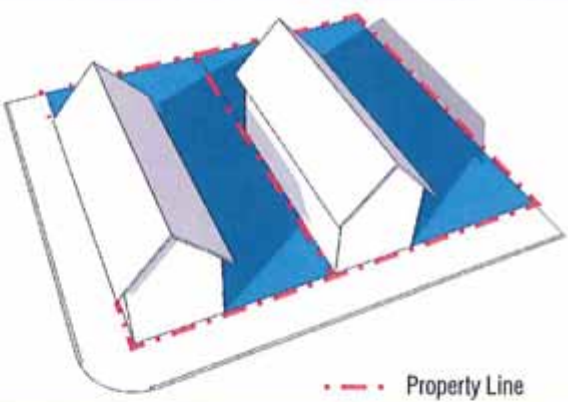
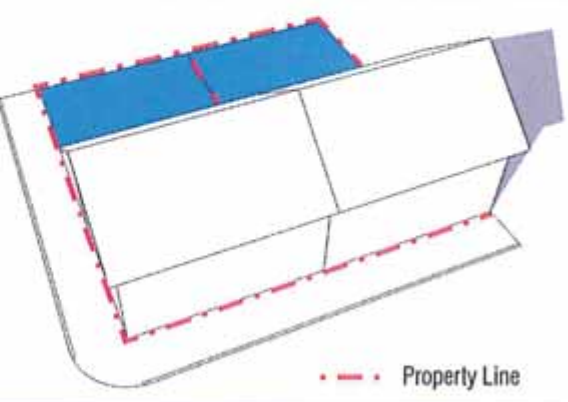
<p>Edgeward</p> <p>Permitted Districts: CD4—L CD4</p>  <p style="text-align: right;">- - - Property Line</p>	<p>Specific Types - single family House, cottage, villa, estate house, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>
<p>Sideward</p> <p>Permitted Districts: CD4—L CD4</p>  <p style="text-align: right;">- - - Property Line</p>	<p>Specific Types - single house, duplex, zero lot line house. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideward House abuts a neighboring Sideward House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>
<p>Rearyard</p> <p>Permitted Districts: CD4—L CD4 CD5</p>  <p style="text-align: right;">- - - Property Line</p>	<p>Specific Types - Rowhouse, Live-Work unit, Apartment House, Small Commercial Building, Large Commercial Building. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>

ILLUSTRATION 10.5A54.30 PRINCIPAL BUILDING/BACKBUILDING/OUTBUILDING

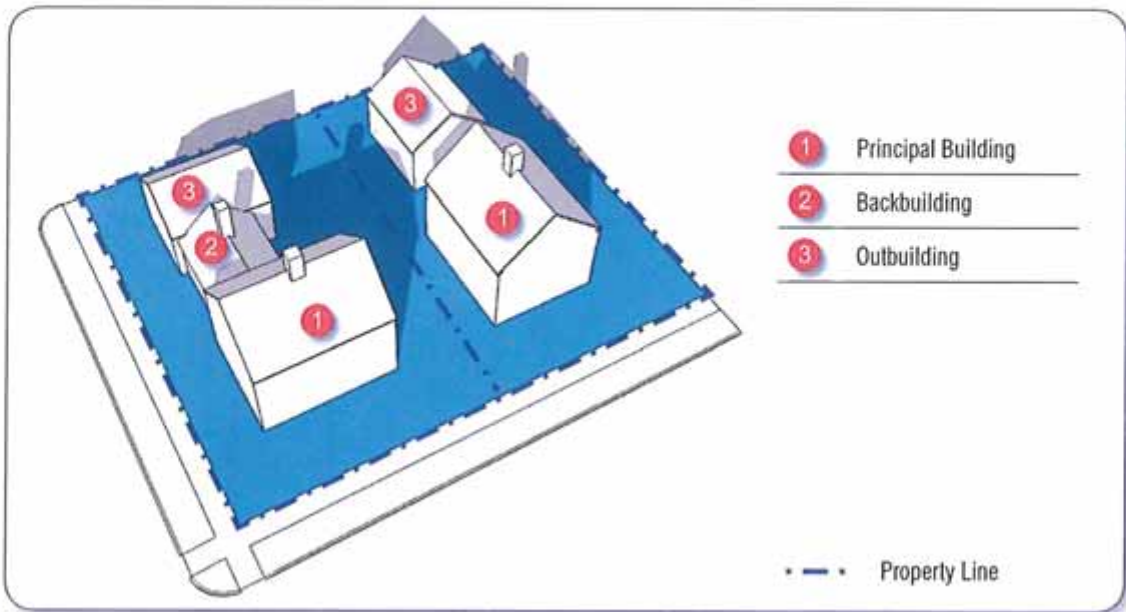


ILLUSTRATION 10.5A54.70 SETBACK DESIGNATIONS

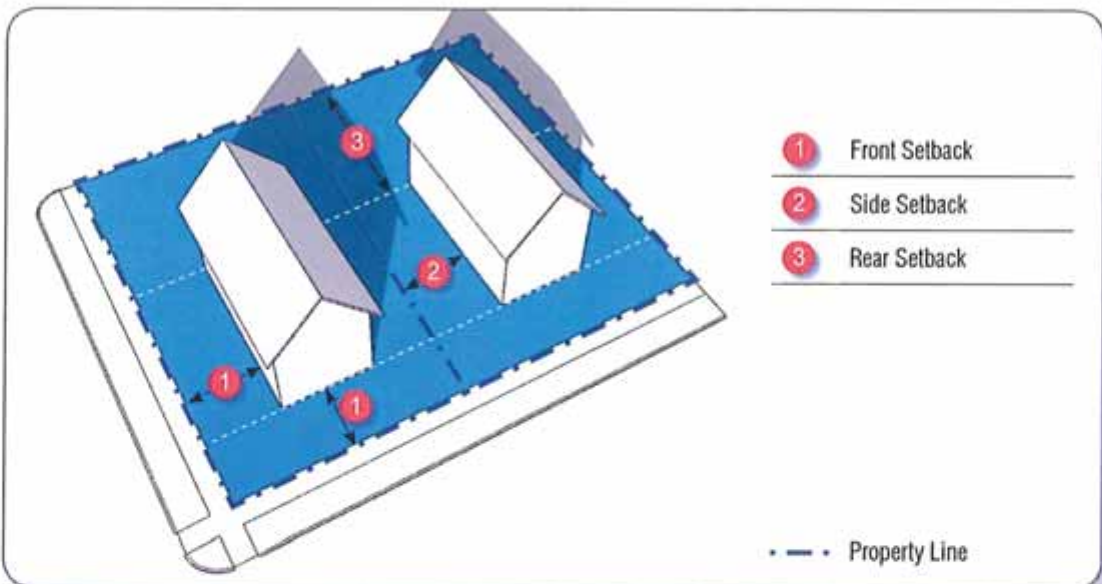


TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES

Common Yard

Permitted Districts:

CD4—L



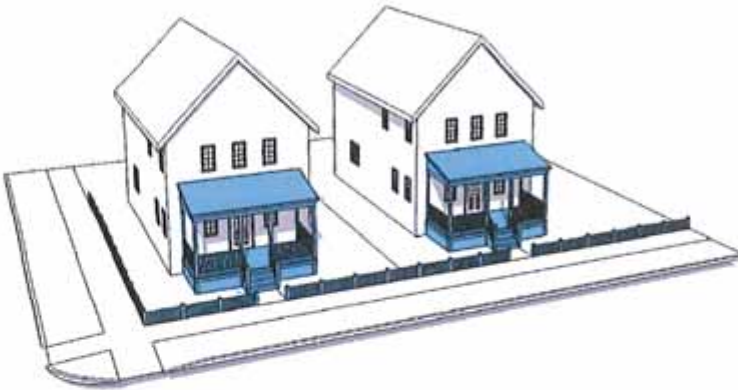
A planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.

Porch

Permitted Districts:

CD4—L

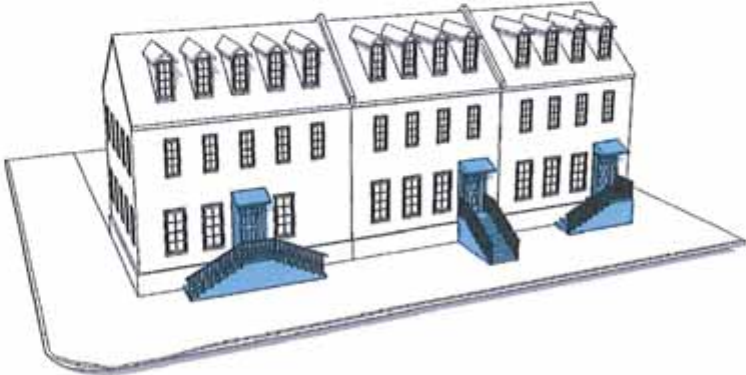
CD4



A planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch or stoop permitted to Encroach. This may be used with or without a fence to maintain street spatial definition.

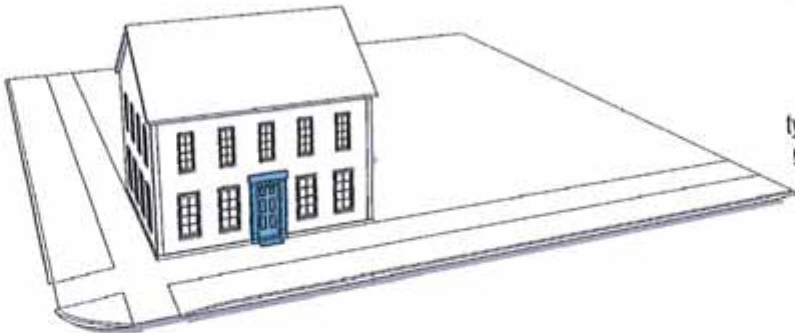
TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)

Stoop Permitted Districts: **CD4—L** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use. This frontage type is only allowed outside the Downtown Overlay District.

Step Permitted Districts: **CD4—L*** **CD4** **CD5**



A Frontage wherein the Facade is aligned close to the Frontage Line. The entrance is usually an exterior single step without a landing. This type is recommended for ground-floor Residential Office or Retail use.

TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)

Shopfront

Permitted Districts:

CD4—L*

CD4

CD5



A Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and may have an awning that may overlap the Sidewalk to within 2 feet of the Curb.

* Only as shown on See Map 10.5A21C Special Requirements: Specific Shopfront & Step Private Frontages Requirements Areas

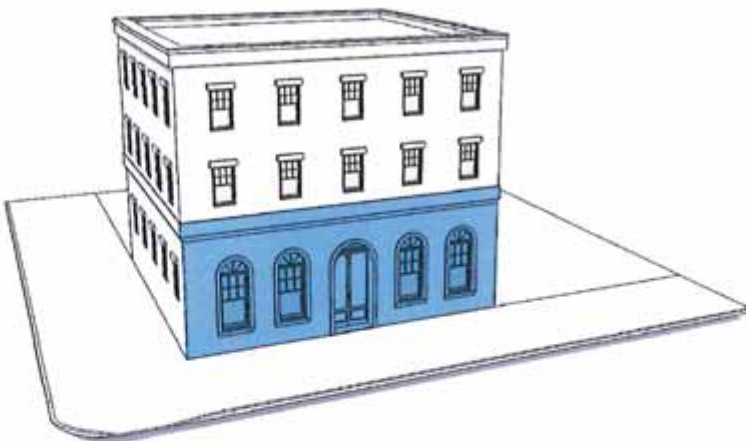
Officefront

Permitted Districts:

CD4—L*

CD4

CD5



A Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at or above Sidewalk grade. This type is conventional for Office use. It may have substantial glazing on the Facade.

* Only as shown on See Map 10.5A21C Special Requirements: Specific Shopfront & Step Private Frontages Requirements Areas

TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)


Forecourt	Permitted Districts:	CD4
		<p>A Forecourt wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p> <p>This frontage type is only allowed outside the Downtown Overlay District.</p>

ILLUSTRATION 10.5A55.20 FRONTAGE AND LOT LINES

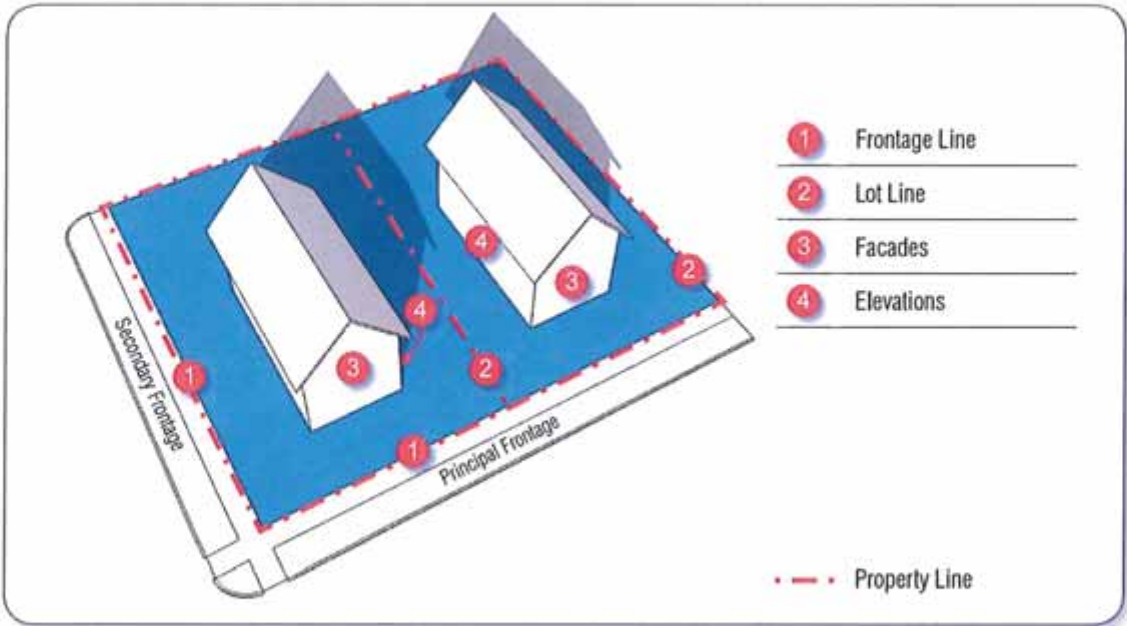


TABLE 10.5A55.90 BUILDING TYPES

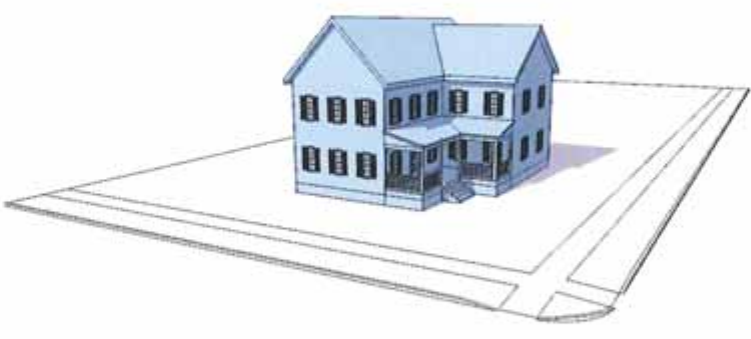
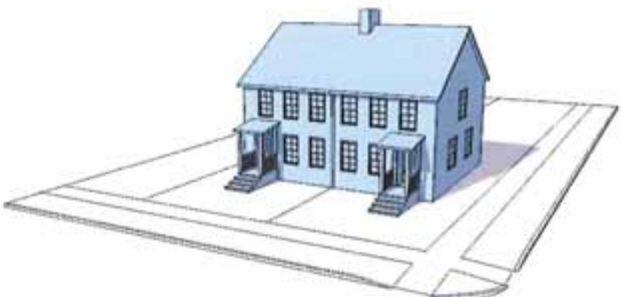

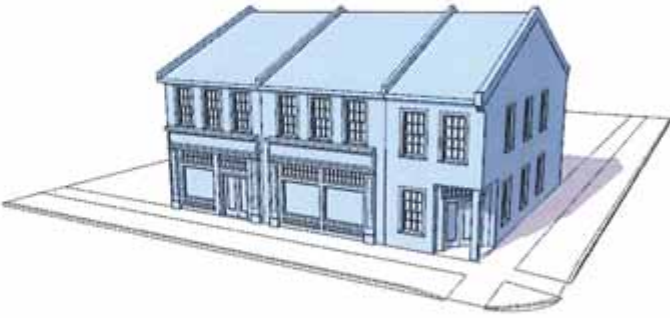
House	Permitted Districts:	CD4—L	CD4
			<p>House: Building having an Edgeyard yard type, initially intended as a single-family dwelling on a medium to large Lot, often shared with an Accessory Building in the back yard. This building type is only allowed outside the Downtown Overlay District.</p>
Duplex	Permitted Districts:	CD4	
			<p>Duplex: a Building having an Edgeyard yard type, initially intended as a single-family dwelling, usually on a small Lot that may be shared with an Accessory Building in the back yard. This building type is only allowed outside the Downtown Overlay District.</p>
Rowhouse	Permitted Districts:	CD4	CD5
			<p>Rowhouse: a Building Type having a Rearyard Yard Type, initially intended for single-family dwelling, that shares a party wall with another of the same type and occupies the full Frontage Line. See Rearyard Building. (Syn: Townhouse). This building type is only allowed outside the Downtown Overlay District.</p>

TABLE 10.5A55.90 BUILDING TYPES (CONTINUED)

Live / Work Permitted Districts: **CD4** **CD5**



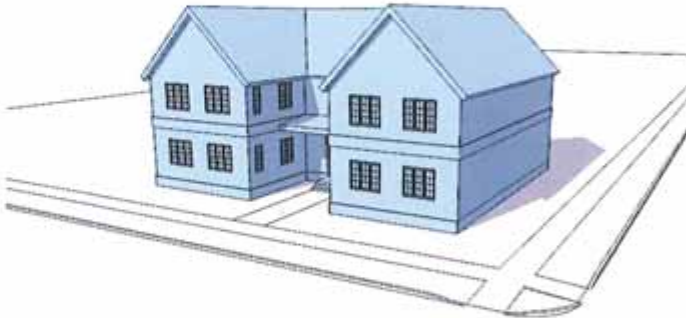
Live-Work: a Mixed Use unit designed to accommodate a ground floor commercial use and a Residential use above. The commercial Use may be anywhere in the unit.

Small Commercial Building Permitted Districts: **CD4** **CD5**



Small Commercial Building: a Building having a Shopfront at the ground floor that may be used for Retail, Office, Medical, Commercial, Service, Personal Service, Civic, Education, or other Uses permitted in the applicable Character District. Only non-residential Uses are allowed on the ground floor in the Downtown Overlay District. The floors above may be used for a Residential Principal Function or for any other Function permitted in the applicable Character District.

Apartment Permitted Districts: **CD4—L**



Apartment: a Building with an Edgeyard yard type, initially intended for a Residential Principal Use, including multiple attached single-family Dwelling Units. This building type is only allowed outside the Downtown Overlay District. This building type may be designed from the exterior to complement detached single-family houses in certain Character Districts while containing actually several flats on the interior; may be for rent, or for sale as a condominium.

TABLE 10.5A55.90 BUILDING TYPES

Large Commercial Building

Permitted Districts:

CD5



Large Commercial Building: a Building having a Shopfront at the ground floor that may be used for Retail, Office, Medical, Commercial, Artisan Light Industrial, Workshop, Service, Personal Service, Civic, Education, or other Uses permitted in the applicable Character District. The floors above may be used for a Residential Principal Function or for any other Function permitted in the applicable Character District.

ARTICLE 5A CHARACTER DISTRICTS	1
SECTION 10.5A10 GENERAL	1
10.5A11 Common Reference	1
10.5A12 Purpose and Intent	1
10.5A13 Effective Date	1
10.5A14 Applicability; Compliance	1
10.5A14.10 Applicability	1
10.5A14.20 Compliance with Regulating Plan	1
10.5A14.30 Exclusive Zoning Regulation	2
10.5A14.40 Relationship to Other Provisions	2
10.5A14.50 Compliance with Other Rules and Regulations	2
10.5A14.60 Designation of Character Districts and Municipal Districts	3
10.5A15 Construction	3
10.5A15.10 Maps	3
10.5A15.20 Tables, Diagrams, Photographs and Illustrations	3
10.5A15.30 Priority Among Metrics	3
10.5A16 Definitions	4
SECTION 10.5A20 REGULATING PLAN	4
10.5A21 General	4
10.5A21.10 Contents of Regulating Plan	4
10.5A21.20 Special Requirements	4
10.5A22 Regulating Plan Amendment	5
10.5A22.10 General	5
10.5A22.20 When Regulating Plan Amendment Necessary	5
10.5A22.30 Preparation and Requirements	5
10.5A22.40 Application Requirements	5
10.5A22.50 Plan Submission	5
10.5A22.60 Action on Plan	5
SECTION 10.5A30 DEVELOPMENT PLANS	6
10.5A31 Procedural Requirements	6
10.5A31.10 Plan Required	6
10.5A31.20 Preparation and Submission	6
10.5A32 Plan Requirements	6
10.5A32.10 Plan Compliance with Standards and Requirements	6
10.5A32.20 Plan Contents	7
10.5A32.30 Block Perimeter	8
10.5A33 Administration	8
10.5A33.10 Responsibility	8
10.5A33.20 Review and Determination	8
10.5A34 Development Plan Submissions	8
10.5A35 Development Plan Review and Action	9
10.5A35.10 Development Plans Not Subject to Site Plan Review	9
10.5A35.20 Development Plans Subject to Site Plan Review	9
10.5A35.30 Subdivision and Site Plan Review	10
SECTION 10.5A40 CHARACTER DISTRICTS, CIVIC SPACES AND MUNICIPAL DISTRICTS	11
10.5A41 General	11
10.5A41.10 Applicability	11
10.5A41.20 Character Districts	11
10.5A42 Elements and Standards	12
10.5A42.10 Character Districts	12
10.5A42.20 Civic Spaces	12

SECTION 10.5A50	DEVELOPMENT STANDARDS	12
10.5A51	<i>Civic Space</i>	12
10.5A51.10	<i>Civic Space Requirement</i>	12
10.5A51.20	<i>Civic Space Types and Design</i>	12
10.5A51.30	<i>Civic Use Changes to Civic Buildings</i>	12
10.5A51.40	<i>Non-Civic Use Changes or Improvements to Civic Buildings or Spaces</i>	12
10.5A52	<i>Special Requirements</i>	12
10.5A53	<i>Lots</i>	13
10.5A53.10	<i>Lot Layers</i>	13
10.5A53.20	<i>Lot Dimensions</i>	13
10.5A53.30	<i>Building Coverage</i>	13
10.5A54	<i>Building Placement and Yard Types</i>	13
10.5A54.10	<i>Building Placement</i>	13
10.5A54.20	<i>Yard Types</i>	13
10.5A54.30	<i>Principal Building</i>	13
10.5A54.40	<i>Outbuilding</i>	13
10.5A54.50	<i>Other Components</i>	13
10.5A54.60	<i>Building Facades</i>	14
10.5A54.70	<i>Building Setbacks</i>	14
10.5A55	<i>Building Form and Building Types</i>	14
10.5A55.10	<i>Private Frontage – General</i>	14
10.5A55.20	<i>Multiple Private Frontages</i>	14
10.5A55.30	<i>Building and Ceiling Height</i>	14
10.5A55.40	<i>Floor Elevation</i>	15
10.5A55.50	<i>Roof Type and Pitch</i>	15
10.5A55.60	<i>Facade Glazing</i>	15
10.5A55.70	<i>Loading Docks and Service Areas</i>	15
10.5A55.80	<i>Streetscreens</i>	15
10.5A55.90	<i>Building Type</i>	15
10.5A56	<i>Encroachments</i>	15
10.5A57	<i>Building and Lot Uses</i>	16
10.5A57.10	<i>Uses</i>	16
10.5A57.20	<i>Downtown Overlay District</i>	16
10.5A58	<i>Off-Street Parking and Loading Requirements</i>	16
10.5A58.10	<i>General</i>	16
10.5A58.20	<i>Number of Required Spaces</i>	16
10.5A58.20	<i>Supplemental Requirements in the Downtown Overlay District</i>	16
10.5A58.30	<i>Parking, Loading, and Driveway Locations and Standards</i>	16
10.5A58.40	<i>Parking Lot and Parking Area Landscaping</i>	17
10.5A59	<i>Architectural Standards and Guidelines</i>	17
SECTION 10.5A60	DEFINITIONS	18
APPENDIX A:	ARCHITECTURAL STANDARDS AND GUIDELINES	25
A.	<i>General</i>	25
B.	<i>Applicability of Standards and Guidelines</i>	25
C.	<i>Facade Composition</i>	25
D.	<i>Walls</i>	26
E.	<i>Projections, Attachments and Other Elements</i>	28
F.	<i>Roofs</i>	29
G.	<i>Openings, Windows and Doors</i>	30
H.	<i>Shopfronts</i>	33
I.	<i>Signs</i>	34
J.	<i>Miscellaneous</i>	34

List of Tables, Maps & Illustrations

Table 10.5A42.10	Character District Descriptions
Table 10.5A42.10A	Character District Standards: CD4-L General Urban District—Limited
Table 10.5A42.10B	Character District Standards: CD4 General Urban District
Table 10.5A42.10C	Character District Standards: CD5 Urban Center District
Table 10.5A33.30	Block Perimeter Standards
Table 10.5A51.20	Civic Spaces
Table 10.5A54.20	Yard Types
Table 10.5A54.30	Private Frontage Types
Table 10.5A55.90	Building Types

Map 10.5A21A	Regulating Plan (showing boundary with legend)
Map 10.5A21B	Special Requirements: Specific Building Height Requirement Areas
Map 10.5A21C	Special Requirements: Specific Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas

Illustration P1	Thoroughfare and Frontages
Illustration P2	Navigating Article 5A, Project Approval Summary (Pending)
Illustration 10.5A41.20A	Character District Standards: CD4-L General Urban District—Limited
Illustration 10.5A41.20B	Character District Standards: CD4 General Urban District
Illustration 10.5A41.20C	Character District Standards: CD5 Urban Center District
Illustration 10.5A53.10	Lot Layers
Illustration 10.5A54.30	Principal Building / Backbuilding / Outbuilding
Illustration 10.5A54.70	Setback Designations
Illustration 10.5A55.20	Frontage and Lot Lines

Article 5A Character Districts

Section 10.5A10 General

10.5A11 Common Reference

This Article 5A may be referred to as the “Character-Based Development Standards.”

10.5A12 Purpose and Intent

This Article 5A provides within the Character-Based Area (as defined in Section 10.5A14) for a range of character-based places, including walkable mixed use development.

10.5A13 Effective Date

This Article 5A shall become effective when the initial Regulating Plan has been adopted.

10.5A14 Applicability; Compliance

10.5A14.10 Applicability

This Article 5A shall be applicable to the Character Districts and Municipal Districts shown on the Regulating Plan, as the same may be adopted and amended from time to time (as so shown, “Character Districts” and “Municipal Districts,” respectively, and collectively, the “Character-Based Area”).

10.5A14.20 Compliance with Regulating Plan

10.5A14.11 Except as otherwise provided in Article 3, all development, improvements, land, structures, construction, lots and parcels located or proposed in the Character Districts, and all plans, applications and submissions required under this Article 5A, shall comply therewith, as the same are in effect at the time of submission, as applicable, of a request to amend the Regulating Plan or a complete application for approval of a Development Plan.

10.5A14.12 Except as provided in Section 10.5A14.13, no development, improvement, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur and no Development Plan or application for approval of a Development Plan may be submitted or approved except pursuant to the Regulating Plan.

10.5A14.13 All development, improvements, construction, land, structures, lots and parcels within the Character Districts and civic spaces shall comply with the applicable standards and requirements for such Character District.

10.5A14.30 Exclusive Zoning Regulation

Except as may be otherwise specifically provided in Section 10.5A14.40, this Article 5A, together with the other provisions of the Zoning Ordinance and other local land use ordinances, rules and regulations to the extent provided in Section 10.5A1.40, shall be the exclusive zoning regulation for the Character-Based Area.

10.5A14.40 Relationship to Other Provisions

10.5A14.41 Except for City and State Health and Safety Ordinances, the provisions of this Article 5A shall take precedence over all applicable provisions of the City's land use ordinances, rules and regulations, including without limitation the Zoning Ordinance, Subdivision Rules and Regulations and Site Plan Review Regulations. These other provisions shall be applicable to matters not covered by this Article 5A, except where such provisions of the such ordinances, rules or regulations would be in conflict with this Article 5A, and except as set forth in Section 10.5A14.42.

10.5A14.42 Notwithstanding anything to the contrary contained or implied in Sections 10.5A14.41 or 10.5A14.42, the following provisions of the Zoning Ordinance shall not be applicable within the Character District Area:

In Article 5 (Dimensional and Intensity Standards):

- 10.580 (Special Dimensional Requirements for Certain Uses)
- 10.593 (Additional Location Restrictions for Certain Non-Residential Uses)

In Article 11 (Site Development Standards):

- 10.1113.20 (Location of Parking Facilities on a Lot)

10.5A14.50 Compliance with Other Rules and Regulations

In addition to the Development Plan and Regulating Plan and applications for approval thereof which are required under this Article 5A:

10.5A14.51 Any proposal, project, application or Development Plan that involves the subdivision of land or any matter that requires Site Plan Review under the Site Plan Review Regulations, shall require compliance with such Subdivision Rules and Regulations and/or the Site Plan Review Regulations

10.5A14.52 If there is any conflict between this Article 5A or the standards and requirements hereof and those of the Subdivision Rules and Regulations or Site Plan Review Regulations, this Article 5A and its standards and requirements shall supersede and be controlling.

10.5A14.60 Designation of Character Districts and Municipal Districts

Character Districts, Municipal Districts and civic spaces shall be designated and mapped on the Regulating Plan, and as applicable, and shown on each proposed Regulating Plan Amendment and Development Plan.

10.5A15 Construction

10.5A15.10 Maps

The following maps are an integral part of this Article 5A:

Map 10.5A21A – Regulating Plan

Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas

Map 10.5A21C – Special Requirements: Specific Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas

Map 10.5A21D – Special Requirements: Specific Landmark Buildings, Iconic Buildings, Terminated Vistas, and Pedestrian Alley Requirement Areas

10.5A15.20 Tables, Diagrams, Photographs and Illustrations

10.5A15.21 The metrics and standards in the following tables are an integral part of this Article 5A:

Table 10.5A42.10A – Character District Standards: CD4-L General Urban District—Limited

Table 10.5A42.10B – Character District Standards: CD4 General Urban District

Table 10.5A42.10C – Character District Standards: CD5 Urban Center District

Table 10.5A51.20 – Civic Spaces

Table 10.5A54.20 – Yard Types

Table 10.5A54.30 – Private Frontage Types

Table 10.5A55.90 – Building Types

10.5A15.22 The diagrams, photographs and illustrations contained in the above tables are provided only to indicate the general character or location of or reference to the various Character Districts and elements thereof shown thereon and they shall have regulatory force and effect only to that extent.

10.5A15.23 All graphical and tabular depictions entitled “Illustration” are provided for illustrative, explanatory purposes only and are not regulatory.

10.5A15.30 Priority Among Metrics

Where in conflict, numerical metrics shall take precedence over graphic metrics.

10.5A16 Definitions

Terms used throughout this Article 5A may be defined in Section 10.5A60, in Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in this Article 5A, those in Article 15, other sections of the Zoning Ordinance, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of this Article 5A shall take precedence.

Section 10.5A20 Regulating Plan

10.5A21 General

10.5A21.10 Contents of Regulating Plan

The Regulating Plan and each amendment thereto shall reflect the Character Districts, Municipal Districts, civic spaces and any special requirements of the Character Districts. The initial Regulating Plan consists of the following maps:

- Map 10.5A21A – Regulating Plan
- Map 10.5A21B – Special Requirements: Specific Building Height Requirement Areas
- Map 10.5A21C – Special Requirements: Shopfront, Officefront, Step Frontage, and Frontage Buildout and Special Use Requirement Areas

10.5A21.20 Special Requirements

A Regulating Plan may designate any of the special requirements listed in Sections 10.5A21.21 through 10.5A21.23 below. If a Regulating Plan designates any one or more of such special requirements, such designation indicates that the following standards shall be applied as follows:

10.5A21.21 Specific Building Height Requirement Areas

As designated on Map 10.5A21B, assignments for specific building heights require a building to have no more or less than the designated number of stories from sidewalk level along the entire length of its private frontage.

10.5A21.22 Specific Shopfront, Officefront, Step and Frontage Buildout and Special Use Requirement Areas

As designated on Map 10.5A21C,

- (a) Assignments for shopfront, officefront or step frontage requires that a building be provided with a shopfront, officefront or step frontage at the sidewalk level along the entire length of its private frontage.
- (b) Designations for frontage building percentage require that a building occupy no more than 50% of the frontage of the lot, wood siding shall be used for the exterior of the building and special uses apply to some properties along the waterfront area.

10.5A22 Regulating Plan Amendment

10.5A22.10 General

The Regulating Plan in effect from time to time may be amended as a Zoning Map amendment in accordance with the provisions of Article 1 (Purpose and Applicability), and Section 10.150 (Changes and Amendments).

An application for Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a Development Plan for such property that has been approved in accordance with this Section 10.5A22.

10.5A22.20 When Regulating Plan Amendment Necessary

A Regulating Plan amendment is required as a precondition to any of the following actions where the proposed action does not comply with the Regulating Plan or applicable standards:

- (1) Submission or approval of a Development Plan;
- (2) Commencement of any development, improvement, subdivision or re-subdivision;
or,
- (3) Construction of or on any building or other structure, lot or other parcel of land.

10.5A22.30 Preparation and Requirements

An application for Regulating Plan amendment shall be prepared in accordance with 10.5A22.40 and shall conform to the requirements of Section 10.5A22.50 and other provisions hereof.

10.5A22.40 Application Requirements

In addition to all other requirements for zoning map amendments under Section 10.150, an application for a Regulating Plan Amendment shall include a Development Plan that complies with Section 10.5A30 and indicates the area proposed to be re-zoned and all adjacent property; all existing zoning districts or Character Districts, Municipal Districts, and civic spaces; and the allowed range of the number of stories and any other special requirements.

10.5A22.50 Plan Submission

An application for a Regulating Plan Amendment shall be submitted and processed in accordance with Sections 10.150, 10.5A22 and 10.5A30 as applicable.

10.5A22.60 Action on Plan

Any application for a Regulating Plan Amendment shall be processed and be subject to submission, consideration and approval as a zoning map amendment under Section 10.150, subject to the provisions of this Section 10.5A22.

Section 10.5A30 Development Plans

10.5A31 Procedural Requirements

10.5A31.10 Plan Required

Except for lawful nonconformities allowed pursuant to Article 3, none of the following shall occur or be proposed except in compliance with this Article 5A, the Regulating Plan and a Development Plan that has been prepared, submitted and approved in accordance with this Section 10.5A30 and all standards and requirements applicable thereto:

- 10.5A31.11 Any new construction, alteration, extension or addition to any existing or proposed building or other structure, except activities listed in Section 10.633.20 (Exemptions from Certificate of Approval).
- 10.5A31.12 Subdivision or re-subdivision of any lot or other land;
- 10.5A31.13 Construction of any new street, or extension or change of the design or alignment of any existing street;
- 10.5A31.14 The construction or alteration of any new or proposed off-street parking or drive-through facilities;
- 10.5A31.15 Any Regulating Plan amendment.

10.5A31.20 Preparation and Submission

- 10.5A31.21 In addition to meeting any applicable requirements for a Site Plan under Article 2 of the City's Site Plan Regulations, each Development Plan shall be prepared and submitted by or on behalf of the Owner of the applicable property. It shall be in accordance with Section 10.5A33.10 and shall conform to the requirements of Section 10.5A33.20 and other provisions hereof.
- 10.5A31.22 Each Development Plan shall be submitted pursuant to Section 10.5A34 for review, action and approval in accordance with Section 10.5A35.

10.5A32 Plan Requirements

10.5A32.10 Plan Compliance with Standards and Requirements

Each Development Plan submitted shall include (1) the Development Plan area and each proposed block, lot and building therein, as applicable; and (2) each of the items listed in Section 10.5A33.20, which shall comply with the standards and requirements the applicable Character District or Civic space in which the land covered by such Development Plan is situated, as determined by the Regulating Plan then in effect or the proposed Regulating Plan Amendment.

10.5A32.20 Plan Contents

Unless waived by the Permit Granting Authority for small projects, each Development Plan submitted shall demonstrate compliance with or show the following items:

- (1) Building placement, including without limitation setbacks and lot layers (Section 10.5A53.10);
- (2) Yard Type (Section 10.5A54.20);
- (3) Building Form and Building Type (Section 10.5A55);
- (4) Building and Lot Use (Section 10.5A57);
- (5) Off-Street Parking and Loading Requirements (Section 10.5A58);
- (6) For projects valued over \$25,000, detailed architectural elevations and a detailed rendering of each façade of each building proposed to be built or modified (Section 10.5A60). An electronic or physical model may also be required.
- (7) Signs (Section 10.5A59);
- (8) Any applicable special requirements (Section 10.5A21);
- (9) Existing and any proposed streets pedestrian alleys including without limitation, if the Development Plan area exceeds 2 acres or if the Development Plan requires or includes any extension or change to any existing streets, in compliance with applicable City standards;
- (10) Existing and any required or proposed civic spaces (Section 10.5A51 and Table 10.5A51.20);
- (11) Existing and any proposed Character Districts (Section 10.5A41.20);
- (12) If the Development Plan area exceeds 2 acres, Block Perimeter (Section 10.5A33.30);
- (13) If the Development Plan contains any element or use that would require Site Plan Review under the Site Plan Review Regulations, all requirements for Site Plans thereunder;
- (14) One or more maps of the Development Plan site and all adjacent property reflecting the existing building heights, Character Districts, civic spaces, any special requirements and any proposed amendments to the Regulating Plan; and,
- (15) Any existing structures or other improvements, indicating whether they are to remain, be altered or be demolished.

10.5A32.30 Block Perimeter

If a proposed Development Plan would create or divide a block or would consolidate two or more blocks, each such resulting block shall conform to the applicable Block Perimeter Standards set forth in Table 10.5A33.30 (Block Perimeter Standards).

10.5A33 Administration

10.5A33.10 Responsibility

Except as otherwise provided herein, this Section 10.5A33 and applications and Development Plans submitted hereunder shall be administered by the Planning Department.

10.5A33.20 Review and Determination

10.5A33.21 The Planning Department shall, within 14 days of its receipt of an application and Development Plan required to be submitted, review and determine whether the same are complete and notify the applicant in writing of its determination.

10.5A33.22 The Planning Department shall forward a copy of the application and Development Plan to the Historic District Commission, which shall review, consider, and take action with respect thereto pursuant to Section 10.630. Upon issuance of all required Certificates of Approval by the Historic District Commission, the application and Development Plan shall be eligible for further processing, review, consideration and/or action, as applicable, in accordance with Sections 10.5A34 and 10.5A35, as applicable.

10.5A34 Development Plan Submissions

10.5A34.10 No development, improvement, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur without prior submission of a Development Plan and application for approval of a Development Plan that comply with Section 10.5A30 and approval thereof pursuant to Section 10.5A35. A Development Plan is not required for any items listed as exempt under Section 10.633.20.

10.5A34.20 Subject to issuance of any required Certificate of Approval from the Historic District Commission and any required review and approval pursuant to the Subdivision Rules and Regulations, a Development Plan and application for approval thereof that does not propose or involve any matter that would require Site Plan Review under the Site Plan Review Regulations shall be subject to administrative review and action by the Planning Department in accordance with Section 10.5A35.10 hereof.

10.5A34.30 Subject to issuance of any required Certificate of Approval from the Historic District Commission, any required review and approval pursuant to the Subdivision Rules and Regulations and any required Site Plan Review and approval, a Development Plan and application for approval

thereof that proposes or involves any matter which would require Site Plan Review under the Site Plan Review Regulations shall be subject to review and action by the Planning Board in accordance with Section 10.5A35.20.

10.5A35 Development Plan Review and Action

10.5A35.10 Development Plans Not Subject to Site Plan Review

10.5A35.11 Within 14 days of its determination pursuant to Section 10.5A33.20 with respect to an application and Development Plan that do not require Site Plan Review, the Planning Department shall review such application and Development Plan to determine whether they comply with the Regulating Plan, this Article 5A and other applicable City laws, ordinances and regulations subject to issuance or granting of any requested variance, special exception or conditional use permit.

10.5A35.12 If the Planning Department determines that an application and Development Plan that do not require Site Plan Review comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall approve the application and Development Plan subject to issuance or granting of any requested variance, special exception or conditional use permit.

10.5A35.13 If the Planning Department determines that an application and Development Plan that do not require Site Plan Review do not comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall reject the application and Development Plan.

10.5A35.14 In either case, the Planning Department shall notify the applicant and Planning Board in writing of its determination, and if applicable, the reason(s) for rejecting the application and Development Plan.

10.5A35.20 Development Plans Subject to Site Plan Review

10.5A35.21 Within 14 days of its determination pursuant to Section 10.5A33.20 with respect to an application and Development Plan that require Site Plan Review, the Planning Department shall review the application and Development Plan to determine whether they comply with the Regulating Plan, this Article 5A and other applicable City laws, ordinances and regulations subject to issuance or granting of any requested variance, special exception or conditional use permit.

10.5A35.22 If the Planning Department determines that an application and Development Plan that requires Site Plan Review comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall recommend the same to the Planning Board of its determination and shall notify the applicant and the Planning Board in writing, subject to issuance or granting of any requested variance, special exception or conditional use permit.

- 10.5A35.23 If the Planning Department determines that an application and Development Plan that requires Site Plan Review do not comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall not recommend the same to the Planning Board and shall notify the applicant and the Planning Board of its determination in writing, stating the reasons for not recommending the same.
- 10.5A35.24 In either event, within 14 days of the Planning Department's notice pursuant to Section 10.5A35.22 or 10.5A35.23 ,the Planning Department shall forward the application and Development Plan to the Planning Board, which shall process and review the same, provide and hold any and all required notices and public hearings and determine whether the application and Development Plan comply with this Article 5A, the Regulating Plan and all other applicable City laws, ordinances and regulations subject to issuance or giving of any requested variance, special exception or conditional use permit.
- 10.5A35.25 If the Planning Board determines that an application and Development Plan comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall approve the application and Development Plan subject to issuance or granting of any requested variance, special exception or conditional use permit.
- 10.5A35.26 If the Planning Board determines that the application and Development Plan do not comply with the Regulating Plan, this Article 5A and all other applicable City laws, ordinances and regulations, it shall reject the application and Development Plan.
- 10.5A35.27 In either case, the Planning Board shall notify the applicant and Planning Department in writing of its determination, and if applicable, the reason(s) for rejecting the application and Development Plan.

10.5A35.30 Subdivision and Site Plan Review

Subject to the limitations of Section 10.5A14.50, all Development Plans, applications and approvals shall be subject to any required subdivision and/or Site Plan review and approval pursuant to the Subdivision Rules and Regulations or Site Plan Review Regulations. Any and all subdivision and Site Plan Review applications, submissions and reviews may be conducted concurrently with or as a part of the Development Plan application, submission and review process.

Section 10.5A40 Character Districts, Civic Spaces and Municipal Districts

10.5A41 General

10.5A41.10 Applicability

This Section 10.5A40 applies to Character Districts, Municipal Districts and Civic Spaces to the extent provided herein. Development, land, improvements, construction, subdivision, resubdivision, structures and lots within each Character District or Civic Space, as applicable, shall include the respective elements and shall comply with the respective standards applicable to each. This Section 10.5A40 shall apply to Municipal Districts only as to their designation on the Regulating Plan (Map 10.5A21.A).

10.5A41.20 Character Districts

There are three Character Districts, as follows:

General Urban District – Limited	CD4-L	<ul style="list-style-type: none">• Medium density transitional area• Mix of medium to large residential house types• Almost entirely residential uses• Shallow front setbacks• Shallow to medium to side setbacks• Variable private landscaping• Streets with curbs, sidewalks, and street trees that define medium to large blocks
General Urban District	CD4	<ul style="list-style-type: none">• Medium-to-high density transitional area• Mix of building types• Residential, retail, and other commercial uses• Shallow or no front setbacks• Medium to no side setbacks• Variable private landscaping• Streets with curbs, sidewalks, and street trees that define small to medium blocks
Urban Center District	CD5	<ul style="list-style-type: none">• High density development center• Mix of building types• Residential, retail and other commercial uses• No front setbacks• No side setbacks• Limited landscaping• Streets with curbs, sidewalks and street trees that define small to medium blocks

10.5A42 Elements and Standards

10.5A42.10 Character Districts

Development, improvements, land, structures and lots within each Character District shall include the applicable elements indicated for such Character District throughout this Article 5A and shall comply with the applicable Character District general description and intent thereof described in Section 10.5A41 (Character District Descriptions) and the standards applicable to such Character District set forth in Tables 10.5A42.10A-C (Character District Standards) and elsewhere in this Article 5A.

10.5A42.20 Civic Spaces

Development, improvements, land, structures and lots within each civic space shall comply with applicable requirements of this Article 5A including, without limitation, Section 10.5A50.

Section 10.5A50 Development Standards

10.5A51 Civic Space

10.5A51.10 Civic Space Requirement

Any Development Plan having an aggregate area of 2 acres or more shall include at least 5% but not more than 20% of its gross acreage assigned and improved as civic spaces.

10.5A51.20 Civic Space Types and Design

Civic spaces shall be designed as generally described in Table 10.5A51.20 (Civic Spaces) as related to the adjacent Character District, or if adjacent to more than one, as related to the highest numbered adjacent Character District.

10.5A51.30 Civic Use Changes to Civic Buildings

Civic spaces that include structures may be converted to other uses shown on the Special Requirements: Specific Use Requirement Areas (Map 10.5A21C) without the need for a Development Plan or Regulating Plan amendment provided that no development or improvements are made to the existing structures, and that the new uses remain civic.

10.5A51.40 Non-Civic Use Changes or Improvements to Civic Buildings or Spaces

Civic spaces that include structures that are proposed for development or improvements or conversion to non-civic uses permitted under the Special Requirements: Specific Use Requirement Areas (Map 10.5A21C) shall require a Development Plan and Regulating Plan amendment as set forth in Section 10.5A22.

10.5A52 Special Requirements

A Development Plan shall designate any applicable special requirements described in Section 10.5A21.20.

10.5A53 Lots

10.5A53.10 Lot Layers

Lots are composed of three lot layers, the first lot layer, the second lot layer and the third lot layer, as shown in Illustration 10.5A53.10 (Lot Layers) and as defined in Section 10.5A60 (Definitions).

10.5A53.20 Lot Dimensions

Newly platted lots within each Character District shall be dimensioned according to Tables 10.5A42.10A-C (Character District Standards).

10.5A53.30 Building Coverage

Building Coverage within each Character District shall not exceed that recorded in Tables 10.5A42.10A-C (Character District Standards).

10.5A54 Building Placement and Yard Types

10.5A54.10 Building Placement

Buildings shall be disposed in relation to the boundaries of their lots within each Character District according to Tables 10.5A42.10A-C (Character District Standards).

10.5A54.20 Yard Types

Buildings and lots shall conform to the Yard Type standards within each Character District, as set forth on Table 10.5A54.20 (Yard Types).

10.5A54.30 Principal Building

Within each Character District, one principal building may be built on each lot at the frontage, as illustrated generally in Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

10.5A54.40 Outbuilding

Within each Character District one outbuilding may be built on each lot to the rear of the principal building, as illustrated generally in Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

10.5A54.50 Other Components

Any structure other than a principal building, outbuilding, fence or streetscreen shall be situated in the second lot layer or third lot layer and shall be screened from the frontage by a building or streetscreen.

10.5A54.60 Building Facades

Within each Character District, building facades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along the indicated minimum and/or maximum percentage of the frontage line width at the Setback, as specified as Frontage Buildout on Tables 10.5A42.10A-C (Character District Standards) and/or Map 10.5A21C (Special Requirements: Specific Shopfront, Step Frontages, Percent Frontage Buildout and Use Requirement Areas).

10.5A54.70 Building Setbacks

10.5A53.71 Setbacks for buildings shall be as shown in Tables 10.5A42.10A-C (Character District Standards). See Illustration 10.5A54.70 (Setback Designations).

10.5A54.72 To accommodate slopes over ten percent, relief from front Setback requirements may be granted by special exception in accordance with Section 10.232 (Special Exceptions).

10.5A55 Building Form and Building Types

10.5A55.10 Private Frontage – General

The private frontage within each Character District shall conform to and be allocated in accordance with Table 10.5A54.30 (Private Frontage Types) and Tables 10.5A42.10A-C (Character District Standards), as applicable, and any applicable private frontage special requirements indicated on the Regulating Plan.

10.5A55.20 Multiple Private Frontages

Each building shall have a private frontage along each of its street frontages. If a building has more than one street frontage, one of its frontages shall be designated as the principal frontage and the other frontage or frontages shall be secondary frontages, as illustrated generally in Illustration 10.5A55.20 (Frontage and Lot Lines).

Prescriptions for the second lot layer and third lot layer of corner lots and through lots pertain only to the principal frontage. Prescriptions for the first lot layer of lots with more than one frontage pertain to both frontages. See Illustration 10.5A53.10 (Lot Layers).

10.5A55.30 Building and Ceiling Height

10.5A55.31 Building heights and ceiling heights within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards) and the special requirements for Specific Building Height Requirement Areas indicated Map 10.5A21B.

10.5A55.32 In calculating building height, a mezzanine extending beyond 33 percent of the floor area below shall be counted as an additional story.

10.5A55.33 In calculating height of a parking structure or garage, except for a roof-top level parking with a parapet wall less than four feet in height, each

above-ground level counts as a single story regardless of its relationship to habitable Stories.

10.5A55.34 A short story includes either: 1) the use of a top story below the cornice line that is at least 20% shorter in height than the story below; or 2) a story with a mansard roof with a pitch no greater than 30:12.

10.5A55.35 In calculating building height, roof appurtenances that are less than 10 feet above the roof surface shall not be considered, provided that the total horizontal area of all such roof appurtenances shall not exceed 33 percent of the total roof area of the building.

10.5A55.40 Floor Elevation

Building ground finish floor elevation within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards).

10.5A55.50 Roof Type and Pitch

Building roof type and pitch within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards).

10.5A55.60 Facade Glazing

Window glazing of building facades within each Character District shall conform to Tables 10.5A42.10A-C (Character District Standards).

10.5A55.70 Loading Docks and Service Areas

Loading docks and service areas shall not be permitted on frontages or within the first lot layer. See Illustration 10.5A53.10 (Lot Layers).

10.5A55.80 Streetscreens

Any streetscreen along a frontage shall be built on the same plane as the façade of the principal building and shall be between 3.5 and 4.0 feet in height. Other streetscreens shall be between 3.5 and 6 feet in height. Streetscreens along the frontage shall have openings no larger than necessary to allow automobile and pedestrian access.

10.5A55.90 Building Type

Buildings in each Character District shall be of one or more of the building types specified for such Character District in Table 10.5A55.90 (Building Types).

10.5A56 Encroachments

Encroachments of building elements in setback areas shall be allowed within each Character District as set forth in Tables 10.5A42.10A-C (Character District Standards).

10.5A57 Building and Lot Uses

10.5A57.10 Uses

10.5A57.11 All buildings, other structures and land within the CD4 and CD5 Character Districts shall comply with the use regulations for the Central Business B district set forth in Section 10.440, and with the special requirements for uses set forth on Map 10.5A21C (Special Requirements: Use Areas).

10.5A57.12 All buildings, other structures and land within the CD4-L Character Districts shall comply with the use regulations for the Mixed Office Residential (MRO) district set forth in Section 10.440.

10.5A57.20 Downtown Overlay District

The ground floor of any building located within the Downtown Overlay District shall comply with the requirements listed under Section 10.640, subject to any applicable shopfront or officefront special requirement.

10.5A58 Off-Street Parking and Loading Requirements

10.5A58.10 General

Except as otherwise provided in this Section, all buildings, other structures and uses in the Character Districts shall comply with the off-street parking requirements set forth in Section 10.1110.

10.5A58.20 Number of Required Spaces

10.5A58.21 Uses in the Character-Based Area that are not included in the Downtown Overlay District shall be provided off-street parking in accordance with Section 10.1112.

10.5A58.21 Uses in the Character-Based Area that are included in the Downtown Overlay District shall comply with the off-street parking requirements for the Downtown Overlay District in accordance with Section 10.1115.

10.5A58.20 Supplemental Requirements in the Downtown Overlay District

Buildings, other structures and uses in the Character Districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A58.30 Parking, Loading, and Driveway Locations and Standards

10.5A58.31 All off-street parking areas, parking garages and off-street loading areas shall be located in the second lot layer or third lot layer.

10.5A58.32 Parking areas, parking lots and loading locations shall be screened from the frontage by a building or streetscreen except for any access driveway.

- 10.5A58.33 Driveways at frontages shall be no wider than 24 feet in the first lot layer.
- 10.5A58.34 Pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line and not directly into a building, except for underground parking accommodations.
- 10.5A58.35 Parking structures shall have liner buildings of at least 24 feet deep lining the parking structure throughout its entire height along the frontage.
- 10.5A58.36 In addition to any walkway or sidewalk around such parking area or parking lot, each parking area or parking lot that exceeds 75 parking spaces shall have least one pedestrian walkway of a minimum width of eight (8) feet that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A58.40 Parking Lot and Parking Area Landscaping

Parking areas and parking lots that contain ten (10) or more spaces shall conform to the following:

- 10.5A58.41 Parking areas and parking lots shall contain one landscape island for every 10 parking spaces. Parking lots with more than one landscape island shall have such islands distributed throughout the parking lot. Each landscape island shall be a minimum of 325 square feet.
- 10.5A58.42 For every 2,000 square feet of parking area or parking lot, at least one tree shall be installed or preserved within the parking area or parking lot.
- 10.5A58.43 No parking space shall be more than 75 feet from a tree within the lot, as measured from the center of the tree to the nearest line demarcating the space.
- 10.5A58.44 All landscaping required pursuant to this Section 10.5A59.50 and adjacent to the paved portion of any parking area, parking lot, loading area, accessway or thoroughfare shall be located in a manner to protect the vegetation from vehicular damage. Without limiting the foregoing, all trees shall be separated from parking area or parking lot paved surfaces by at least 3 feet.
- 10.5A58.45 No standard set forth in this Section 10.5A59.50 shall be enforceable where the application of the standard would obstruct visibility within the lot to such extent as to interfere with the safe movement of vehicles and pedestrians within the lot.

10.5A59 Architectural Standards and Guidelines

In reviewing a proposed project under Section 10.630, the Historic District Commission shall review the Development Plan for compliance with the Architectural Standards and Guidelines set forth in Appendix A.

Section 10.5A60 Definitions

This Section provides definitions for certain terms in this Article 5A that are not otherwise defined in Article 15:

Adjacent

Having any distance of real property boundary in common with, or being separated from such a common real property boundary by a **thoroughfare**, right-of-way, alley or easement.

Attic

The interior part of a building contained within a gable roof.

Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

Block

The aggregate of private lots, Rear Alleys and Rear Lanes, circumscribed by thoroughfares.

Block face

The aggregate of all the building facades on one side of a block.

Building element

Any component or part of a building.

Character District

A zoning district shown on the Regulating Plan to which certain development, lot and building standards, and other elements of the intended built environment are applicable.

Civic

The term describing activities, uses, purposes and organizations other than the City of Portsmouth which are open to the general public, dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.

Civic space

An open area dedicated for civic use which is owned and operated by a not-for-profit organization or entity other than the City of Portsmouth. There are several civic space types defined by the combination of certain physical constants, including the relationships among their intended use, their size, their landscaping and the buildings that front on them. The civic space types are shown on Table 10.5A51.20 (Civic Spaces).

Configuration

The form of a building, including its massing, private frontage, and height.

Cornice

A crowning projected molded horizontal top of a building or some part of a building. A trimmed eave on the gable end of a gable-roofed building creates a cornice, consisting of two raking or sloping cornices with connected horizontal cornice.

Curb

The edge of the vehicular pavement that is raised to a granite curb. It usually incorporates the drainage system.

Development

Activity directed toward making an improvement.

Development Plan

A plan meeting the requirements of Section 10.5A33.10.

Driveway

A vehicular lane within a lot, often leading to a garage or parking area.

Edgeyard

A Yard Type in which buildings occupy the center of a lot with Setbacks in the front, the rear and on all sides. See Table 10.554.20 (Yard Types).

Elevation

An exterior wall of a building not along a frontage line. See Illustration 10.5A55.20 (Frontage and Lot Lines). See also façade.

Encroach

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, or above a height limit.

Encroachment

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, or above a height limit, or the breaking of such limit by a structural element.

Facade

The exterior wall of a building that is set along a frontage line. See Illustration 10.5A55.20 (Frontage and Lot Lines). See also elevation.

First lot layer

That portion of a lot bounded by (a) the side lot lines, (b) the frontage line, and (c) the front setback line.

Frontage

As applicable to Article 5A, the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage. See Illustration P.1 (Thoroughfares and Frontages), Table 10.5A54.30 (Private Frontage Types), and Illustration 10.5A55.20 (Frontage and Lot Lines).

Frontage line

A lot line bordering a public frontage. See also Illustration 10.5A55.20 (Frontages and Lot Lines).

Garage

An enclosed area integral to a non-municipal principal building or an outbuilding that provides as an accessory use space for parking or storage of vehicles incidental to the principal use of the lot or principal building on the lot. Not synonymous with parking structure.

Green

A civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages and conforming to Table 10.5A51.20 (Civic Spaces: Green).

Iconic building

A building that is designated as “focal” on the Historic District Survey conducted by the Portsmouth Advocates, 1982, and has unique cultural or architectural significance.

Improvement

Except as listed as an exempt activity under Section 10.633.20, any man-made alteration of land, a lot, a building or other structure whether horizontal, vertical, surface or subsurface.

Landmark building

A building that is designated as “focal” on the Historic District Survey conducted by the Portsmouth Advocates, 1982.

Liner building

A building that is at least 24 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the public frontage.

Lot layer

A range of depth of a lot within which certain elements are permitted. See first lot layer, second lot layer and third lot layer. See Illustration 10.5A53.10 (Lot Layers).

Lot width

The length of the frontage line of a lot, or in the case of a lot with two frontages, the principal frontage line.

Muntin

The narrow molding separating individual panes of glass in a multi-paned window sash.

Mullion

The vertical element separating two window or door frames

Officefront

A private frontage type conventional for office or lodging use, wherein the façade is aligned close to the frontage line with the building entrance at or elevated above sidewalk grade. See Table 10.5A54.30 (Private Frontage Types).

Outbuilding

An accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

Park

A civic space type that is open space available for structured or unstructured recreation and complies with the requirements of Table 10.5A51.20 (Civic Spaces: Park).

Parking area

An off-street, ground-level open area within a non-municipal lot for parking vehicles as an accessory use incidental to a principal use of the lot or principal building on the lot. Not synonymous with parking lot.

Parking lot

An off-street, ground-level open area within a non-municipal lot for parking vehicles as a principal use. Not synonymous with parking area.

Parking structure

A non-municipal structure containing one or more stories of parking above grade.

Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

Pedestrian Alley

A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Placement

The disposition of a building on its lot. See Illustrations 10.5A53.10 (Lot Layers) 10.5A54.30 (Principal Building/Backbuilding/Outbuilding) and 10.5A54.70 (Setback Designations).

Plaza

A civic space type designed for civic and commercial purposes, uses and activities, generally paved, spatially defined by building frontages and complying with Table 10.5A51.20 (Civic Spaces: Plaza).

Principal building

The main building on a lot, usually located toward the frontage. See Illustration 10.5A54.30 (Principal Building/Backbuilding/Outbuilding).

Principal entrance

The main point of access for pedestrians into a building.

Principal frontage

On corner lots and through lots, the private frontage designated to bear the address, and the measure of minimum lot width. Prescriptions for the location of parking in certain lot layers pertain only to the principal frontage. Prescriptions for the first lot layer pertain to both frontages of a corner lot. **See** Illustration 10.5A55.20 (Frontage and Lot Lines). See also frontage.

Private frontage

The privately held area between and including the frontage line and the principal building facade. See Table 10.5A54.30 (Private Frontage Types). See frontage.

Public frontage

The area between the curb of the vehicular lanes and the frontage line. See also frontage.

Rearyard

A Yard Type wherein a building occupies the full frontage line, leaving the rear of the lot as the sole yard. See Table 10.5A54.20 (Yard Types).

Regulating Plan

The zoning map or set of maps that shows the Character Districts, Municipal Districts, civic spaces and special requirements, if any, of areas subject to, or potentially subject to, regulation by this Article 5A.

Secondary frontage

On corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first lot layer is regulated. See frontage.

Second lot layer

That portion of a lot bounded by (a) the side lot lines, (b) the front setback line and (c) a line which is 20 feet from and parallel to the front setback line.

Setback

(a) The required distance between a structure or use and a specified reference point such as a use, lot line, zoning district boundary, wetland or water body.

- (b) An area within a lot in which buildings or other structures are not permitted in the absence of a permitted encroachment. (See also yard in Article 15.)
- (c) The placement of a building or other structure away from a lot line.

Shopfront

A private frontage type conventional for retail, office, service or restaurant use, with substantial glazing and with or without an awning, wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. See Table 10.5A54.30 (Private Frontage Types).

Sidewalk

The paved section of the public frontage dedicated exclusively to pedestrian activity.

Sideyard

A Yard Type having a setback on one side and a building occupying the other side with no setback.

Special requirements

Provisions of Section 10.5A21.20 (Special Requirements) and/or the associated designations on a Regulating Plan or other map for those provisions.

Square

A civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages, consisting of paths, lawns and trees, formally disposed, and complying with Table 10.5A51.20 (Civic Spaces: Square).

Step frontage

A private frontage type wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with exterior step without a landing at the entrance. See Table 10.5A54.30 (Private Frontage Types).

Stoop frontage

A private frontage type wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance. See Table 10.5A54.30 (Private Frontage Types).

Story

Except for habitable space within an attic or raised basement, a habitable level of building below the lowest point of its cornice or eave. See Tables 10.5A42.10A-C (Character District Standards).

Streetscreen

A freestanding wall built along the frontage line, on the same plane as a facade or at or along any lot or boundary line which masks a parking lot from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

Terminated vista

A location at the axial conclusion of a thoroughfare at which a building provides architectural articulation in compliance with Section 10.5A21.22.

Third lot layer

That portion of a lot bounded by (a) the side lot lines, (b) the rear lot line and (c) the line of the second lot layer that is parallel to and furthest from the frontage line. See Illustration 10.5A53.10 (Lot Layers).

Thoroughfare

A way for use by vehicular and/or pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and/or pedestrian ways and the public frontage. See Illustration P1 (Thoroughfares and Frontages). Existing and potential pedestrian ways include Vaughan Mall, Commercial Alley, Ladd Street and Haven Court.

True Divided Light Window

A window or door in which the glass is divided into several small panes with an exterior and interior grill as well as a space bar between the glass.

Appendix A: Architectural Standards and Guidelines

A. General

The following Architectural Standards and Guidelines are applicable to all buildings or other structures in the Character District Areas. Such standards and guidelines will be administered by the Historic District Commission (Commission) under the review of a Certificate of Approval application. Consistent with the objectives and review criteria of the District, the purpose of these architectural standards and guidelines is to encourage traditional design principles.¹

These standards and guidelines encourage the design of new buildings and other structures within the Character Districts to be consistent with the existing historic development patterns and styles within the District. Adherence to traditional design patterns and principles are strongly encouraged. However, meaningful juxtapositions to the existing historic context are also encouraged where they can be achieved. Overall, consistency and compatibility with the size, scale, height, texture, rhythms, proportionality and overall character of the surrounding buildings are desired.

B. Applicability of Standards and Guidelines

Compliance with the Architectural Standards is mandatory. Architectural Standards include the words “shall”, “shall not”, “must,” “must not”, “is/are required”, “is/are allowed” “is/are prohibited”, or “is/are not allowed. Waivers from the Standards may be requested from the Commission, but the Commission may grant a waiver only if it finds the standard inappropriate for the individual building or site and if the substituted design element is consistent with the purpose and intent of this section.

Compliance with the Architectural Guidelines is highly recommended. Architectural Guidelines are advisory, recommendations and/or suggestions. Architectural Guidelines include the words “should”, “may”, “is/are encouraged, or “is/are recommended”.

The Commission may deny a Certificate of Approval where a proposed building or structure is inconsistent with these standards, guidelines, the objectives or the review criteria.

C. Facade Composition

The following Architectural Standards and Architectural Guidelines are applicable to the composition of structures and other improvements in the Character District Areas:

1. Facades of buildings having four or more stories shall be designed to have a tripartite design with a base, comprised of the first one or two stories of the building, a middle, comprised of the story or stories above the base, and a cap, comprised of an articulated cornice. The middle section of a building shall be differentiated from the base by a transition line. A transition line may consist of a continuous, shallow balcony, banding or belt course of brick or stone, a short

¹ These standards and guidelines include standards and guidelines listed in the *Traditional Construction Patterns*, S. Mouzon, 2004.

stepback, or a slightly articulated trim course. The transition may also be supported by a change of window rhythm or size and a change in material or color.

2. Facades shall be designed using simple proportions that maintain a rectangular vertical orientation.
3. Facades should be consistent in rhythm, setback, alignment, orientation, height, width and scale with adjacent buildings on the same street or block.
4. Massing should reflect small lot widths and relate to adjacent buildings and incorporate similar massing techniques such as projections, stepbacks, and vertical bay divisions.
5. Articulated roofs and skyline profiles are encouraged.
6. Blank walls are prohibited at frontages.
7. The percentage of void area (windows and other openings) in a facade shall be between 20% and 60%, except at street-level shopfront frontages, where it shall not be lower than 70%.
8. The facades of buildings with continuous façades that are 60 feet or greater in width should be provided with an entrance for every 30 feet of façade, shall be designed with projecting or recessed offsets not less than 4' deep, and at intervals of not greater than 40 feet and otherwise shall be articulated on a scale comparable to that of the rest of the buildings on the block face. Principal buildings shall have a principal entrance.
9. The principal entrance of a building with a shopfront private frontage shall be situated as required under Section 10.5A21.23 and Table 10.5A54.30 (shopfront).
10. The first floor and all other floors should have a coordinated composition, such as aligning the upper floor windows and other features with openings and features of the first floor. Entryways shall clearly be the main focus of the Façade.
11. Residential finished floor level of the first floor shall be at least 2 to 6 feet above sidewalk level in the front, but are allowed to be on grade in the rear. The sill of residential windows shall be a minimum of 4 feet above the sidewalk.
12. Decorative details, high-quality materials, forms, textures and colors should be used to create details and small-scale elements (i.e. steps, stoops, porches, porticos and other projections) that break up the facade of the building and give the street level a three-dimensional character and human scale.

D. Walls

The following Architectural Standards and Architectural Guidelines are applicable to walls of buildings, other structures and other improvements in the Character District Areas:

1. Different building wall materials should be separated vertically, with the lighter above the heavier, and each separated from the other by a horizontal line.

2. Building walls and gables of principal buildings shall be natural or cast stone, painted or unpainted brick or painted or opaque-stained (on both sides) smooth-cut wood shingle, wood clapboard siding, stucco or smooth cementitious siding with all exposed surfaces painted.
3. Building walls and gables of outbuildings should be designed to harmonize with the form, color, and details their associated principal building.
4. Reflective wall materials are prohibited.
5. Uncovered smooth-face concrete block (concrete masonry unit) is prohibited as an exterior material.
6. Brick shall be laid in a horizontal running bond, common bond, English bond or Flemish bond pattern. Raked mortar joints should be no greater than 3/8 of an inch wide.
7. Mortar color value (lightness/darkness) for natural brick or stone shall be tinted to compliment the brick color. No black mortar is allowed.
8. Wood shingles shall be a maximum of 4 1/2 inches exposed to the weather and siding shall be a maximum of 4 inches exposed to the weather. Shingles shall be machine cut with the bottom edges aligned.
9. Unless required for life safety codes, facades and side elevations of any one building should be made of the same materials and similarly detailed.
10. Arches, piers and posts shall be wood, natural or cast stone, brick or stucco over masonry.
11. Columns shall be brick, natural or cast stone, painted synthetic wood, painted or opaque stained wood or authentic wood.
12. The distance between columns on the ground floor should be vertically proportioned with the upper floors of the building.
13. Foundation walls, retaining walls, piers and pilings shall be block or poured concrete finished in natural stone, stucco, painted or unpainted brick. Foundation walls for the principal building should be a minimum of 8 inches and a maximum of 36 inches above grade.
14. Surface-applied waterproofing on masonry walls shall not be visible.
15. Foundation openings shall be appropriately scaled and sized, shall occur in sufficient quantities, and shall respond to the grade of the lot to allow for drainage and ventilation.
16. With the exception of a brick veneer treatment, material seams and expansion joints should not be visible on facades.
17. Exterior trim should be indistinguishable from wood when painted.
18. All exposed synthetic wood products, and composite materials shall be painted or opaque stained.
19. Wall materials of a single building *should* be installed in a consistent configuration. and wood clapboard siding and shingles shall be horizontal.
20. An articulated cornice should be provided where the top building wall meets the roof.

E. Projections, Attachments and Other Elements

The following Architectural Standards and Architectural Guidelines are applicable to projections, attachments and other elements of buildings, other structures and other improvements in the Character District Areas:

1. Porches should be proportional to the scale of the rest of the building.
2. Porch openings should be vertical in proportion.
3. Porch railings shall be made of wood or metal. Porch floors and posts may be wood or masonry. Porches may be enclosed with glass or screens. Porch ceilings may be enclosed.
4. Stoops should be finished in painted or opaque-stained wood, natural or cast stone, integral color or painted stucco or brick
5. Balconies should be located on a side or rear wall and should be visibly supported by brackets.
6. Railings should have top and bottom rails centered on the balusters, boards or pickets and metal railings shall be painted.
7. Chimneys, chimney enclosures and fireplaces, shall be of masonry, finished with painted or natural brick, natural or cast stone, or integral color or painted stucco in keeping with the architectural style of the building to which it is attached.
8. Chimneys shall have a projecting cap and chimney pots, bishop caps and other expressive chimney cap details are encouraged.
9. Unless an easement is granted by the city for location within the public frontage, Galleries and Arcades shall span over a pedestrian area or walkway within the private frontage. Such pedestrian area should be a minimum of 8 feet wide, and if covered, with a minimum interior height of 14 feet to the top of the vault, or to the ceiling between visible beams or coffers.
10. Openings of Galleries and Arcade breezeways shall be vertically proportioned measured to the top of the arch or lintel.
11. Colonnades shall be masonry finished in natural or cast stone or natural or painted brick, painted or natural or opaque stained wood or painted synthetic wood, and shall rest on pedestals to accommodate any grade changes.
12. Rooftop mechanical and telecommunication equipment shall be fully screened on all sides so as not to be visible from any street, path or walkway and to minimize the negative aesthetic impact upon the view from nearby buildings. Screening shall be incorporated in a manner consistent with the overall architectural design of the building and shall consist of parapets, penthouse screens or other similar methods.
13. Decks shall be permitted only in rear yards and on roof tops.
14. Bay windows should be a maximum of 4 feet deep and shall be three-sided.
15. Exterior trim and siding for bay windows shall be built of copper, wood or other material indistinguishable from wood when painted.

16. Exterior Insulation and Finishing System (EIFS) is prohibited.

F. Roofs

The following Architectural Standards and Architectural Guidelines are applicable to roofs of buildings in the Character District Areas:

1. Buildings *may* have green roofs.
2. Solar shingles and panels are encouraged provided that they are installed on and parallel to the roof or are not visible from the frontage.
3. Roofs shall be clad in one of the following materials, wood shingles, wood shakes, crimp or standing seam galvanized metal or copper, slate or synthetic slate, clay tiles, or dimensional asphalt shingles.
4. Pitched roofs shall be a symmetrical gable, hip, gabled hip, hipped gable, flared hipped or cross gable, as allowed for the applicable Character District (See Tables 10.5A2.10A-C) and shall be pitched as allowed for the applicable Building Type (See Table 10.5A55.90).
5. Shed roofs (roofs which pitch in one direction) are allowed for the applicable Character District (See Tables 10.5A2.10A-C) for the applicable Building Type (See Table 10.5A55.90) if the ridge is attached to an exterior wall of a building,
6. Flat roofs are encouraged to be occupable from an interior room, in which case, they shall be edged by a railing or parapet and be recessed from the outside building wall.
7. Flat roofs should be enclosed by parapets or screen walls as required to conceal mechanical equipment from view from any frontage.
8. Flat roofs shall use white membrane/ high albedo (high reflection coefficient) roofing materials, except for green roofs The membrane shall not be wrapped over the edge, or parapet using a cleat system to fasten it.
9. Roof penetrations, other than chimneys, shall be placed so as not to be visible from streets or paths and shall match the color of the roof or transition to copper, with copper flashing.
10. Satellite dishes and communications equipment shall be as small as feasible and placed in the least visible location on the property to provide adequate signal reception.
11. Flashing shall be galvanized metal or copper.
12. Overlapping or “nested” gables are prohibited unless the smaller gable is part of a balcony or porch.
13. All buildings shall have gutters, downspouts or rain chains, splash blocks or downspouts that conduct runoff to rain barrels or underground drainage systems. The bottom 4 feet of downspout shall be protected by an enclosure or transition to a cast iron base.
14. Gutters, downspouts and projecting drain pipes shall be made of galvanized steel, painted aluminum to match the fascia, trim or wall material, or raw copper.

Gutters shall be square, half-round or ogee in profile and may be encased with wood for protection. Downspouts shall be arranged as an integral part of the Facade composition, and shall generally be placed at the corners of the building least visible from frontages. Splash blocks must be made of granite, concrete, brick or gravel. Gutters are required where eaves extend over adjacent private or public property line(s).

15. Eaves shall be continuous, unless overhanging a balcony or porch. Eaves shall have an overhang that is appropriate for the building style.
16. Gable ends should have historically accurate and appropriately detailed rake and fascia trim.
17. Dormers shall be roofed with a symmetrical gable, hip, or shed roof, shall provide light to habitable space and shall be placed a minimum of 3 feet from side building walls and shall not exceed 33% of the total roof area on each side of the roof.
18. Dormers shall be habitable and have at least one window. When multiple windows are used a stud-pocket shall be used.
19. For pitched roofs, natural roof ventilation using soffit vents, gable vents, ridge vents and/or dormer vents is required. Exposed roof vents such as turbines or power roof ventilators are not permitted on pitched roofs that are facing the **public frontage**. Roof ventilation on flat roofs shall be screened from view from all **frontages**.

G. Openings, Windows and Doors

The following Architectural Standards and Architectural Guidelines are applicable to openings, windows and doors of buildings in the Character District Areas:

1. All openings, including porches, Galleries, Arcades and windows, with the exception of shopfronts and **officefronts**, should be vertical in proportion and consistent with the surrounding buildings.
2. Openings above the first story shall not exceed 50% of the total building wall area, with each facade or elevation being calculated independently.
3. Repairs to existing windows in a focal or contributing building or structure shall require documentation of the deterioration of the existing windows sufficient to justify proposed replacement and detailed and dimensioned documentation of proposed windows and the existing window to be replaced.
4. Retaining, maintaining and repairing original windows and the replacement of modern inappropriate windows with historically appropriate windows is strongly recommended.
5. Removing historic window sashes and removing or encapsulating historic wood trim is strongly discouraged.
6. Window replacement shall require matching the original size, shape, configuration, type, operation, materials, muntin pattern, dimensions, profiles and detailing to the greatest extent possible with a salvaged or new replacement

window. Installing clear glass is required at all openings unless replacing historic colored, beveled or frosted glass in-kind.

7. Installing replacement windows in less visible areas using quality wood replacement windows and reusing serviceable trim, hardware or components or using salvaged materials is recommended.
8. Replacing a window component or unit if: repair and maintenance will improve its performance and preserve historic elements is not permitted; decreasing window size or shape with in-fill to allow for installation of stock unit size or installing an inappropriate window type, such as a casement in a former double-hung window location; or increasing window sizes; or altering the shape to allow for picture or bay windows are all not permitted.
9. Windows shall be made of wood, or aluminum-clad or fiberglass-clad wood.
10. Windows in wood or cementitious sided houses should have a flat casing, 5/4 inch in depth. Brickmold casing shall be used in masonry walls.
11. Except for the first floor windows in buildings with a shopfront or officefront private frontage, windows in all facades and all elevations that are setback from the corresponding property line shall be operable double hung, casement or awning windows.
12. Multiple windows may be used if contextually appropriate, are vertically proportioned and, if used within the same opening, should be separated by a 4 inch min. mullion.
13. Windows in facades should be no closer than 2 feet from the corners of the building.
14. Muntins at frontages, if any, shall be true divided lites or simulated divided lites fixed on the exterior surface with spacer bars to cast a shadow.
15. Window panes throughout the building shall be uniform in size or proportion, provided that openings may become proportionally smaller on the upper stories.
16. Single glass panes should be no larger than 15 square feet except for shopfront and officefront levels.
17. Glass in windows shall be low-e, untinted and free of color or reflection.
18. Frosted glass and glass blocks are prohibited at frontages.
19. Aluminum storm windows or doors are not allowed.
20. Simple screen windows and doors with large screened openings that reveal as much of the historic window or door as possible and installing removable window screens to facilitate maintenance of historic windows is strongly encouraged.
21. The following items are not permitted: exterior storm windows or doors at locations that are visible from the street; or vinyl, colored aluminum, metal or other synthetic material for screen frames (wood frames can be custom made to fit any size or shape opening); or installing visually opaque screen material; or installing Plexiglas, or similar material, fastened to window or door frames, screens, or shutters; or screens adhered or fastened directly to window or door

- trim, shutters or blinds; or using half or stock screen windows that are too small or a different shape than the window opening and require in-fill trim or panels.
22. Window screens, if provided, shall cover only half the window area. Interior screens are strongly encouraged.
 23. Walls along frontages shall have windows or doors spaced no further apart than 15 feet.
 24. First floor façade walls shall have at least one window per structural bay and exposed basement walls shall have at least one small window per structural bay as appropriate for an occupied foundation.
 25. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole.
 26. Transoms and sidelights are encouraged.
 27. Sidelights should not exceed 12 inches in width.
 28. Lintels of stone or pre-cast concrete should extend horizontally beyond the window opening dimension. Brick soldier lintels *should* extend one brick beyond the opening.
 29. Lintels and sills on adjacent windows shall be aligned to create a harmonious l. Window sills shall receive more emphasis than lintels generally.
 30. Shutters shall be louvered, planked or paneled and shall be applied to all or none of the typical windows on any facade or elevation. Shutters, if provided, shall be made of painted wood or painted synthetic wood and shall be fully operational with all necessary hardware and shall be sized, shaped and proportioned to match the associated openings. The use of shutter pintels and shutter dogs is encouraged.
 31. Vents in foundation walls shall be painted cast iron or aluminum grates, pierced natural or cast stone or natural or painted brick.
 32. Windows shall be fully articulated with a lintel, face frame and drip mold. On stucco over masonry walls, the lintel is not required to be evident.
 33. Except on shopfronts and officefronts, windows shall be subdivided into lites by muntins, and the lites shall be vertical in proportion.
 34. Serviceable original wood doors, transoms, sidelights shall be retained unless seriously deteriorated. Serviceable trim and hardware shall be retained unless seriously deteriorated or non-operational. If the originals do not survive, replacement doors shall match as closely as possible to original doors or using doors appropriate to the building's period and style. The original materials, type, size, shape, configuration, muntin pattern, dimensions, profiles and detailing shall be matched to the greatest extent possible.
 35. The installation of roll-down security shutters on doors or windows or the installation of shutters in locations they would not have existed historically is not permitted.
 36. Replacing a door or component if repair and maintenance will improve its performance and preserve historic elements; decreasing door size or shape with

in-fill or increasing door opening to allow for installation of stock door size; or removing or encapsulating historic wood trim are all not permitted.

37. Doors shall have a lintel, face frame and drip mold.
38. Doors and garage doors should have one or more windows and panel detailing.
39. Doors on second-story balconies shall be glazed in the style of French doors.
40. Garages in the second lot layer shall have carriage style doors.
41. Doors, with the exception of any windows therein, should be natural or opaque stained or painted wood.
42. Doors, except garage doors and windows in doors, shall be constructed of planks or raised panels (not flush with applied trim) which express the construction technique.
43. Doors and windows that operate as sliders are prohibited along frontages.

H. Shopfronts

The following Architectural Standards and Architectural Guidelines are applicable to shopfront private frontages in the Character District Areas:

1. For principal buildings located on a corner, the primary entrance shall either be oriented to the corner, or face the principal frontage. Otherwise, for all other buildings the principal entrance shall face the frontage.
2. Except for the window component, shopfronts shall be made of wood, stone, cast stone, cast iron, metal, natural or painted brick.
3. Wood shopfronts shall be natural, painted or opaque stained.
4. Ceiling height of non-residential stories shall be between 12 and 20 feet. Twenty feet is required to accommodate a mezzanine level.
5. Shopfronts shall have internal structural support to allow back-bolted installation of signs and awnings whether or not signs or awnings are installed at the time of initial construction.
6. Shopfront doors, windows, awnings, signage and lighting should be designed as a unified whole.
7. Shopfront windows shall sit on a 12 to 36 inch high kneewall.
8. Windows and doors shall comprise a minimum of 70% of the front facade.
9. **Mullions** are encouraged.
10. Reflective, tinted, stained glass, colored, or spandrel glass shall not be permitted on any shopfront or windows above.
11. Awnings are permitted provided they do not conceal architectural features (such as cornices, columns, pilasters, or decorative details).
12. Awnings should have side panels or a soffit.

13. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges and shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal.
14. Awnings of the quarter-round or domed variety are prohibited and awnings shall not be backlit.
15. Retractable awnings are preferred.
16. Unless the business is occupying multiple buildings, all awnings on a single business shall be identical in color and form.

I. Signs

Signs shall comply with Article 12 with the following exceptions:

1. No free-standing sign shall exceed five feet (5') in height.
2. No monument signs shall be allowed.

J. Miscellaneous

The following additional miscellaneous Architectural Standards and Architectural Guidelines are applicable to all buildings, other structures and other improvements in the Character District Areas:

1. The use of recycled and/or locally-sourced materials is strongly encouraged.
2. Low-VOC (Volatile Organic Compound) paints, sealants, and stains are strongly encouraged on all surfaces requiring such treatment.
3. Facade colors shall be harmonious with respect to the building and adjacent buildings.
4. All exterior lighting shall be of warm spectrum and dark-sky compliant.
5. Any security system signs shall be affixed to a building.
6. Trash collection sites should be located in the third lot layer and shall be fully enclosed on three sides and enclosed on the fourth side with a self-closing gate.
7. Ground level mechanical/ communication equipment shall be designed so it does not encroach on walkways or parking areas, and shall not be visible from any frontage.
8. In developments of lots accommodating 6 or more buildings, a minimum of three substantially different facades shall be provided.

**Form-Based Zoning:
Conforming Amendments to Other Sections of the Zoning Ordinance
October 17, 2013**

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby amended as follows (inserted text in **bold**; deleted text in ~~strikethrough~~):

1. In Article 4, Section 10.410 – Establishment and Purpose of Districts, insert the following before the row titled "Business Districts":

Character Districts		
Character District 4-L	CD4-L	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
Character District 4	CD 4	
Character District 5	CD5	

2. In Article 4, Section 421 – District Location and Boundaries, insert the following new Section 10.421.30:

10.421.30 The following maps are incorporated by reference in the Zoning Map:

- 10.421.31** The Regulating Plan and Special Requirements Maps for the Character Districts (Maps 10.5A21A through 10.5A21D), as most recently amended.
- 10.421.32** The Flood Insurance Rate Maps (FIRM) for the City of Portsmouth, prepared by the Federal Emergency Management Agency (FEMA), as most recently amended.
- 10.421.33** The "FAR Part 77 Imaginary Surfaces Plan" for Pease International Tradeport, dated May 1995.

3. In Article 6 – Overlay Districts, Section 10.640 – Downtown Overlay District, Section 10.641.10, insert the words “and the Character Districts” after the words “Central Business B districts,” so that the paragraph reads as follows:

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the Central Business A and Central Business B districts **and the Character Districts**. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

4. In Article 6 – Overlay Districts, Section 10.640 Downtown Overlay District, Section 10.643 – Off-Street Parking Facilities, amend Sections 10.643.20 and 10.643.30 as follows:

10.643.20 In the DOD, accessory off-street parking facilities providing spaces for more than two vehicles **above ground level** shall not be located within 30 **24** feet of the following streets:

Bow Street	Daniel Street	Middle Street
Chapel Street	Fleet Street	Penhallow Street
Chestnut Street	Hanover Street	Pleasant Street
Congress Street	High Street	State Street
Court Street	Market Street	Vaughan Mall

10.643.30 In the DOD, the vehicular entrance into a building or structure containing off-street parking facilities for more than two vehicles shall not face any street listed in paragraph 10.643.20; the vehicular entrance shall be set back at least 30 **24** feet from any street listed in paragraph 10.643.20; and shall be located at least 50 feet from any street intersection.

5. In Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.232, insert the words “Character District 4-L,” “Character District 4” and “Character District 5” in the row titled “Sign District 3,” as follows:

Sign District 3	Central Business A Central Business B Character District 4-L Character District 4 Character District 5
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6. In Article 15 – Definitions, Section 10.1520 – Terms With Specialized Applications, insert the following new Section 10.1525:

10.1525 Terms that are used primarily in Section 10.470, Character Districts, are defined in Section 10.476, including:

Adjacent	Officefront
Attic	Outbuilding
Backbuilding	Park
Block	Parking area
Block face	Parking lot
Building *	Parking structure
Building element	Path
Character District	Pedestrian alley
Civic	Placement
Civic space	Plaza
Configuration	Principal entrance
Cornice	Principal frontage
Curb	Private frontage
Development	Public frontage
Development Plan	Rearyard
Edgeyard	Regulating Plan
Elevation *	Second lot layer
Encroach	Secondary frontage
Encroachment	Setback
Facade	Shopfront
First lot layer	Sidewalk
Frontage *	Sideyard
Frontage line	Special requirements
Garage	Square
Green	Step frontage
Iconic building	Stoop frontage
Improvement *	Story *
Landmark building	Streetscreen
Liner building	Structure *
Lot layer	Terminated vista
Lot width	Third lot layer
Muntin	Thoroughfare
Mullion	True divided light window

* These terms are defined differently for Section 10.470 than for other sections of this Ordinance.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES WITHIN THE PLANNING DEPARTMENT FOR DESIGN REVIEW TOOLS.

RESOLVED:

BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of up to **One Hundred and Fifty Thousand (\$150,000) Dollars** is to be appropriated from Unassigned Fund Balance for necessary expenditures within the Planning Department for design review tools requested by the Portsmouth Historic District Commission (HDC) for the Fiscal Year ending June 30, 2014.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from the June 30, 2013 Unassigned Fund Balance.

APPROVED BY:

ERIC SPEAR, MAYOR

ADOPTED BY CITY COUNCIL

KELLI L. BARNABY, CITY CLERK

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

PARKING LOT USAGE/MAINTENANCE AGREEMENT

Pease Development Authority, Division of Ports and Harbors, ("Lessor" or "Owner"), a state agency created by RSA 12-G:43, I, is the owner of a parking lot located at 315 Market Street, City of Portsmouth, New Hampshire, (Map 119, Lot 5) (hereinafter "Lot"). The Isles of Shoals Steamship Company, Inc., ("Lessee"), Lessee of 315 Market Street, hereby enters into this agreement with the City of Portsmouth, a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter "City" or "Sublessor") with respect to certain parking spaces located in the parking lot located at 315 Market Street (hereinafter "Parking Lot"). Lessee and the City are entering into this trial parking agreement ("Agreement") for the purposes and under the terms and conditions contained herein.

1. This Agreement shall commence on November 1, 2013 and continue in effect until March 31, 2014.
2. During the period in which this Agreement is in effect, the Fifty-One (51) parking spaces in the Parking Lot shown on the attached plan shall be available at the direction of the City for the purpose of allowing employees of the downtown area who have purchased a parking permit for the Parking Lot (hereinafter "Employees"). (See plan attached and incorporated hereto as Exhibit A).
3. The City agrees and represents that the parking permits issued by the City will allow Employees to park in the Parking Lot from Monday through Sunday but will prohibit overnight parking. However, Lessee will be holding a special event on November 29, 2013 and November 30, 2013 and parking spaces available for permit holders will be reduced for these two days.
4. The City shall post and maintain signage in a manner to be approved by the Owner and Lessee to designate the Fifty-One (51) parking spaces for Employee parking. The signs shall include a prohibition against overnight parking and information about days Employees are permitted to park in the Parking Lot.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of these parking spaces during the times stated to ensure that the parking spaces are only being used by authorized permit holders.
6. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Parking Lot in accordance with its normal practices for City parking lots.

7. Except as described in this Agreement, the use of the Parking Lot shall be under the control of the Owner and Lessee.
8. The City agrees to indemnify and hold Owner and Lessee harmless with respect to any and all claims for liability arising out of any use of the Parking Lot which is sanctioned, arranged, sponsored or conducted by the City, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Local Government Center, Property and Liability Trust, under the terms of its member agreement as it may be in effect from time to time. Lessee also agrees to indemnify, defend and hold Owner harmless from any and all claims for liability arising from this Agreement.
9. The Parties agree that any compensation paid by the City to Lessee will be determined at the end of the parking trial and will be the net parking permit revenues, the difference between gross parking permit revenues less expenses incurred by the City for the following; parking lot design and marking, snow removal operations, parking permit production and administration and parking enforcement. The net parking permit revenues will be paid to Lessee within 45 days after the end of the trial period. The Parties anticipate that these payments shall not exceed \$1,000 per month.
10. This Agreement may be terminated with cause by either Party in the event that either Party fails to maintain its obligations under this Agreement, after being given written notice of such failure and a Thirty (30) day period to cure it. This Agreement may be terminated without cause by either Party with Forty-Five (45) days written notice to the other Party.

For the City of Portsmouth

John P. Bohenko, City Manager

Dated:_____

Pursuant to vote of the City Council
on_____.

For Lessee

Isles of Shoals Steamship Company, Inc

By:

Dated:_____

Pease Development Authority consents to this Parking Lot Usage / Maintenance Agreement entered into between the Lessee and the City.

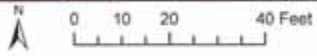
Pease Development Authority

David R. Mullen, Executive Director

Dated: _____



ISSC Downtown Employee Parking Lot
U:\Projects\0217 Downtown Parking Update\ISSC Downtown Employee Parking Lot\ISSC Downtown Employee Parking Lot.pdf
Map prepared by Portsmouth Department of Public Works



Event Listing by Date

Starting Date: 10/ 7/2013

Ending Date: 8/31/2014

Start End	Type Description	Location	Requestor	Vote Date
10/12/2013 10/12/2013	ROAD RACE This is a collaborative race with the Community Child Care. Contacts for this event are Ben Anderson of Prescott Park (436-2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Starts in Kittery - Ends at Prescott Park	Prescott Park Arts Festival/Co	3/ 4/2013
10/19/2013 10/19/2013	WALK Virginia Skevington is the contact for this event. This event begins at 9:00 a.m. It begins and ends at Jewel Court.	11 Jewel Court	Arts in Reach	7/15/2013
10/31/2013 10/31/2013	PARADE Trevor Bartlett is the contact for this event. His contact number: 969-4625 E-mail: eyesfingerstoos@gmail.com For route see www.spookyportsmouth.com	Begins at Peirce Island - Ends at Prescott Park	Portsmouth Halloween Parade	10/ 7/2013
11/10/2013 11/10/2013	ROAD RACE Jay Diener is the contact for this event. He can be reached at 758-1177. This event begins at 8:00 a.m. The course travels through Rye and New Castle, as well as parts of Portsmouth.	Thru Portsmouth	Jay Diener, Co-Race Director	8/ 5/2013
11/28/2013 11/28/2013	ROAD RACE Pat Lyons (430-2156) is the contact for this event. This event begins at 8:30 a.m.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
12/31/2013 12/31/2013	FIRST NIGH Barbara Massar is the contact for this event. This evening begins at 4:00 p.m. to Midnight. It is held throughout various venues of downtown Portsmouth.	Market Square	Pro Portsmouth	9/ 3/2013
1/ 1/2014 1/ 1/2014	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	Great Bay Services	12/17/2012
3/15/2014 3/15/2014	ROAD RACE Jill McFarland is the contact for this event. Telephone contact number: 501-9029.	125 Austin Street	St. Patrick School	8/ 5/2013
5/ 4/2014 5/ 4/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square No Parking on Market Street-Bow Street to Isle of Shoals Steamship Company entrance.	Downtown	Pro Portsmouth - Children's Da	9/ 3/2013
5/10/2014 5/10/2014	ROAD RACE Allison Brownell, Race Co-Chair is one of the contacts for this race. Her cell number is 845-430-9351 The race begins at 8:30 a.m.	Marcy Street	Susan G. Komen New Hampshire R	8/19/2013
6/14/2014 6/14/2014	FAIR This is the 37th Annual Market Square Day from 4:00 a.m. to 6:00 p.m. Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 3/2013

Event Listing by Date

Starting Date: 10/ 7/2013

Ending Date: 8/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/14/2014 6/14/2014	ROAD RACE This is the 37th Annual 10K Road Race that beings at 9:00 a.m. in Market Squire.	Market Square	Pro Portsmouth	9/ 3/2013
6/21/2014 6/21/2014	RACE Alyssa Salmon is the contact on this event. She can be reached at 430-1140 ex. 14 The event is from 3:00 p.m. to 6:00 p.m. Rain date of June 22, 2014.	Pleasant Street	Big Brother Big Sister	9/ 3/2013
6/28/2014 6/28/2014	MUSIC This is Summer in the Street event. It begins at 5:00 p.m. to 9:30 p.m. Street closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/ 5/2014 7/ 5/2014	MUSIC This is Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/12/2014 7/12/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/19/2014 7/19/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/26/2014 7/26/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
8/ 2/2014 8/ 2/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Economic Development Commission **Renewing applicant**

Name: John K. Bosen Telephone: 603 205 5171

Could you be contacted at work? YES/ NO - If so, telephone # 427-5500

Street address: ~~XXXXXXXXXX~~ 266 Middle Street

Mailing address (if different): _____

Email address (for clerk's office communication): Jbosen@BosenandAssociates.com

How long have you been a resident of Portsmouth? 1964

Occupational background:

Lawyer

Would you be able to commit to attending all meetings? YES/ NO

Reasons for wishing to continue serving: _____

I am a business owner downtown and
am very interested in issuing affecting
economic development. I am also in
favor of expanding our parking facilities
which is within the mission of
the EDC.

OVER
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Please list any organizations, groups, or other committees you are involved in:

Board member - The Provident Bank
Legal Consult - Portsmouth Housing Authority
Samatha Smith Foundation
Working Dog Project

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Everett Eaton Pinehurst Rd 431-6205
Name, address, telephone number
- 2) Ruth Griffin Richards Ave 436-5272
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 9/21/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information
Please submit resume' along with this application*

Committee: EDC Renewing applicant

Name: Joshua Cyr Telephone: 601-4143

Could you be contacted at work? YES/NO - If so, telephone# same

Street address: 263 Hanover St

Mailing address (if different): _____

Email address (for clerk's office communication): jcyr@joshuacyr.com

How long have you been a resident of Portsmouth? since '96

Occupational background:

Business & Web Consulting

Software Development

Events

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: Passionate about Portsmouth
and our continued success as a city.

Please list any organizations, groups, or other committees you are involved in:

Alpha Loft
Seacoast Local
Multiple Software Community Groups

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) David Karlotski 205-5144 Newcastle Ave
Name, address, telephone number 17 Fields Rd
- 2) Byron Matto 646-416-2265 Portsmouth
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 9-25-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____
Annual Number of Meetings: _____ Number of Meetings Absent: _____
Date of Original Appointment: _____

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



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CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*

Committee: Planning Board Initial applicant

Name: Michael Barker Telephone: 603-436-7828

Could you be contacted at work? YES NO If so, telephone # 603-266-3158

Street address: 5 Hancock Street, Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): mbarker@momenta.com

How long have you been a resident of Portsmouth? Since November 2001

Occupational background:

President of Momenta since November 2001. Momenta is a consumer packaged goods
company that is focused on designing and distributing products to retailers including
Michaels, Hobby Lobby, Wal-Mart and Joanns. Daily responsibilities include staff
management, sales, and operations support.

Please list experience you have in respect to this Board/Commission:

As a small business owner, I understand the challenges other business owners face and
the important role retail and/or office space plays in the success of these businesses.
Moreover, as a NH native, I grew up visiting Portsmouth and can put future growth in
context with our city's past.

OVER
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6/27/2012

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: _____

My wife and I love this city and look forward to continuing to raise our children here. And I want to make sure it only gets better. This really is an amazing town and I look forward to the opportunity to give back to help ensure Portsmouth's continued success.

Please list any organizations, groups, or other committees you are involved in:

CHA (the Craft and Hobby Association)

Currently serving on the Portsmouth Taxl Commission

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Valarie Fagnl, 75 Gates Street, Portsmouth, NH 603-436-6655
Name, address, telephone number

2) Richard Greenslade, 20 TJ Gamester Ave, Portsmouth, NH 603-431-5758
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Handwritten Signature] Date: September 19, 2013

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No _____

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Planning Board Initial applicant

Name: Justin Finn Telephone: 603-433-5515 / 603-828-1021
Cell

Could you be contacted at work? YES NO If so, telephone # 603-433-5515

Street address: 100 Ledgewood Dr. #11 Portsmouth, NH 03801

Mailing address (if different): 42 middle street Portsmouth, NH 03801 - Busine.

Email address (for clerk's office communication): JustinF@secureplanninginc.com

How long have you been a resident of Portsmouth? 32 years - born in Portsmouth

Occupational background:

Investment Advisor - Secure Planning
Investment firm founded in Portsmouth, NH 1990
we are located downtown 42 middle street.

Please list experience you have in respect to this Board/Commission:

I have never served on this board, so my
experience is none.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: Portsmouth is in my blood
and to have the opportunity to serve this community
is a great honor. Also, the planning of the Ten year
vision excites me and to be part of a great
team already in place.

Please list any organizations, groups, or other committees you are involved in:

Portsmouth Rotary club
Salvation Army Advisory Board - Portsmouth, Current
Chair.
Portsmouth Little League - Volunteer Umpire

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Fred Dolman - 136 Hill Street Unit 2 - Portsmouth - 603-828-363
Name, address, telephone number
- 2) Lisa Dugan - 1 Princeton Street - Portsmouth - 603-502-0516
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature]

Date: 9-26-13

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No X

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

October 9, 2013

Eric,

This email is meant to serve as my resignation from the Taxi Commission effective upon my appointment to the Planning Board.

Best regards,

Michael Barker
Momenta, Inc.

www.momenta.com

mbarker@momenta.com

603.942.8100 x111