

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, APRIL 7, 2014 TIME: 6:30 PM

## AGENDA

- 6:00 PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PERSONNEL MATTERS  
RSA: 91-A:2, I (b-c)
- 6:30 PM – PRESENTATION BY PORTSMOUTH LISTENS STUDY CIRCLES  
RE: TRANSPORTATION DIALOGUE

I. CALL TO ORDER [7:00PM or thereafter]

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – *There are no minutes for acceptance*

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Asset Management Planning Grant from the New Hampshire Department of Environmental Services (***Sample motion – move to accept and expend an Asset Management Planning Grant from the New Hampshire Department of Environmental Services in an amount up to \$15,000***)
- B. \*Acceptance of Community Development Block Grant Funds (***Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$507,379 from the U.S. Department of Housing and Urban Development***)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Borrowing Resolution Re: New Franklin School Energy Project. (***Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and second reading the attached borrowing Resolution in an amount of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School Boiler Replacement and Other Identified Energy Conservation Measures, at the April 21, 2014 City Council meeting, as presented***) Please Note: requires a two-thirds vote for passage.
- B. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 (***Sample motion – move to pass third and final reading of the proposed ordinance, as presented***)

- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps reference in Section 10.5A14.10 of Article 5A  
**(Sample Motions:**  
**1) Move to suspend the rules to allow for amendments;**  
**2) Move to adopt amendments;**  
**3) Move to pass third and final reading of the proposed Ordinance, as amended.)**
- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character-Based Zoning  
**(Sample motion – move to pass third and final reading of the proposed ordinance, as presented)**

**IX. CONSENT AGENDA**

**A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

- A. Request for Approval of Pole License to install 2 poles off of Rock Street to provide street lighting to the new Rock Street parking lot. **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
- B. Letter from Ken La Valley, Chair, Portsmouth Chapter of the AFSP Out of the Darkness Walk, requesting permission to conduct the annual Out of the Darkness Community Walk on Saturday, September 27, 2014 10.00 a.m. – 12:00 noon **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Ben Anderson, Executive Director Prescott Park Arts Festival, requesting permission to close the Prescott Park North parking lot (corner of State Street and Marcy Street) during the 30<sup>th</sup> Annual WOKQ Chowder Festival being held Saturday, June 7, 2014. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Chris Vlangas, Development Director Northern New England Chapter of the Cystic Fibrosis Foundation, requesting permission to travel through the City of Portsmouth in conjunction with the 2014 Cycle for Life Event being held Saturday, July 19, 2014 and Sunday July 20, 2014. **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Ryan Fleming, Events Manager, Redhook Brewery, requesting permission to conduct 17<sup>th</sup> annual Redhook/Runner’s Alley 5k on Pease Tradeport to support the Krempel’s Center for Brain Injury on Sunday, May 25, 2014. **(Anticipated action – move to refer to the City Manager with power)**

- F. Request for License from Susan, Calina and Paul Hood, owners of Studio on 90 Fleet for property located at 90 Fleet Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Susan, Calina and Paul Hood, owners of Studio on 90 Fleet for a projecting sign at property located at 90 Fleet Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- G. Request for License from Andre Van Oss, owner of Buff & File Nail Bar for property located at 92 Pleasant Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andre Van Oss, owner of Buff & File Nail Bar for a projecting sign at property located at 92 Pleasant Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- H. Request for License from Richard Cyr, owner of Federal Cigar for property located at 36 Market Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Richard Cyr, owner of Federal Cigar for a projecting sign at property located at 36 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Christopher P. Mulligan, Attorney, Bosen & Associates, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa (194 Wibird Street/Tax Map 148, Lot 1) ***(Sample motion – move to refer to City staff for review and report back at April 21, 2014 City Council meeting)***
- B. Letter from Sandra Yarne, Tax Day Coordinator, Seacoast Peace Response, requesting permission to utilize a plywood structure in conjunction with annual Penny Poll in Market Square on Tuesday, April 15, 2014.

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**Items Which Require Action Under Other Sections of the Agenda:**

- 1. First Reading of Proposed Resolution and Ordinances:
  - 1.1. Proposed Borrowing Resolution Re: New Franklin School Energy Project ***(Action on this item should take place under Section VIII of the agenda)***
- 2. Third and Final Reading of Proposed Resolution and Ordinances:
  - 2.1. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 ***(Action on this item should take place under Section VIII of the agenda)***
  - 2.2. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) and further to Adopt the Zoning Map for the Character Districts for the Maps reference in Section 10.5A14.10 of Article 5A ***(Action on this item should take place under Section VIII of the agenda)***
  - 2.3. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Miscellaneous Conforming Amendments to Implement Character Based Zoning ***(Action on this item should take place under Section VIII of the agenda)***

**City Manager's Items Which Require Action:**

- 1. Request for First Reading for Proposed Amendment to Chapter 7, Article I of the Ordinances Re: Parking and Traffic Safety Committee

2. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
  - a) Popovers on the Square
  - b) Ri Ra Portsmouth
  - c) State Street Saloon
  - d) Surf
  - e) The District
3. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks
  - a) British Beer Company
  - b) The BRGR Bar
4. Utility and Sidewalk Easements at 129 Aldrich Road, 185 Cottage Street and 65-67 Mark Street
5. Establish a Work Session Re: Peirce Island Wastewater Treatment Facility

### **Informational Items**

1. Events Listing
2. Information Memorandum from Robert Sullivan, City Attorney Re: Portwalk
3. Architectural Services Associated with Review of the Portwalk Project
4. Pilot Program Re: Parking Shuttle
5. Proposed Additional Areas to Implement Character-Based Zoning (Form-Based Zoning)
6. Report Back Presentation from Cynthia Scarano, Executive Vice President, Pan Am Railways Re: Sea-3 Project

### **B. MAYOR LISTER**

1. Appointments to be Considered:
  - Barbara McMillan reappointment to the Conservation Commission
  - Kimberly Meuse appointment to the Conservation Commission (alternate)
  - Samuel “Wes” Tator appointment to the Sustainable Practices Blue Ribbon Committee
  - Lawrence Cataldo appointment to the Taxi Commission
  - Stephen Dunfey appointment to the Taxi Commission
2. Appointments to be Voted:
  - Judith Bunnell appointed to the Citizens Advisory Committee
  - Steve Miller reappointment to the Conservation Commission
  - Elissa Hill Stone reappointment to the Conservation Commission
  - Allison Tanner reappointment to the Conservation Commission
  - Amy Schwartz reappointment to the Portsmouth Housing Authority
  - Stephen Philp reappointment to the Peirce Island Committee
  - John Simon reappointment to the Peirce Island Committee
  - Jackie Cali-Pitts reappointment to the Recreation Board
  - Kathryn Lynch appointment to the Recreation Board
3. Resignation:
  - John Palreiro from Taxi Commission

**C. ASSISTANT MAYOR SPLAINE**

1. Sea-3 Propane Proposal Update
2. Creating A Fee Penalty Guideline for Violations of Land Use Board Approvals
3. Status of Abandoned or Derelict Buildings

**D. COUNCILOR KENNEDY**

1. \*Transportation Center
2. \*Establish Transportation Committee (Discussion Purposes Only)

**E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Minutes of the March 13, 2014 meeting (***Sample motion – move to approve and accept the minutes of the March 13, 2014 Parking & Traffic Safety Committee meeting***)

**F. COUNCILOR MORGAN**

1. \*Master Plan – Update of our Master Plan’s Implementation Plan section, in anticipation of the 2015 Master Plan Review (***Sample motion – move to request the City Manager to coordinate with staff the update of the Implementation Plan in our current Master Plan, to be made available to the public and City Council by end of May 2014***)
2. \*Portwalk – Request for Work Session to review:
  - a) enforcement
  - b) penalties
  - c) process and path forward: how we got here and what is the plan/process to prevent this from happening again
3. \*Civility by City Officials

**G. COUNCILOR THORSEN**

1. Legal Analysis regarding Financial Disclosures received from NHMA and suggested amendment language to Administrative Code

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

## **INFORMATIONAL ITEMS**

1. Notification that the Conservation Commission Minutes of the July 10, 2013 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the August 21, 2013, September 4, 2013 and September 11, 2013 meetings are available on the City's website for your review
3. Notification that the Planning Board Minutes of the October 17, 2013, October 24, 2013 and October 31, 2013 meetings are available on the City's website for your review
4. Notification that the Site Review Technical Advisory Committee Minutes of the March 4, 2014, meeting are available on the City's website for your review
5. Notification that the Zoning Board of Adjustment Minutes of the April 18, 2013 meeting are available on the City's website for your review

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



**IN THE YEAR OF OUR LORD  
TWO THOUSAND FOURTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # – 2014**

**A RESOLUTION AUTHORIZING THE BORROWING OF UP  
TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000)  
THROUGH THE ISSUE OF BONDS AND/OR NOTES AND/OR  
THE EXECUTION OF LEASE PURCHASE AGREEMENTS  
FOR THE NEW FRANKLIN SCHOOL BOILER  
REPLACEMENT AND OTHER IDENTIFIED ENERGY  
CONSERVATION MEASURES.**

**RESOLVED:**      **THAT**, the sum of up to Four **Hundred Thousand Dollars (\$400,000)** is appropriated for the New Franklin School boiler replacement and other energy conservation measures identified in an energy efficiency plan adopted by the Portsmouth School board;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Four Hundred Thousand Dollars (\$400,000)** through the issuance of bonds and/or notes and /or lease purchase agreements of the City under the Municipal Finance Act;

**THAT** the expected useful life of the project is determined to be at least Twenty (20) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**ROBERT J. LISTER, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, CMC  
CITY CLERK**





# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

March 5, 2014

Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Attention: Mr. John P. Bohenko, City Manager

Subject: New Franklin Energy Project

The Portsmouth School Department contracted with Energy Efficient Investments (EEI), located in Merrimack, N.H. to identify energy saving measures for the City's Schools.

The New Franklin School was chosen as the building to implement the initial phase of the energy conservation program. The attached report outlines nine (9) energy conservation measures (ECM) recommended by EEI for the New Franklin School. These measures include the replacement of the failing boilers and are identified in the matrix on page 4 of the attached report.

At their meeting on November 12, 2013 the Portsmouth School Board approved the project pending city approved financing. There remains \$90,000 from FY13 School Improvement bond earmarked for the replacement of a boiler located at New Franklin School. To meet the implementation cost of the additional energy saving measures, the School Board is requesting approval from the City Council for financing of \$400,000. This borrowing will be offset through the use of energy savings and rebates from the utility companies.

Sincerely,

Edward R. McDonough  
Superintendent of Schools

Enclosures: 1

cc: Ms. Judie Belanger, Finance Director  
Stephen T. Bartlett, Business Administrator

"THE PURPOSE OF THE PORTSMOUTH SCHOOLS IS TO EDUCATE ALL STUDENTS BY CHALLENGING THEM TO BECOME THINKING, RESPONSIBLE, CONTRIBUTING CITIZENS WHO CONTINUE TO LEARN THROUGHOUT THEIR LIVES."



**ENE Systems, Inc./Energy Efficient Investments, Inc.  
Preliminary Investment Grade Audit**

FOR:

**NEW FRANKLIN SCHOOL  
CITY OF PORTSMOUTH, NH  
SCHOOL DEPARTMENT  
SCHOOL ADMINISTRATIVE UNIT #52**

Prepared by:

Paul Murphy, CEM  
Michael Davey, CEM

Date: November 6, 2013



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## 1. Executive Summary

Energy Efficient Investments, Inc. (EEI) has completed several site visits to the New Franklin School in Portsmouth in the past 3 months, with the goal of identifying potential energy saving measures. EEI is located in Merrimack, NH, and has a proven track record of designing and implementing energy improvements to mechanical systems, building controls systems, insulation and renewable systems. EEI is also an approved energy management contractor with Better Buildings, Pay for Performance, PSNH, Liberty Utilities, and Unitil in New Hampshire.

The New Franklin School is a 40,000 square foot elementary school that was completed in three phases with the most recent addition in 2002. The building has two 80% AFUE natural gas boilers, one of which has recently failed. The building has an Energy Star Benchmark score of 71 out of 100. Currently the building has an estimated annual utility cost of \$75,000 per year (electric, natural gas, and water/sewer). Our preliminary audit has identified a potential to reduce energy costs by \$18,633 (25%), through a combination of energy efficiency and renewable measures. These improvements could offset approximately 25 metric tons of carbon dioxide emissions.

The development of every energy project starts with the initial energy assessment which includes a site visit and the collection of utility and operational costs for each location. The next step entails defining measures, budgetary costs, and estimated savings values by measure for each building. This information is documented in the **Preliminary Investment Grade Audit (PIGA)**. This report is reviewed carefully by Portsmouth School District to determine which conservation measures have the funding and savings necessary to be included in the project.

Following the Preliminary Investment Grade Audit approval by School Board EEI will finalize this document to a **Final Investment Grade Audit (FIGA) with exact rebate amounts**. The Final Investment Grade Audit is presented to the customer for acceptance as part of the **Energy Performance Contract (EPC)**. The Energy Performance Contract will clearly define the responsibilities of each party, and will include a **Measurement and Verification (M&V)** procedure that will be used to measure the energy performance of the new systems and equipment installed throughout the school.

Below, you will find the Energy Conservation Measure (ECM) Matrix which summarizes the results of our findings. We fully understand that some of the measures identified above will not be selected due to estimated cost of construction or other factors. These adjustments will be made to the matrix in the Final Investment Grade Audit.



## 2. ECM Matrix

ECM Matrix

Measure Number	ECM Description	selected	Installed Costs \$	Energy Savings \$	Utility Rebates <sup>1</sup>	Simple Payback (Years)
<b>All Improvements Studied</b>						
ECM #1	Lighting Retrofit	X	\$ 69,900	\$ 4,916	\$ 11,530	
ECM #2	Walk-in Cooler Controls	X	\$ 7,119	\$ 600	\$ 2,000	
ECM #3	Boiler Upgrade - 3 x 850mbh Condensing Boilers	X	\$ 139,080	\$ 3,300	\$ 12,000	
ECM #4	Kitchen Hood Controls	X	\$ 17,290	\$ 1,450	\$ 4,000	
ECM #5a	Digital Pneumatic Controls		\$ 50,540	\$ 3,300	\$ 1,125	
ECM #5b	Direct Digital Controls (DDC)	X	\$ 99,343	\$ 3,300	\$ 1,125	
ECM #6	Solar Photovoltaic	X	\$ 50,000	\$ 1,417	\$ 7,300	
ECM #7	Water Conservation Measures	X	\$ 30,757	\$ 2,400		
ECM #8	Building Weatherization (Airseal, Weatherstrip...)	X	\$ 30,590	\$ 1,300	\$ 10,706	
ECM #9	Computer Power Management Software (40 Lic)		\$ 4,522	\$ 600		
	<b>ECM 2 Subtotal</b>		<b>\$ 444,079</b>	<b>\$ 18,683</b>	<b>\$ 48,661</b>	<b>21.2</b>
	Project Development and Management (Included Above)		\$ -	\$ -	\$ -	
	<b>Total All Measures</b>		<b>\$ 444,079</b>	<b>\$ 18,683</b>	<b>\$ 48,661</b>	<b>21.2</b>
N/A	Design & Construction Contingency	0%	\$ -	n/a	n/a	n/a
N/A	Measurement and Verification		\$ -	n/a	n/a	n/a
N/A	Owner Investment		\$ (90,000)	n/a	n/a	n/a
	<b>ECM Totals</b>		<b>\$ 354,079</b>	<b>\$ 18,683</b>	<b>\$ 48,661</b>	<b>16.3</b>

Note 1: Rebate amounts are estimated at this point, once Portsmouth approves the project, EEI will lock in the rebate amounts with PSNH/Unitil. Any adjustments in rebate amounts will be brought to the attention of the Business Administrator at time of financing. It should be noted that PSNH is currently reviewing their municipal rebate program and there is a potential for larger electric rebates.



### 3. Facilities Background

#### New Franklin School

The New Franklin Elementary School is a 40,000sf, brick structure with un-insulated cement block infill and brick veneer exterior. The school was constructed in three phases. The roofs are rubber with a wood superstructure, rubber membrane covering, and foam insulation (assumed). There is batt-style insulation loosely laid at the ceiling tiles. There is no barrier between the eave soffit of the first floor and the interstitial space between the ceiling tile and 2nd floor deck.



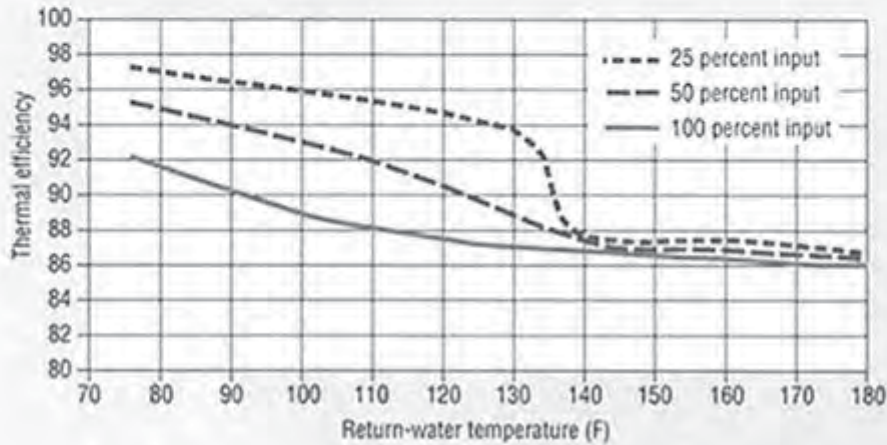
### 4. Standards of Comfort

In determining the energy savings in your building we needed to make assumptions on use and occupancy. For this location we have assumed a heating set point of 68 degrees during occupied school days and temperature of 60 degrees after 8:00 PM.

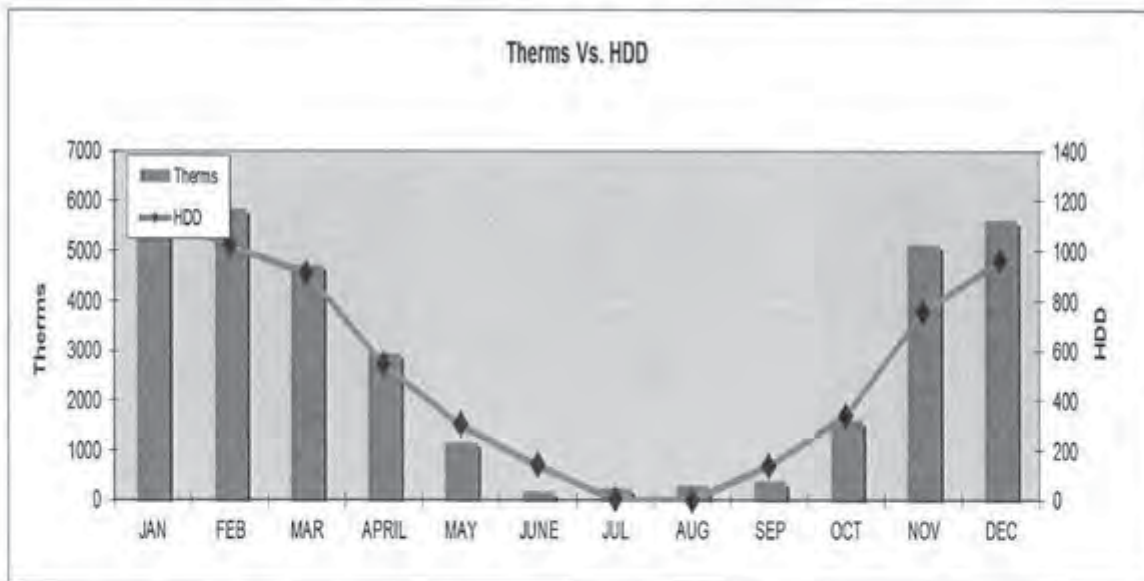
We have assumed 263 students and operating times as shown. These same assumptions and setbacks have been used to calculate the potential energy savings. Changes in these values can affect the results of the energy project. If at any time during the performance period the building use has changes, EEI will update the energy savings to reflect the changes in usage.

## 5. Utility Data Analysis

The Graph below demonstrates how the efficiency of the condensing boiler increases with colder water:



The graph below, heating degree days versus gas usage, indicates there are several months when the school will substantially benefit from condensing technology (months with lower HDD are better for condensing because the boiler can operate at lower temperatures).



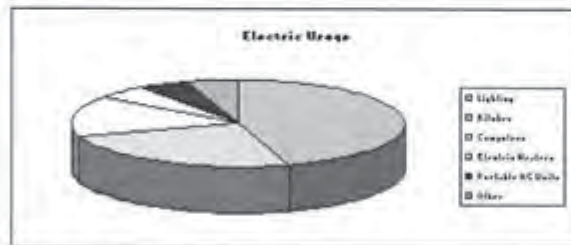


Utility Data

Gas Using Equipment	% Usage
1 Boiler	85%
2 Domestic Hot Water	10%
3 Kitchen	5%
4 Gas Fired UH	0%
5 Other	0%
	100%



kWh Using Equipment	% Usage
1 Lighting	45%
2 Kitchen	25%
3 Computers	15%
4 Electric Heaters	5%
5 Portable AC Units	5%
6 Other	5%
	100%



## 6. Economic Analysis

Making good economic decisions requires analysis of available information, and understanding the time value of money. A Discounted Life Cycle Cost Analysis (DLCCA) is very useful for this type of analysis when multiple alternatives exist. This is Federal Energy Management Program (FEMP) approved method of analysis and is used to aid in decisions that are based on the most favorable economic outcome.

This project can be funded through a cost neutral loan or lease (the finance vehicle will be selected by the school board). EEI has spoken with the Bank of New Hampshire and the Municipal Leasing Company and both organizations are willing to fund this project. In our analysis, we have excluded fuel escalation and interest costs. It is our belief that current interest rates will be equal to fuel escalation over a 15 year period.

EEI will apply for rebates from PSNH/Unitil Electric, Solar PV recs, and state grants for renewable work.

**15 Year Discounted Life Cycle Cost - @ 3% Discount Factor**

Do Nothing					
Cost Items	Base Date Cost	Year of Occurrence	Discount Factor	Factor	Present Value
<b>Capital</b>					
Initial Investment	\$ -	Base			
Utility Rebates <sup>2</sup>	\$ -	Base			
Total Investment	\$ -	Base	Already @ PV		\$ -
Current Capital <sup>2</sup>	\$ 5,000.00	0	SPV0	1	\$ 5,000
Year 1 Capital	\$ 16,000	1	SPV1	0.971	\$ 15,536
Year 2 Capital	\$ 16,000	2	SPV2	0.943	\$ 15,088
Year 3 Capital	\$ 16,000	3	SPV3	0.915	\$ 14,640
Year 4 Capital	\$ 16,000	4	SPV4	0.888	\$ 14,208
Year 5 Capital	\$ 16,000	5	SPV5	0.863	\$ 13,808
Year 10 Capital	\$ -	10	SPV10	0.744	\$ -
<b>Utilities</b>					
Oil Cost	\$ -	15	FEMP UPV * 15	12.00	\$ -
Gas Cost	\$ 17,295	15	FEMP UPV * 15	12.16	\$ 210,307
Electrical Cost	\$ 160,362	15	FEMP UPV * 15	11.25	\$ 1,804,073
Gas & Electric Ave	\$ -	15	FEMP UPV * 15	11.705	\$ -
<b>Maintenance<sup>2</sup></b>					
OM&R	\$ 10,000	15	UPV15	15	\$ 150,000
<b>Total LCC</b>					<b>\$ 2,242,660</b>

The issues resolved by replacing the equipment would include replacement of 1-2 Compressors per

Full Improvement Package					
Cost Items	Base Date Cost	Year of Occurrence	Discount Factor	Factor	Present Value
<b>Capital</b>					
Initial Investment	\$ 410,511	Base			
Owner Investment	\$ (90,000)	Base			
Utility Rebates <sup>2</sup>	\$ (37,955)	Base			
Total Investment	\$ 320,511	Base	Already @ PV		\$ 320,511
Year 5 Capital	\$ 3,500	5	SPV5	0.863	\$ 3,021
Year 10 Capital	\$ 3,500	10	SPV10	0.744	\$ 2,604
<b>Utilities</b>					
Oil Cost	\$ -	15	FEMP UPV * 15	12.00	\$ -
Gas Cost	\$ 17,295	15	FEMP UPV * 15	12.16	\$ 210,307
Electrical Cost	\$ 94,591	15	FEMP UPV * 15	11.25	\$ 1,054,149
Gas & Electric Ave	\$ -	15	FEMP UPV * 15	11.71	\$ -
<b>Maintenance<sup>2</sup></b>					
OM&R	\$ 5,000.00	15	UPV15	15	\$ 75,000
<b>Total LCC</b>					<b>\$ 1,675,591</b>

15 Year LCC Savings **\$ 567,068**

*Best Value Alternative*

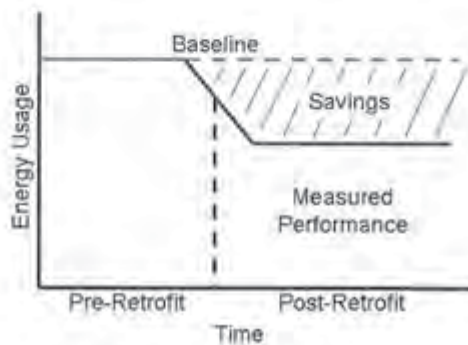
**Notes:**

- Note 1: Rebate amounts to be confirmed with and approved by Unitil & PSNH
- Note 2: Assumed 5,000/year Preventative Maintenance plus past 2 year average repair cost.
- Note 3: Add for known VFD repair on Police Unit.

## 7. Energy Conservation Measures

In this section of the document we will define the Energy Conservation Measures we have evaluated for this project. Then we will define the measures on a building by building basis. Careful consideration was given to each measure and its interaction with the overall building performance.

We have formatted this report so that individuals that are not as familiar with the building will gain an understanding and appreciation for the improvements proposed. The format includes a brief section on existing conditions, followed by a definition of the proposed improvement. The final section defines how we calculated the overall Energy saving and assumptions that were made in our building energy model.





## **General ECM Descriptions**

### **ECM 1 – Lighting Interior**

#### **EXISTING CONDITIONS**

The schools currently use a combination of T8 and T12 fluorescent lighting and we will replace existing fixtures with new LED and high performance T8 lighting with higher efficiency. EEI performed a detailed survey of the interior and exterior spaces in order to identify opportunities in which we can improve lighting quality, reduce maintenance costs, and save energy.

The existing lighting demand (kW) per fixture, hours of operation, fixture quantities, and recommended retrofits are based on the physical inspection and site visits conducted by EEI in the Fall of 2013. As a result of the survey and analysis, EEI has developed a high efficiency lighting upgrade project that will provide the New Franklin School with new energy efficient lamps, ballasts, and lighting fixtures resulting in guaranteed annual energy savings and a reduction in electrical demand.

To make sure the proposed improvement is a viable solution that meets the needs of the school we installed a sample light in the Café for demonstration purposes.

#### **PROPOSED IMPROVEMENT**

EEI proposes retrofitting or replacing existing lighting fixtures with new high efficiency T8 fluorescent lamps and LED fixtures. LED type lighting provides significant illumination and has longer life expectancy and savings in electric consumption. Also, by standardizing all fixtures and lamps it will reduce future maintenance requirements. Therefore new lighting levels will meet or exceed existing light levels while still saving energy.



We have included replacing the GYM lights with LED style fixtures and all spaces that currently have 2x4 lamps shall be replaced with 2x4 LED retrofit kits. Areas that have 2 lamp strip/linear fixtures will be retrofitted with high performance T8 Lamps/ballasts. Exit signs will be replaced with LED exit signs.

It was assumed that classroom fixtures will run on average 1,800 hours per year, hallways & Cafeteria 2,100 hours per year, & Kitchen 2,700 hours per year.

Replace 14 exterior metal halide with LED Rab Slim 26 Wall Pak Fixtures. It is assumed that existing fixtures run dusk to dawn.

## ECM 2 – Walk-In Cooler Controls

### EXISTING CONDITIONS

The existing walk-in coolers are controlled with original OEM controls. These controls were designed before energy conservation was mandated through code revision.

Currently electric heaters run 24/7 to keep condensate from building up on the doors, however condensation is only an issue when there is humidity in the building.

### PROPOSED IMPROVEMENT

EEl recommends refrigeration controllers on walk-in coolers and freezers and installing electronically commutated (EC) motors on evaporator fans. A controller can start/stop the evaporator fans when operation is unnecessary. The EC motors are 30% more efficient than the standard two-pole motors. Energy savings will be realized by reducing the runtime of the compressors and evaporator fans as well as the reduction in power load of the new fans. Each walk-in cooler or freezer will have a new EC fan motor and blade installed as well as a dedicated controller. In addition, controllers will be installed on the freezer to optimize the operation of the electric defroster and door heater. The controller unit senses when refrigerant has ceased flowing through the evaporator coil and controls the fan motors. The cycle time is considered the bare minimum required to provide defrosting and prevent air in the chiller from stratifying into layers of higher and lower temperature. Door and frame heaters are controlled based on dew point, reducing their run time by 95% in chillers and 60% in freezers. The controllers will reduce compressor and evaporator runtime by up to 10%.

### ENERGY SAVINGS CALCULATION

Energy savings will result from both reducing the fan power and the efficient control of the evaporator fans and door heaters. In general, EEl uses the following approach to determine savings for this specific measure:

[Existing kW Cost per kWh  
Cost of Existing Equipment  
Cost of Proposed Equipment Energy Savings\$

Listed Equipment Amperage x Voltage of Equipment Average Site Data Package \$/kWh  
= Existing kW x Cost per kWh x Effective Full Load Hours  
= Existing kW x Cost per kWh x Full Load Hours Using Control  
= Existing Equipment Costs- Proposed Equipment Costs

It was noted that one of the condensers is water cooled that will be further looked into for a potential water saving measure.



### ECM 3 – Condensing Boiler

#### EXISTING CONDITIONS

Currently there are 2 standard efficiency natural gas boilers that are at end of life. The boilers have an estimated efficiency of 82%.



#### PROPOSED IMPROVEMENT (SCOPE)

EEI proposes to install 3 condensing Lochinvar or Keystone 850 KS boilers. Each boiler has an efficiency of up to 95% and the three boiler layout will provide additional redundancy than the current two boiler layout.



## ECM 4 – Kitchen Hood Controls

### EXISTING CONDITIONS

EI found that currently the kitchen exhaust hood is being left on 24/7 during the school year because the kitchen gets very hot overnight. EI proposes to install the Captive Air automated kitchen hood control system which will modulate the exhaust duct based upon outside air temperature. A variable speed exhaust fan will wrap the exhaust CFM up and down passed upon heat sensors located in the hood. This measure will save electricity from reducing fan run hours and gas through reducing heated air exhausted through hood.

### PROPOSED IMPROVEMENT (SCOPE)

EI proposes to install the Captive Air automated kitchen hood control system which will modulate the exhaust duct based upon outside air temperature. A variable speed exhaust fan will wrap the exhaust CFM up and down passed upon heat sensors located in the hood. This measure will save electricity from reducing fan run hours and gas through reducing heated air exhausted through hood.





## ECM 5A & 5B – Digital Controls

### EXISTING CONDITIONS

The current building controls system consists of pneumatic controls which is an obsolete technology that is very expensive for the school to maintain. Pneumatic controls utilize compressed air to open or close valves throughout the school. The 2002 wing of the building currently has a digital control system. The existing controls are not very functionally and there are numerous complaints about inability to adjust space temperature.



### PROPOSED IMPROVEMENT (SCOPE)

EEI proposes to convert schools existing pneumatic control system to a digital controls system which will allow for better set back management, reduced maintenance cost and building start up optimization.

Option 5A is for Cypress Digital Pneumatic controls, these controls utilizing the existing pneumatic valves but have digital addressable wireless pneumatic thermostats that will be added to the buildings existing front end. This Option was not selected.

Option 5B is for an expansion of the existing CTI controls system to include all classrooms and air handlers in the building. Only the pumps would remain on the pneumatic controls with this upgrade and those can be changed out over time as they fail. This has a higher upfront cost but would transition the building away from pneumatic systems.



## ECM 6 – Solar PV Systems

### EXISTING CONDITIONS

No existing solar system. The Sloped EPDM Roof was installed Circa 2000 and the newest section of roof was installed Circa 2002.

### PROPOSED IMPROVEMENT (SCOPE)

Electricity generated from electricity-producing solar photovoltaic (PV) panels will reduce the quantity of power purchased from the local utility. Many factors affect the size of the solar PV installation, including on site load, available and suitable roof space, and available governmental incentives.

Solar electrical energy is generated when the sun's energy strikes the solar photovoltaic (PV) panel. A series of PV panels are combined in a PV array. Electrical energy, in Direct Current (DC), is sent from the array to an inverter, which converts the electricity to Alternating Current (AC) power. The AC electrical output from the inverter is integrated into the building's electrical system. Good practice and typical utility company requirements include the use of a disconnect switch between the inverter output and the tie-in point into the building's electrical system.



Monitoring of electrical output from the PV system can typically be viewed on most inverters. To ensure proper accounting of system output as well as to facilitate that potential revenue can be gained by selling the renewable energy attributes or credits (RECs) (versus the electricity) from the PV system, the system needs a revenue-grade electrical meter to measure AC kilowatt-hour production.

To determine the best location for a potential PV system, EEI surveyed all roof areas, and associated interior areas, to determine which areas may be best suited for such a system. While there are various roof areas that receive significant amounts of direct solar radiation, some roofs present greater challenges in distance from electrical panels. EEI believes that the best potential location are on the 2002 flat EPDM Roof at the addition or on one of the sloped EPDM roofs.

Savings assumption based on average solar days City of Portsmouth from PV Watts Energy Model.



## ECM 7 – Water Conservation

### EXISTING CONDITIONS

The New Franklin School as the highest water per student ratio in the district this is due to the high water consuming bathroom fixtures and the water cooled condenser for the walk in cooler.

With the exception of the 2002 addition the bathrooms were found to have toilets with 3.0 GPF, sinks with 2.2 GPM aerators and urinals with 1.0 GPF valves.

### PROPOSED IMPROVEMENT (SCOPE)

Domestic low flow devices will be installed to reduce the amount of water that is used by the New Franklin School. Locations for low flow device installation include restrooms, kitchens, and staff lounges. Reducing the amount of water with high quality low flow devices can save significant energy and water.

EI proposes to eliminate the existing water cooled condenser and install a roof mounted electrical unit.

EI has completed a detailed survey of the building to determine water consumption for the school. This ECM is designed to reduce water consumption, wastewater production and hot water energy usage through the installation of highly efficient plumbing products and controls. Low Flow Devices are important because they provide durable, long-term use with minimal maintenance, improved hygiene, and energy efficiency.

The installation of this type of equipment will:

- Lower operating costs by reducing the amount of water being used per toilet/urinal flush or sink use
- Improve appearance of older fixtures by replacing with new, high efficiency ones
- Lower maintenance costs associated with plumbing leaks, clogs and breakage by replacing older fixtures with new, high efficiency ones

EI proposes to change out older, high flow fixtures in order to meet or exceed the Energy Act of 1992 which requires that toilet water use is limited to 1.6 gallons per flush, showerheads are limited to 2.5 gallons per minute, and faucets deliver less than 2.0 gallons per minute.

The upgrades will include:

*Staff and Public Restroom Faucets:* Installation of 0.5 gallons per minute (GPM) aerator flow restrictors on faucets that currently have 2.0+ GPM aerator flow restrictors. The current faucets will also be repaired and/or replaced as necessary to eliminate leaks. The new aerator flow restrictors will be tamper proof so that users cannot remove them. The maintenance department will be supplied with special keys that can be used to remove the aerator flow restrictors for any necessary maintenance.

*Water Closet:* Installation of 1.28 gallons per flush (GPF) water closet and flush valve in place of existing equipment that currently consumes 3.5+ GPF. These new fixtures and flush

valves will provide flushing performance that meets or exceeds ASME and ANSI performance standards for low-consumption toilets. These toilets are designed with large trapways which keep the waste moving and minimizes blockages.

*Tank Toilet:* Installation of 1.6 gallons per flush (GPF) tank toilets in place of existing equipment that currently consumes 3.5+ GPF. A typical toilet and flush valve retrofit includes:

- 1.28 GPF replacement with new retrofit kit or flushometer valves if needed
- New outlet seals and new toilet seats with stainless steel hardware
- Installation of new toilet floor flanges or repair to existing flanges
- No architectural patching or painting is included in the scope of work
- No repair to wall carriers are included in the scope of work

*Urinal:* Installation of 0.5 - 1.0 GPF flush valve (depending on urinal type). Urinals that receive this retrofit are currently consuming 1.5+ GPF. The new flush valves will reduce the schools' consumption in half and still provide ample water for flushing. A typical urinal flush valve retrofit or replacement includes:

- Installation of a new 1.0 GPF retrofit kit
- Installation of a new 1.0 GPF flushometer valve



## ECM 8 – Weatherization

### EXISTING CONDITIONS

The Roof to wall joint and several locations lacks insulation as shown in the photo below. EEI proposes to install foam insulation in these gap areas. Many of the building's exterior doors also has significant gaps and penetrations that will be improved with high grade weather stripping renovations.



### PROPOSED SCOPE OF WORK

- 2 Single Commercial Doors to be weather-stripped
- 2 Single Commercial Doors to be weather-stripped (sweeps only)
- 6 Double Commercial Doors to be weather-stripped
- 2 Double Commercial Doors to be weather-stripped (sweeps and astragals only)
- 18 Roof Top Ventilators to be opened, dampers lubed, perimeters sealed, 116 linear feet
- 996' Roof/Wall Joint and Soffit Joint to be sealed using 2-part closed cell fire rated foam
- 360 Square feet of 1" polyisocyanurate rigid insulation to be installed to interior gable end walls above drop tile ceiling in rooms 1,2,3,6,7,8, all seams to be sealed using 2-part closed cell fire rated foam

### ECM 9 - Computer Management System

EEI proposes to install computer management software (CMS) that will enable computers to run when users need them and power down computers when they are inactive. This will prevent computers from using power by powering them down when users do not turn them off and they would otherwise remain on during times of no use. The CMS software can be installed on the main school server and can be pushed into every school PC via the WAN. The key features of this software include:

- Intelligent Configuration Settings
- Inactivity definitions can be based on multiple criteria
- Notify users before Power Save takes action
- Automatically save open documents, spreadsheets, presentations, and email drafts prior to powering down
- Option to logoff user prior to computer powering down
- Stay awake option allows users to temporarily disable CMS

#### Calculations

EEI uses the following approach to determine savings for this specific measure:

Total Usage (kWh/Yr) = # of Computers x (Monitor Usage per unit + CPU Usage per unit),  
where:

$$\text{Monitor/CPU Usage} = \frac{(\text{Active Watts} \times \text{Hrs Computer On and Used}) + (\text{Standby Watts} \times \text{Hrs Computer on Standby}) + (\text{Passive Watts} \times \text{Hrs Computer Off})}{1000}$$

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10 – Zoning Ordinance of the Ordinances of the City of Portsmouth is hereby amended by inserting a new Article 5A – Character Districts, as set forth in a document titled “Proposed Character-Based Zoning Ordinance,” dated April 7, 2014;

And further, that said Chapter 10 – Zoning Ordinance is hereby amended by adopting as the Zoning Map for the Character Districts the maps referenced in Section 10.5A14.10 of said Article 5A. Said maps are shown on a page titled “City of Portsmouth – Character-Based Zoning,” dated April 7, 2014.

These proposed amendments to the Zoning Ordinance and Zoning Map are provided in the Agenda packet for the City Council meeting of April 7, 2014, 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:

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Robert Lister, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk





City of Portsmouth

**PROPOSED CHARACTER-BASED ZONING ORDINANCE**  
City Council Third Reading – April 7, 2014



# PROPOSED CHARACTER-BASED ZONING ORDINANCE

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## **Article 5A Character Districts**

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### **Section 10.5A10 General**

#### **10.5A11 Purpose and Intent**

The purpose of Article 5A is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place.

#### **10.5A12 Effective Date**

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

#### **10.5A13 Applicability; Compliance**

##### **10.5A13.10 Applicability**

Article 5A shall apply to the "Character-Based Zoning Area" as shown on the Regulating Plan, as the same may be adopted and amended from time to time, and to the Character Districts and Civic Districts within said Character-Based Zoning Area. Municipal Districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance and not by Article 5A.

##### **10.5A13.20 Compliance with Regulating Plan**

10.5A13.21 In the Character Districts and Civic Districts, all lots hereafter created or modified, all buildings and structures hereafter erected, reconstructed, altered, enlarged or moved, all uses hereafter established, all other development or improvements, and all plans, applications and submissions shall comply with the requirements of Article 5A, as well as with all provisions of this Zoning Ordinance that are not superseded by Article 5A.

10.5A13.22 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 and in compliance with the applicable standards and requirements for such District.

**10.5A13.30 Relationship to Other Provisions of the Zoning Ordinance**

10.5A13.31 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that would be in conflict with Article 5A. Provisions of the Zoning Ordinance that do not apply within the Character-Based Zoning Area include, but are not limited to, the following:

In Article 5 – Dimensional and Intensity Standards:

- Section 10.530 – Business and Industrial Districts
- Section 10.570 – Accessory Buildings, Structures and Uses
- Section 10.580 – Special Dimensional Requirements for Certain Uses

In Article 11 – Site Development Standards:

- 10.1113.20 (Location of Parking Facilities on a Lot)

10.5A13.32 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5A, or that are not in conflict with Article 5A, shall apply to lots, buildings and uses within the Character-Based Zoning Area. Provisions of the Zoning Ordinance that apply within the Character-Based Zoning Area include, but are not limited to, Articles 1-6 and 8-15.

**10.5A13.40 Compliance with Other Rules and Regulations**

10.5A13.41 Any proposal, project, application or Development Plan that involves the subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.

10.5A13.42 Any proposal, project, application or Development Plan that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.

10.5A13.43 If any provision of the Subdivision Rules and Regulations or Site Plan Review Regulations conflicts with a provision of Article 5A, the standards and requirements of Article 5A shall supersede and be controlling.

10.5A13.44 The provisions of Article 5A do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

## 10.5A14 Construction

### 10.5A14.10 Maps

The following maps are an integral part of Article 5A, and together constitute the Zoning Map for the Character-Based Zoning Area:

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

### 10.5A14.20 Tables, Diagrams, Photographs and Illustrations

10.5A14.21 The metrics and standards in the following tables are an integral part of 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

10.5A14.22 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.

10.5A14.23 All graphical and tabular depictions entitled “Illustration” are provided for illustrative, explanatory purposes only and are not regulatory.

### 10.5A14.30 Priority Among Metrics

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

## 10.5A15 Definitions

Terms used throughout 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 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 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 designate and show the Character Districts, Civic Districts, Municipal Districts 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 than the designated maximum number of stories or the maximum height in feet.

##### ***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 Preparation and Requirements**

An application for Regulating Plan amendment shall be prepared in accordance with 10.5A22.30 and shall conform to the requirements of Section 10.5A22.40 and other provisions hereof.

### **10.5A22.30 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 rezoned and all adjacent property; all existing zoning districts or Character Districts, Municipal Districts, and civic spaces; and the maximum number of stories and the maximum building height in feet and any other special requirements.

### **10.5A22.40 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.

### **10.5A22.50 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 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 The construction or alteration of any new or proposed off-street parking or drive-through facilities;
- 10.5A31.14 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 for small projects by the Planning Board or its designee, each Development Plan submitted shall demonstrate compliance with or show the following items:

- (1) All applicable and adjacent Character Districts, Municipal Districts and Civic Districts.
- (2) Building placement, including without limitation setbacks and lot layers (Section 10.5A53.10);
- (3) Yard type (Section 10.5A54.20);
- (4) Building form and building type (Section 10.5A55);
- (5) Building and lot use (Section 10.5A57);

- (6) Off-street parking and loading requirements (Section 10.5A58);
- (7) 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.
- (8) Signs (Section 10.5A59);
- (9) Any applicable special requirements (Section 10.5A21);
- (10) 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;
- (11) Existing and any required or proposed civic spaces (Section 10.5A51 and Table 10.5A51.20);
- (12) Existing and any proposed Character Districts (Section 10.5A41.20);
- (13) If the Development Plan area exceeds 2 acres, Block Perimeter (Section 10.5A33.30);
- (14) 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;
- (15) 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,
- (16) 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 10.5A32.30.

**TABLE 10.5A32.30 BLOCK PERIMETER STANDARDS**

<u>CHARACTER DISTRICT</u>	<u>MAXIMUM BLOCK PERIMETER</u>
CD4-L	1,000 FEET
CD4	1,000 FEET
CD5	1,000 FEET



## 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, 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, 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, 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, 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, Article 5A and all other applicable City laws, ordinances and regulations, it 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, 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 Article 5A, the Regulating Plan and all other applicable City laws, ordinances and regulations.
- 10.5A35.25 If the Planning Board determines that an application and Development Plan comply with the Regulating Plan, Article 5A and all other applicable City laws, ordinances and regulations, it shall approve the application and Development Plan.
- 10.5A35.26 If the Planning Board determines that the application and Development Plan do not comply with the Regulating Plan, 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, Civic Districts 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:

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

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**TABLE 10.5A42.10 CHARACTER DISTRICT DESCRIPTIONS**

**CD4-L General Urban District—Limited**



**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.

**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.** 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.

## 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 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 Article 5A.

### 10.5A42.20 Civic Spaces

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

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

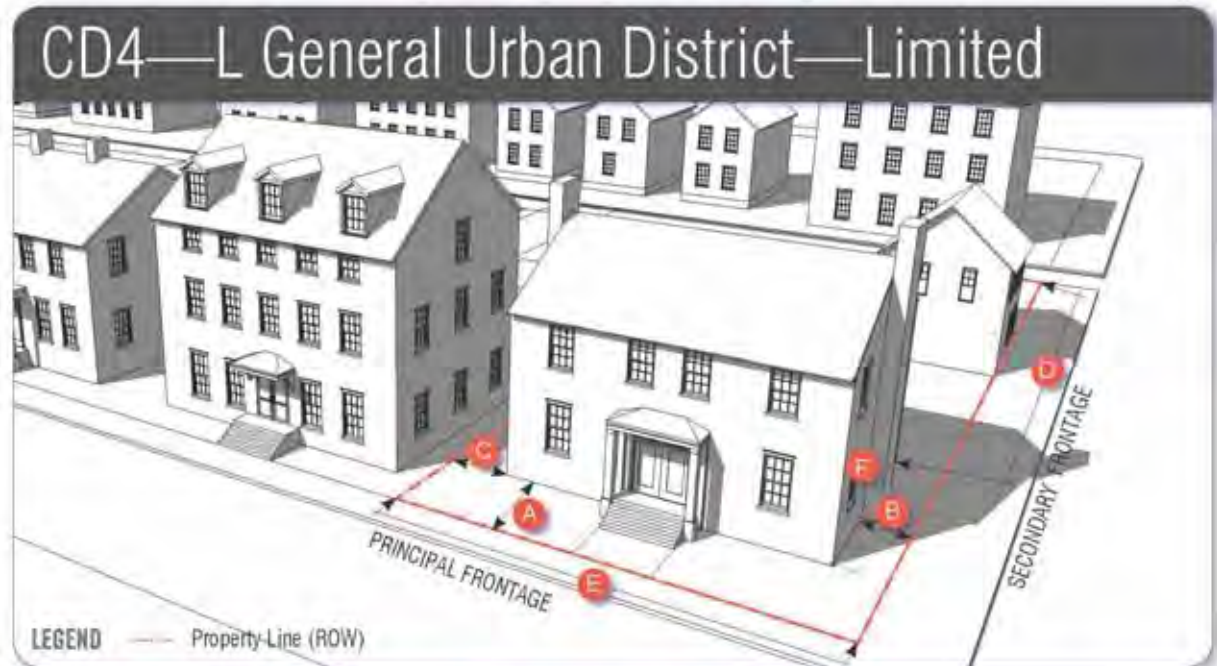
CD4-L

**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**



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage**	0 ft min, 15 ft max	<b>A</b>
Front Setback, Secondary Frontage	0 ft min, 12 ft max	<b>B</b>
Side Setback	5 ft min, 20 ft max	<b>C</b>
Rear Setback	greater of 5 ft min or 10 ft from center line of alley	<b>D</b>
Frontage Buildout	60% min to 80% max at front setback	<b>E</b>

**YARD TYPES**

(see Table 10.5A54.20)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted

**BUILDING & LOT USE**

See Section 10.5A57

\*\* 70% min for shopfront.

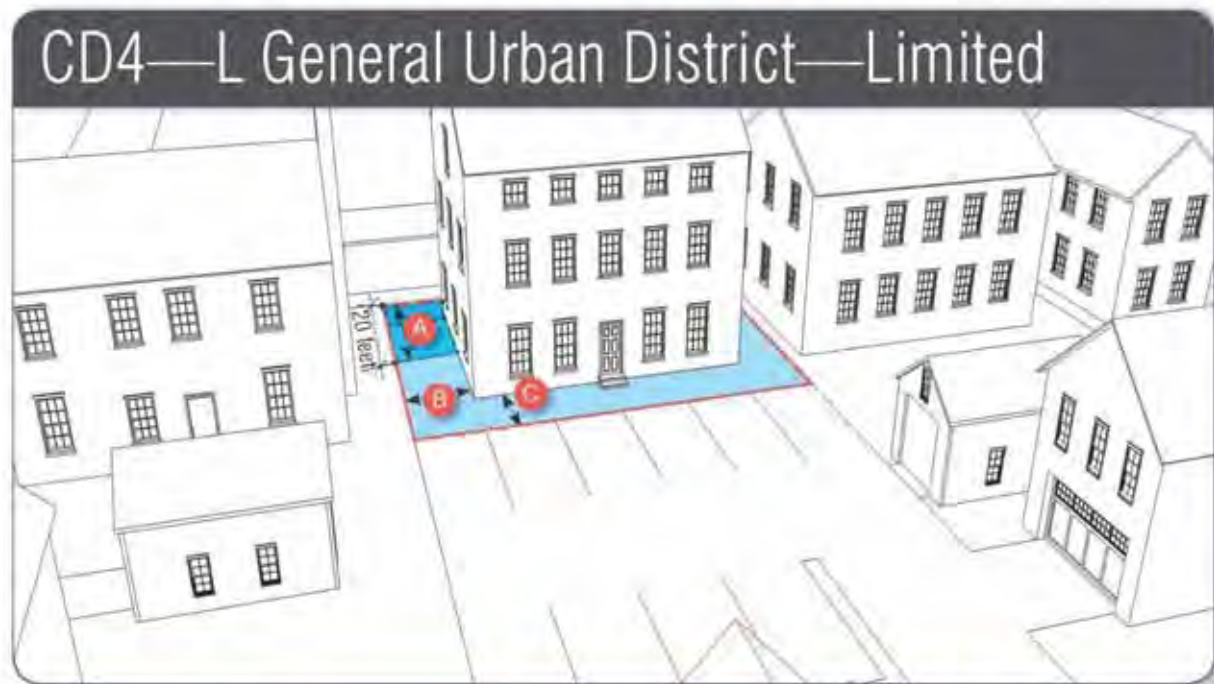
**LOT OCCUPATION**

Lot Width	35 ft min, 80 ft max	<b>E</b>
Building Coverage	60% max	
Open Space	25% Min	
Min. Lot Area	3,000 sf	
Min. Lot Area/Dwell Unit	3,000 sf	
Lot Width	35-80ft	
Max Building Footprint	NR	
Max Facade Modulation	NR	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B & Section 10.5A55.30 Special Requirements: Specific Building Height Requirements/Areas	<b>F</b>
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	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**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
Officerfront	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.

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

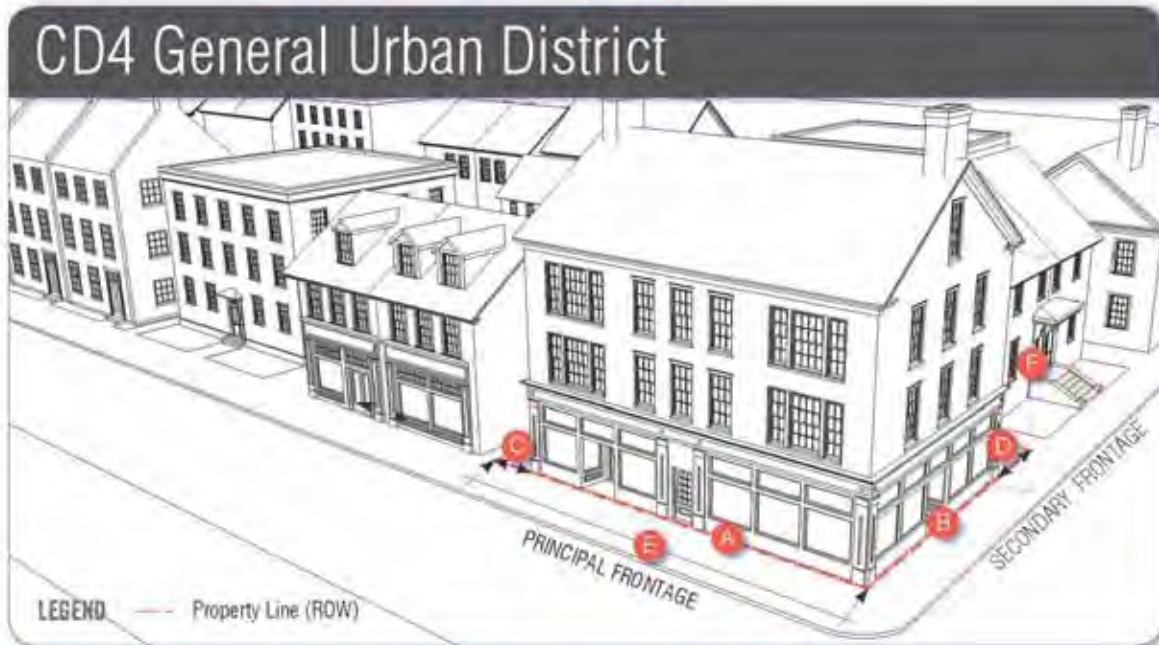
CD4

**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**



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage	0 ft min, 10 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)

Edgeward	permitted
Sideward	permitted
Reward	permitted

**BUILDING & LOT USE**

See Section 10.5A57

\* Except for mixed-use parking structures designed in accordance with Section 10.5A58  
 \*\* 70% min for storefront

**LOT OCCUPATION**

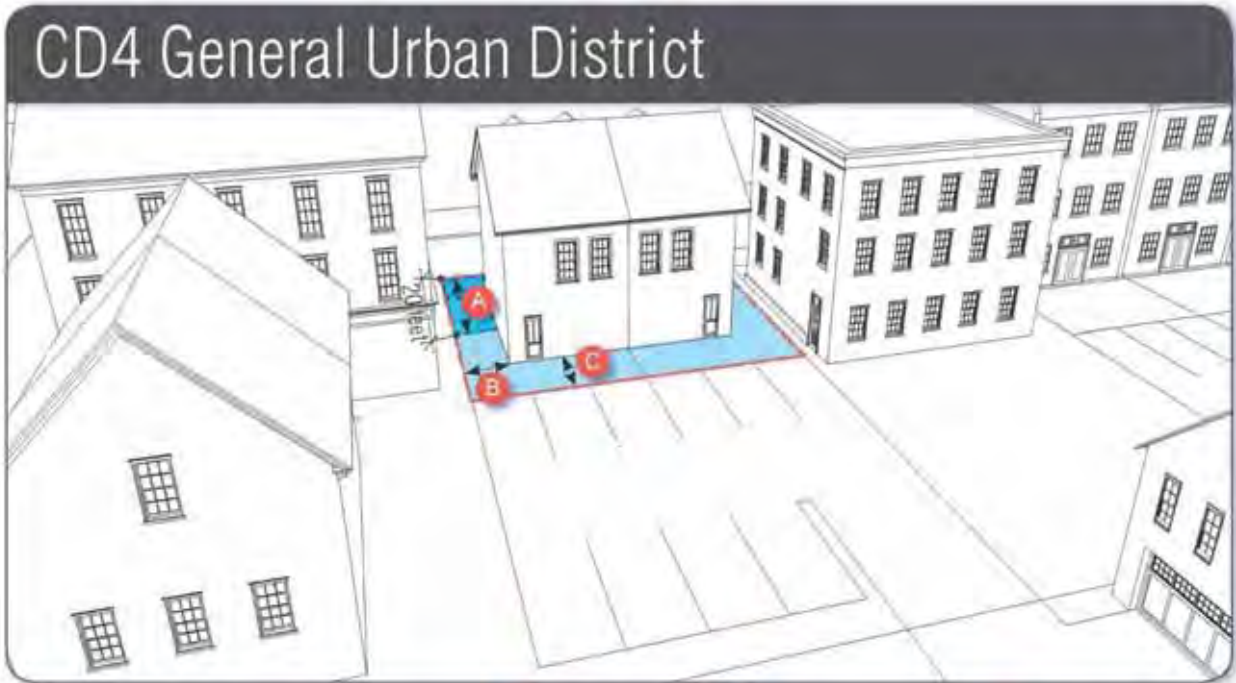
Lot Width	18 ft min, 60 ft max **	E
Building Coverage	90% max	
Open Space	10% Min	
Minimum Lot Area	2,000 sf (N/A per dwelling unit)	
Minimum Lot Width	18 ft	
Max Building Footprint	10,000 sf*	
Max Facade Modulation	80 ft*	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B & Section 10.5A55.30 Special Requirements: Specific Building Height Requirement Areas	F
Ground Floor Height	12 ft min	
Upper Floor Height	9 ft min	
Facade Glazing	20% min - 50% 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	

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

**CD4**



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

**BUILDING PLACEMENT — OUTBUILDING**

Front Setback	Principal Bldg setback ± 20 ft min	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**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.

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

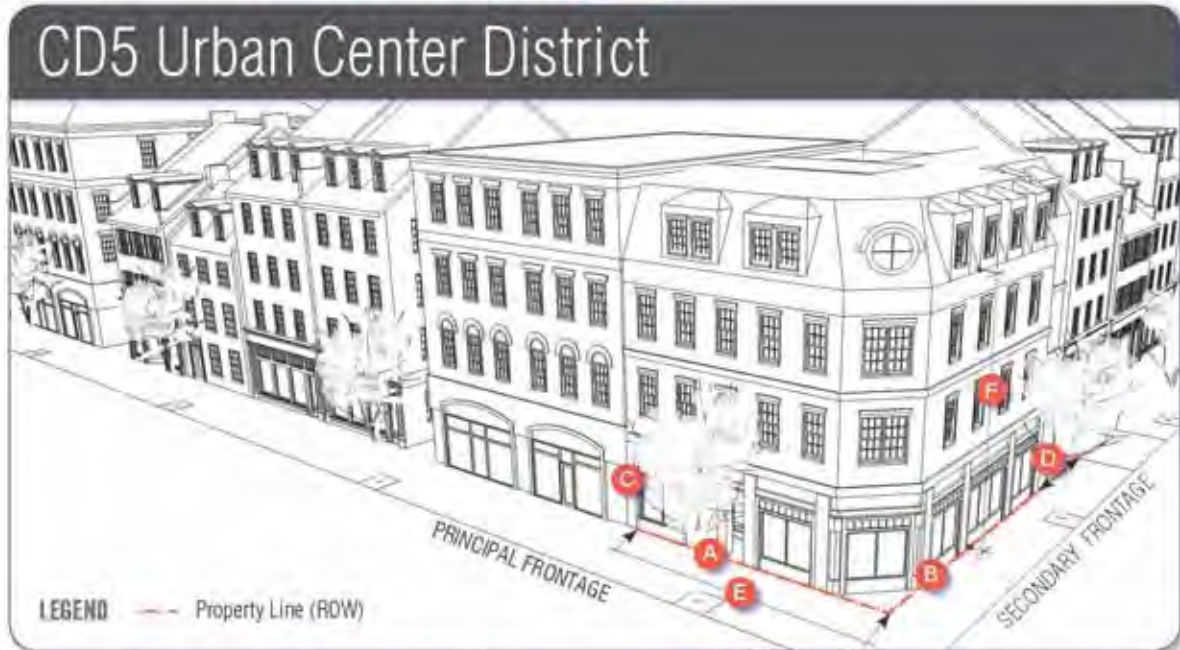
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**CD5 Urban Center District.** CD5 Urban Center District. This District consists of a high density development center with a mix of building types and residential, retail and other commercial uses; there are no front Setbacks and no side Setbacks; 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**



**BUILDING PLACEMENT — PRINCIPAL BLDG**

Front Setback, Principal Frontage	0 ft max.*	<b>A</b>
Front Setback, Secondary Frontage	0 ft max.	<b>B</b>
Side Setback	0 ft max.	<b>C</b>
Rear Setback	greater of 0 ft min or 10 ft from center line of alley	<b>D</b>
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

\* Except for mixed-use parking structures designed in accordance with Section 10.5A58  
\*\* 70% min lotshpfront

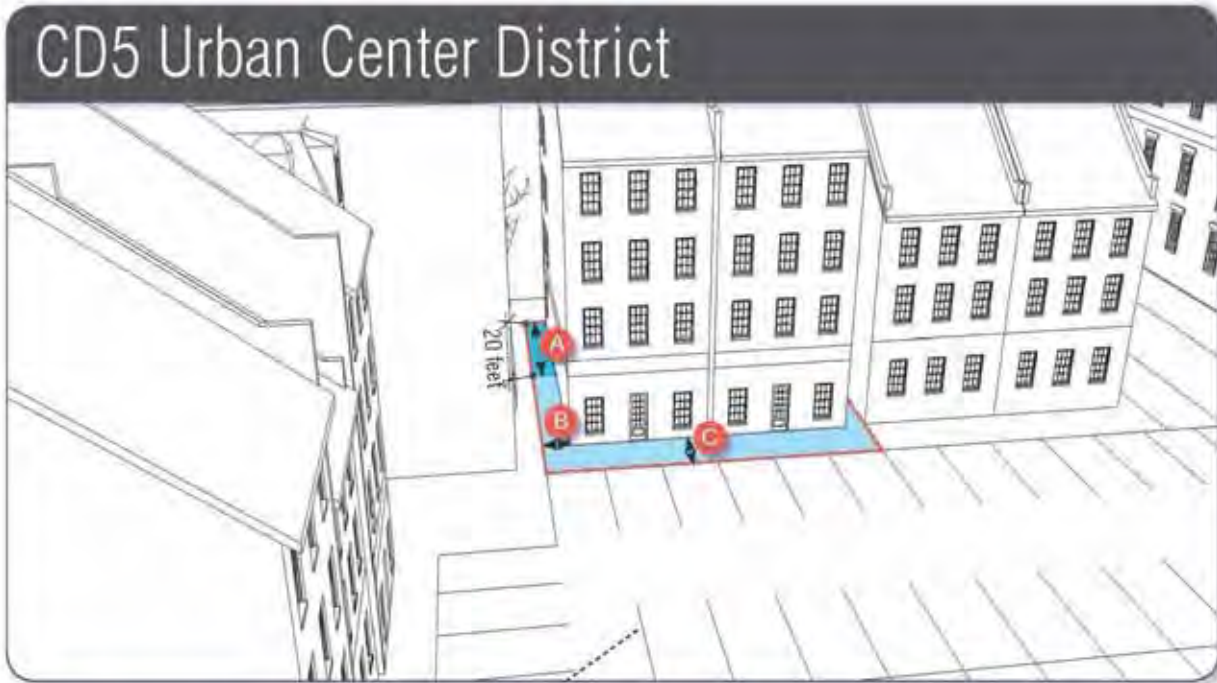
**LOT OCCUPATION**

Lot Width	18 ft min, 60 ft max **	<b>E</b>
Building Coverage	95% max	
Open Space	5% Min	
Minimum Lot Area	2,000 sf. (NR per Dwelling Unit)	
Minimum Lot Width	18 ft	
Max Building Footprint	15,000 sf*	
Max Facade Modulation	100 ft*	

**BUILDING FORM — PRINCIPAL BUILDING**

Building Height	See Map 10.5A21.B Special Requirements: Specific Building Height Requirement Areas	<b>F</b>
Ground Floor Height	12 ft min	
Upper Floor Height	6 ft min	
Facade Glazing	20% min - 50% max	
Roof Type	flat, hip, gable, mansard, gambrel	
Roof Pitch, if any	gable: 6:12 min, 12:12 max hip: 3:12 min mansard/gambrel: 6:12 min, 30:12 max	

**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	<b>A</b>
Side Setback	0 ft min	<b>B</b>
Rear Setback	3 ft min	<b>C</b>

**PARKING**

LOCATION	
Third Lot Layer	Principal Bldg setback + 20 ft

**PRIVATE FRONTAGES & ENCROACHMENTS**

PRIVATE FRONTAGE TYPES	(see <b>Table 10.5A54.30</b> )*
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.

## Section 10.5A50 Development Standards

### 10.5A51 Municipal Districts, Civic Districts, and Civic Spaces

#### **10.5A51.10 Municipal Districts**

Structures and uses within the Municipal District are governed by the provisions of Section 10.460 and 10.560.

#### **10.5A51.20 Civic Districts**

10.5A51.21 Structures in the Civic District may be converted to other uses permitted under 10.5A57 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.

10.5A51.22 New structures and alterations and expansions of existing structures in the Civic District are exempt from the requirements of 10.5A54 and 10.5A55 provided that all uses remain civic. A Development Plan is required for any development or improvements made to the existing structures or the lot.

10.5A51.23 Structures in the Civic District that are proposed for development or improvements and/or conversion to non-civic uses permitted under 10.5A57 shall require a Development Plan and Regulating Plan amendment as set forth in Section 10.5A22.

#### **10.5A51.30 Civic Spaces**

10.5A51.31 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 land area assigned and improved as civic spaces. The Planning Board shall determine the size, location and type of the required civic spaces based on the size and location of the development, and the proposed and adjacent uses.

10.5A51.32 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.

### 10.5A52 Special Requirements

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



**TABLE 10.5A51.20 CIVIC SPACES**



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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.

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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.

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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.

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**TABLE 10.5A51.20 CIVIC SPACES (CONTINUED)**



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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.

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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.

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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 size.

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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 size.

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## 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).

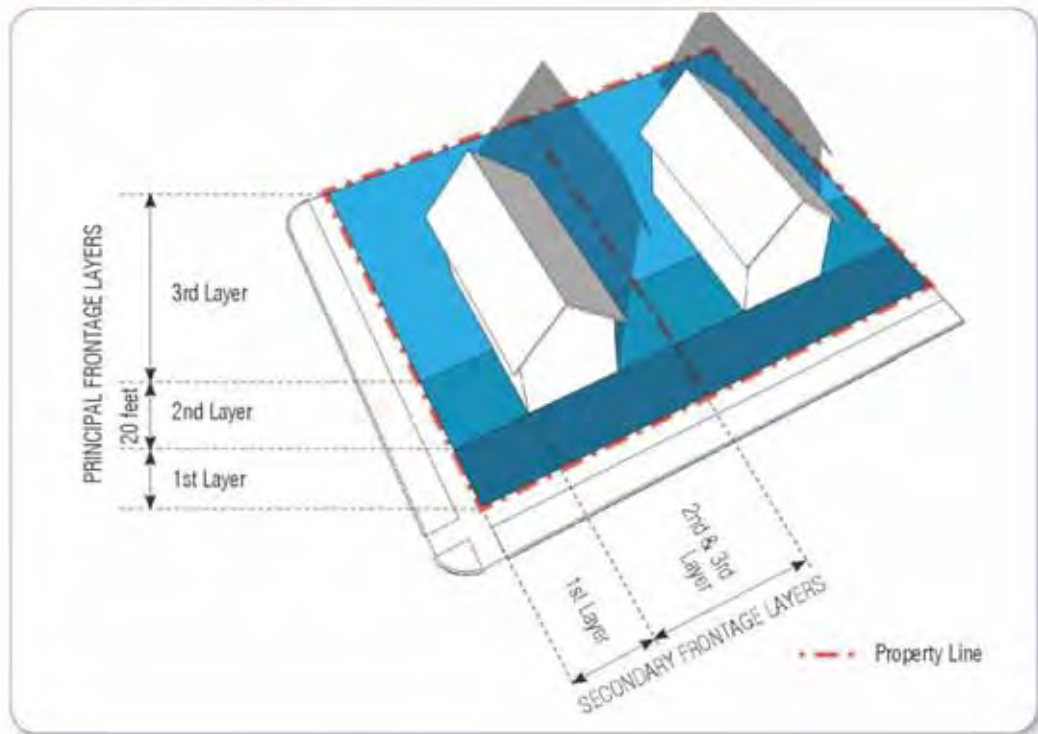
### 10.5A53.20 Lot Dimensions

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).

#### ILLUSTRATION 10.5A33.10 LOT LAYERS



## 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).

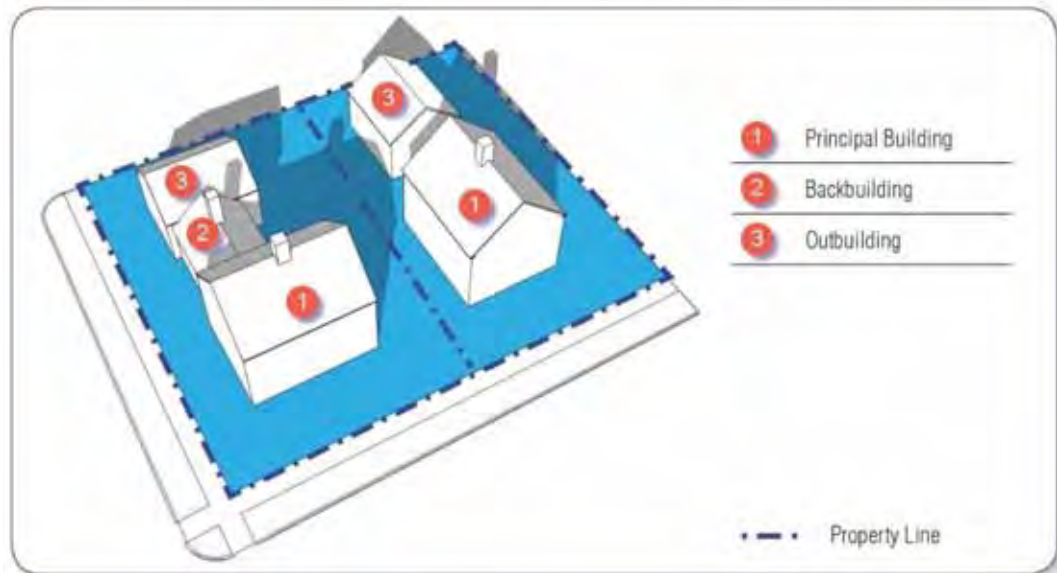
### 10.5A54.30 Principal Building

Within each Character District, only 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 Backbuildings and Outbuildings

Within each Character District a detached or attached 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). All backbuildings or outbuildings shall conform to the requirements listed in Section 10.570.

#### ILLUSTRATION 10.5A54.30 PRINCIPAL BUILDING/BACKBUILDING/OUTBUILDING



### 10.5A54.50 Other Components

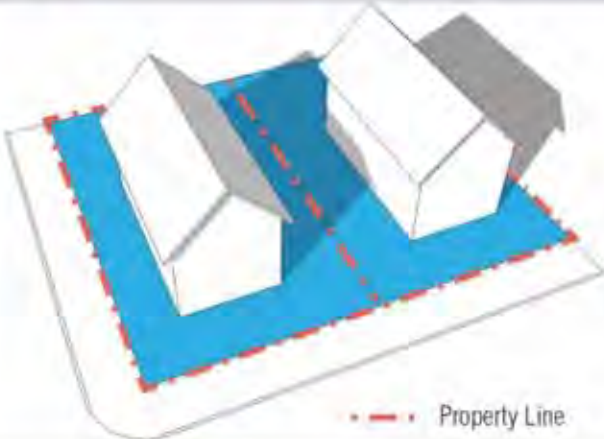
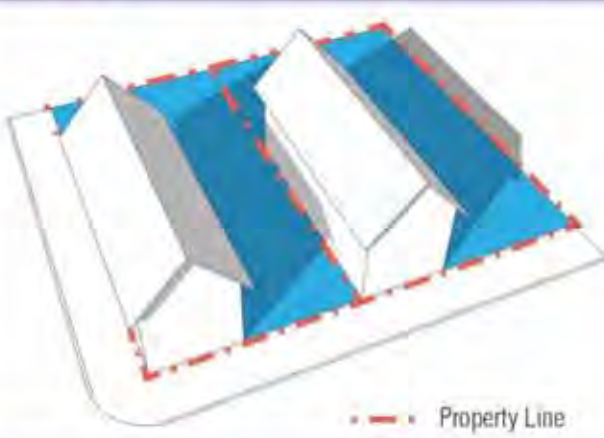
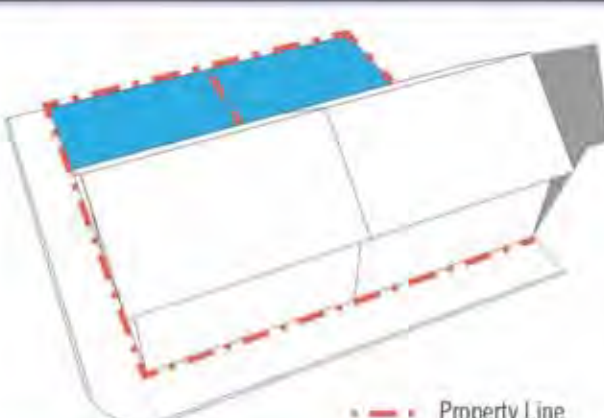
Any structure other than a principal building, fence or streetscreen shall be situated in the second lot layer or third lot layer and shall be screened from the frontage by a principal building or streetscreen.

### 10.5A54.60 Building Facades

10.5A54.61 Within each Character District, building façades 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).



**TABLE 10.5A54.20 YARD TYPES**

<p><b>Edgeyard</b> Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>	
 <p>• - - - 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><b>Sideyard</b> Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>	
 <p>• - - - 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 Sideyard House abuts a neighboring Sideyard 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><b>Rearyard</b> Permitted Districts:</p>	<p>CD4—L</p>	<p>CD4</p>	<p>CD5</p>
 <p>• - - - 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>		

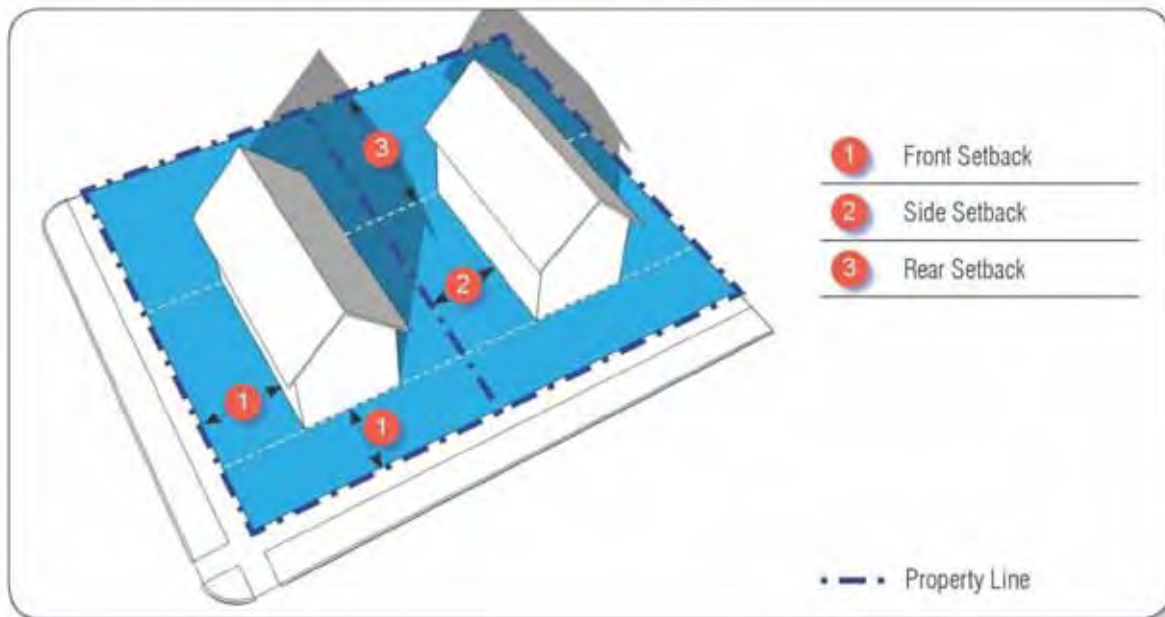


10.5A54.62 Any façade facing a frontage line shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines, in order to render the appearance of individual buildings or wings no wider than the dimensions listed in Tables 10.5A42.10A-C. Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including recessed windows in the openings and use of multi-panes) shall be exempt from the modulation requirements listed in Tables 10.5A42.10A-C.

**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).

**ILLUSTRATION 10.5A54.70 SETBACK DESIGNATIONS**



## 10.5A55 Building Form and Building Types

### 10.5A55.10 Private Frontage – General

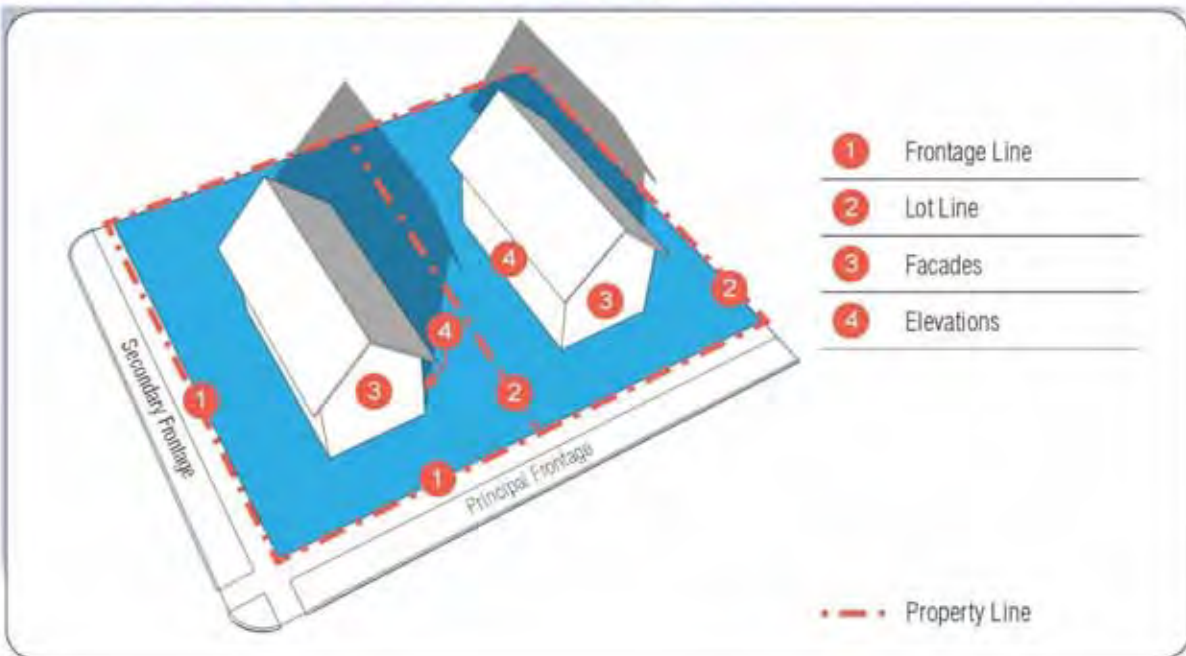
The private frontage within each Character District shall conform to and be allocated in accordance with Table 10.5A54.30 (Private Frontage Types) and Tables 10.5A42.10A-C (Character District Standards), as applicable, and any applicable private frontage special requirements indicated on the Regulating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

### 10.5A55.20 Multiple Private Frontages

10.5A55.21 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).

10.5A55.22 The requirements for the second lot layer and third lot layer of corner lots and through lots pertain only to the principal frontage. The requirements for the first lot layer of lots with more than one frontage pertain to both frontages. See Illustration 10.5A53.10 (Lot Layers).

**ILLUSTRATION 10.5A55.20 FRONTAGE AND LOT LINES**



**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES**

**Common Lawn** 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. See Map 10.5A21C



**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 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 Map 10.5A21C Special Requirements: Specific Shopfront & Step Private Frontages Requirements Areas

**TABLE 10.5A54.30 PRIVATE FRONTAGE TYPES (CONTINUED)**

<b>Forecourt</b>	Permitted Districts:	<b>CD4</b>
		<p>A Frontage 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>

**10.5A55.30 Building and Floor Heights**

- 10.5A55.31 Building heights and floor 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 Map10.5A21B.
- 10.5A55.32 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.
- 10.5A55.33 A short story includes either: (1) the use of a top story that is below the cornice line of a sloped roof and is at least 20% shorter in height than the story below; or (2) a story within a mansard roof with a pitch no greater than 30:12.
- 10.5A55.34 In calculating building height, roof appurtenances that are less than 10 feet above the roof surface and that are set back at least 10 feet from any edge of the roof 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.

10.5A55.35 The specific Height Requirement Areas are listed on Map 10.5A21B. In calculating building height, the maximum building height in each Height Requirement Area shall be as follows:

<b>Height Requirement Area</b>	<b>Minimum Height in Stories</b>	<b>Maximum Height in Stories</b>	<b>Maximum Height in Feet</b>
2 stories	2	2	35
2 stories (short 3 <sup>rd</sup> )	2	2 + short 3 <sup>rd</sup>	40
2-3 stories	2	3	45
2-3 stories (short 4 <sup>th</sup> )	2	3 + short 4 <sup>th</sup>	50
2-4 stories (short 5 <sup>th</sup> )	2	4 + short 5 <sup>th</sup>	60

**10.5A55.40 Maximum Building Footprint**

No buildings or other structures shall be greater than the maximum building footprints listed in Table 10.5A42.10A-C Character District Standards); except that this limitation shall not apply to off-street parking structures designed in accordance with the standards in Section 10.5A58.

**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. Streetscreens located on a private frontage 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).

**TABLE 10.5A55.90 BUILDING TYPES**

<b>House</b>	Permitted Districts:	<b>CD4—L</b> <b>CD4</b>
		<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>
<b>Duplex</b>	Permitted Districts:	<b>CD4</b>
		<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>
<b>Rowhouse</b>	Permitted Districts:	<b>CD4</b> <b>CD5</b>
		<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**

<b>Large Commercial Building</b>	Permitted Districts:	<b>CD5</b>
		
<p>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.</p>		

**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**

Except as provided in Section 10.5A58.20, 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 Zoning Area that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A58.21 Uses in the Character-Based Zoning 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 except for access driveways and entrances.

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 Surface Parking Lot and Parking Area Landscaping**

Surface 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 10.5A58.40 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.

**10.5A59 Architectural Design Guidelines**

In reviewing a proposed project in a Character District under Section 10.630, the Historic District Commission shall review the Development Plan for compliance with Architectural Design Guidelines adopted for the Character Districts or for the Historic District generally. The initial Guidelines shall be those contained in the document titled “Interim Architectural Design Guidelines for the Character-Based Zoning Ordinance,” Recommended for Adoption by the HDC, dated November 18, 2013, which shall apply until superseded by new guidelines adopted by the Historic District Commission and approved by the City Council.



## Section 10.5A60 Definitions

This Section provides definitions for certain terms in 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 space

The interior part of a building contained within a gable, gambrel, hip-roof mansard or penthouse level.

### 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.

Façade Glazing

The portion of a façade that consists of transparent windows and doors.

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.

Floor height

The minimum floor height is measured from floor to ceiling along the building facade which is located on the public frontage.

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).

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.

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.

Mansard roof

A four-sided flat- or hip-top roof characterized by two slopes on each of its sides with the lower slope punctured by dormer windows. The upper slope of the roof may not be visible from street level when viewed from close to the building.

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.

Penthouse Level

A penthouse level includes all habitable space within the uppermost portion of a building above the cornice which is setback at least 15 feet from all edges of the roof and that the total floor area of which shall not exceed 50% of the area of the story below.

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 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).

Short Story-

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

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(s) 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 a short-story, an attic space or basement at least 50% below grade, a story is the habitable level of building below the lowest point of its cornice or eave or, the top of a flat-top mansard roof. 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.

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.

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** February 26, 2014  
**RE:** City Council Referral – Proposed Character-Based Zoning Ordinance

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At its meeting on February 20, 2014, the Planning Board voted unanimously to recommend that the City Council amend the Zoning Ordinance by inserting a new Article 5A – Character Districts, as set forth in the document titled "Proposed Character-Based Zoning Ordinance – City Council First Reading – March 3, 2014." The effect of this amendment is to establish Character-Based Zoning (also known as "form-based zoning") within the boundary shown on the Regulating Plan. The Character Districts will replace the existing CBA, CBB and MRO zoning districts within this boundary.

## Background

Throughout 2013, the Planning Department and the City's consultants, Town Planning and Urban Design Collaborative (TPUDC), worked to develop new "form-based" zoning standards for the historic core of the downtown. This approach was taken in order to address a recognition that the scale and style of new developments as permitted under current zoning is not always consistent with the downtown's historic character.

The Planning Board originally considered these proposed amendments in a public hearing on October 24, 2013, and a special meeting on October 31, 2013, and voted unanimously to recommend that the City Council adopt the new Article 5A, along with several amendments to other sections of the Ordinance. On October 21, 2013, the City Council scheduled first reading on the proposed zoning amendments for November 18, 2013. However, at the November 18 meeting, the Council voted to postpone the ordinance until January 2014, in order to provide for additional review and input. At its meeting on January 13, 2014, the City Council voted to schedule the proposed Character-Based Zoning for first reading on March 3, 2014, with a public hearing and second reading at the March 17, 2014 City Council meeting.

To provide residents with an opportunity to ask questions about the proposed Character-Based Zoning and to make suggestions for changes, the Planning Department held a public informational drop-in session and forum on January 29, 2014. Both the afternoon drop-in session and the evening forum were well attended and generated much discussion and input.

Based on comments from residents, including those who participated in the January 29 public forum, the Planning Department prepared a revised draft of the proposed Character-Based Zoning ordinance. This draft was posted on the Planning Department's



website (<http://planportsmouth.com/formbasedzoning.html>) and reviewed in a public hearing at the Planning Board's February 20th meeting. As a result of the public hearing, the Planning Board voted to make several additional revisions to the proposed ordinance.

#### Changes to the Proposed Ordinance

In the revised draft (dated March 3, 2014), text that is new or changed from the previous version is highlighted in yellow. In addition, footnotes indicate areas where text has been deleted from the previous version.

The major changes from the draft presented to the City Council for first reading in November 2013 are as follows:

#### **10.5A13 – Applicability; Compliance**

##### 10.5A13.30 - Relationship to Other Provisions of the Zoning Ordinance

- 10.5A13.31 - In order to clarify the applicable sections of the existing Zoning Ordinance we have listed the sections of the existing zoning ordinance that remain in full effect under the CBZ. Essentially, unless the provisions of the CBZ amend or modify the existing zoning requirements, all provisions of the existing zoning ordinance remain in full effect.

#### **105A20 – Regulating Plan**

##### 10.5A21 - General

- 10.5A21 - Map 10.5A21A - Regulating Plan - The Regulating Plan has been modified to reassign several properties along Court Street to CD4-L. Although many of these properties have land use characteristics that can be found in the CD4 district, the historical significance and current use of these structures is more conducive to the uses permitted within the CD4-L.
- 10.5A21 - Map 10.5A21B - Special Requirements: Specific Building Height Areas - The maximum building heights have been modified to reflect public input on the building heights along Ceres, Bow and Congress Streets:
  - In order to minimize the potential for 2½-story buildings with shed dormers along Ceres Street, the maximum building height was increased to 3 stories from 2 and the wood siding requirement was clarified to allow for alternate materials that resemble wood siding.
  - On Congress Street, the maximum building height was reduced in areas to reflect the narrower right-of-ways along High Street and on Congress Street from Fleet Street to Maplewood Ave.

In addition, the maximum height in feet in 3-story height district was increased from 40 feet to 45 feet in order to provide flexibility for greater floor to ceiling heights between stories.

- 10.5A21 - Map 10.5A21C - Special Requirements: Specific Shopfront, Step Frontages, Percent Frontage Buildout and Use Requirement Areas - This Special Requirements Map has been modified to retain the uses currently permitted in the CBA for the properties located along the waterfront on Bow Street.
- 10.5A21.21 and Map 10.5A21B - Specific Building Height Requirement Areas - This Section and the Special Requirements Map have been modified as follows:
  - The section has been modified to include a reference to the maximum building height in feet as well as the maximum number of stories.
  - The section has been modified so that the way building height in the Character Districts is calculated is consistent with the existing zoning requirements.
  - The minimum number of stories has been set at two stories in all Character Districts.

#### 10.5A22 - Regulating Plan Amendment

- 10.5A22.20 - When Regulating Plan Amendment Necessary [deleted] - This section in the previous draft would have required City Council approval of proposed developments that did not conform to use or height requirements of the Regulating Plan. That section has been deleted in the current draft due to concerns about conflict with State law regarding variances.

#### **10.5A30 – Development Plan**

##### 10.5A35 - Development Plan Review and Action

- 10.5A35.20 - Development Plans Subject to Site Plan Review - This section has been modified to remove the provision that Development Plan approval may be made subject to the granting of variances, special exceptions or conditional use permits. The effect of deleting this phrase is to require that any required variance, special exception or conditional use permit be granted prior to approval of a Development Plan.

#### **10.5A40 – Character Districts, Civic Spaces, Civic Districts and Municipal Districts**

##### 10.5A42 - Character District Descriptions

- Table 10.5A42.10A - CD4-L General Urban District – Limited
  - Table 10.5A42.10B - CD4 General Urban District
  - Table 10.5A42.10C - CD5 Urban Center District
- These Tables have been modified to clarify that all the dimensional requirements for parcels located in the applicable Character District are exclusively listed within the Table. In addition, the maximum lot width requirements have been replaced with facade modulation requirements in order to break up the facades of larger buildings.



## **10.5A50 – Development Standards**

### 10.5A51 – Municipal Districts, Civic Districts and Civic Spaces

- 10.5A51.30 - Civic Spaces - This section has been modified to clarify how the Planning Board will determine and locate the most appropriate type of Civic Space within large redevelopment projects.

### 10.5A54 Buildings

- 10.5A54.40 - Backbuildings and Outbuildings - This section has been modified to include detached and attached outbuildings and to reference the existing zoning requirements for accessory buildings listed under 10.570.
- 10.5A54.62 - Facade Modulation - This new provision replaces the maximum lot width requirement in order to preserve an appropriate sense of scale and make new buildings more inviting to pedestrians. It requires that the façade of a larger building be divided into distinct sections through changes in materials, patterns, textures and/or heights.
- 10.5A54.72 - Building Setbacks - This section has been deleted as all proposed buildings or structures located within the CD4 and CD4-L are permitted to have a front yard setback. In contrast, all properties located within the CD5 are required to be constructed with no front yard setback.

### 10.5A55 Building Form and Building Types

- 10.5A55.34 - Building and Ceiling Heights - This section has been modified to add a requirement that any rooftop appurtenances are set back at least 10 feet from the edge of the roof.
- 10.5A55.35 - Building and Ceiling Heights - Due to public concerns that the minimum story heights originally proposed for buildings along Bow, Congress, Market and Pleasant Streets would encourage demolition of existing shorter historic buildings, this section has been modified to reduce the minimum story height for all buildings in all three Character Districts to two stories.
- 10.5A55.40 - Maximum Building Footprint - This section has been modified to list the maximum building footprint requirements for each Character District within the Tables listed under Section 10.5A40.
- 10.5A55.80 - Streetscreens - This section has been modified to clarify that taller streetscreens are required along property lines between properties in order to adequately screen surface parking lots.

### 10.5A59 - Architectural Design Guidelines

- This section has been modified to reflect that Historic District Commission voted to recommend adoption of the revised *Interim Architectural Design Guidelines* on November 18th, 2013.

#### 10.5A60 – Definitions

- Attic Space - This definition has been modified to include other sloped roofs as well as a recessed penthouse level on flat roofed buildings.
- Floor Height - This definition has been added to clarify that the minimum floor heights are measured from the finished floor to the ceiling. Given that these are listed as the minimum, taller floor heights are permitted provided that the total height of the building is less than the maximum number of stories or building height in feet.
- Mansard Roof - Because the definition of "short story" includes a mansard roof, a new definition has been added for both types of mansard roofs.
- Penthouse Level - This is a new definition that has been included in the definition of Attic Space to allow a recessed penthouse level above the cornice for a flat-roof building. Note that the penthouse level must still conform to the maximum building height in feet.
- Short Story - This definition has been added to clarify the two types of "short stories" permitted as shown in Map 10.5A21B.
- Story - This definition has been modified to clarify the exemptions for attic spaces and short stories, and to include as a story any habitable level within a flat-topped mansard roof.



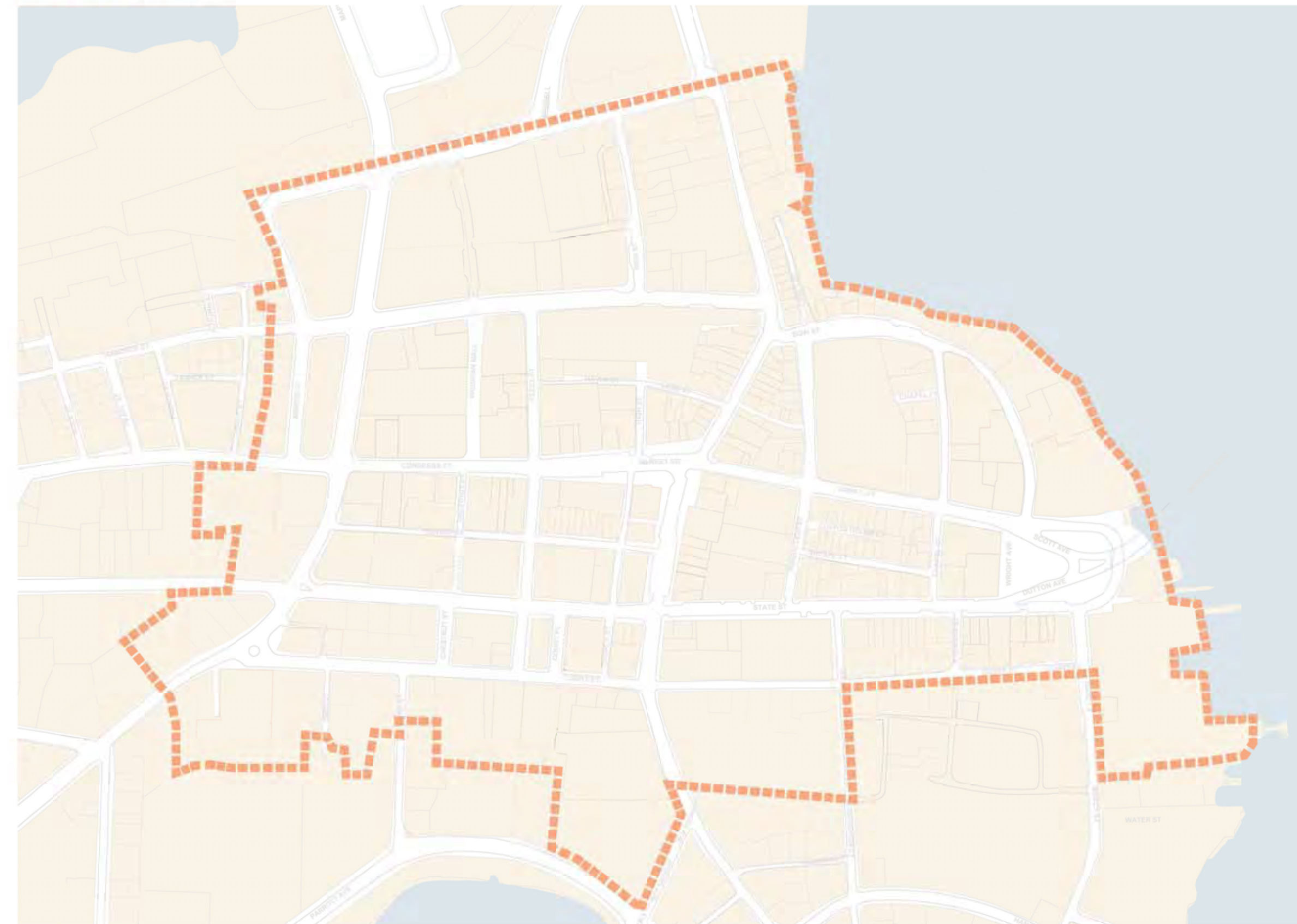
# City of Portsmouth - Character-Based Zoning

City Council Third Reading  
April 7, 2014

The Regulating Plan and Special Requirements maps  
are the Zoning Map for the Character Districts.

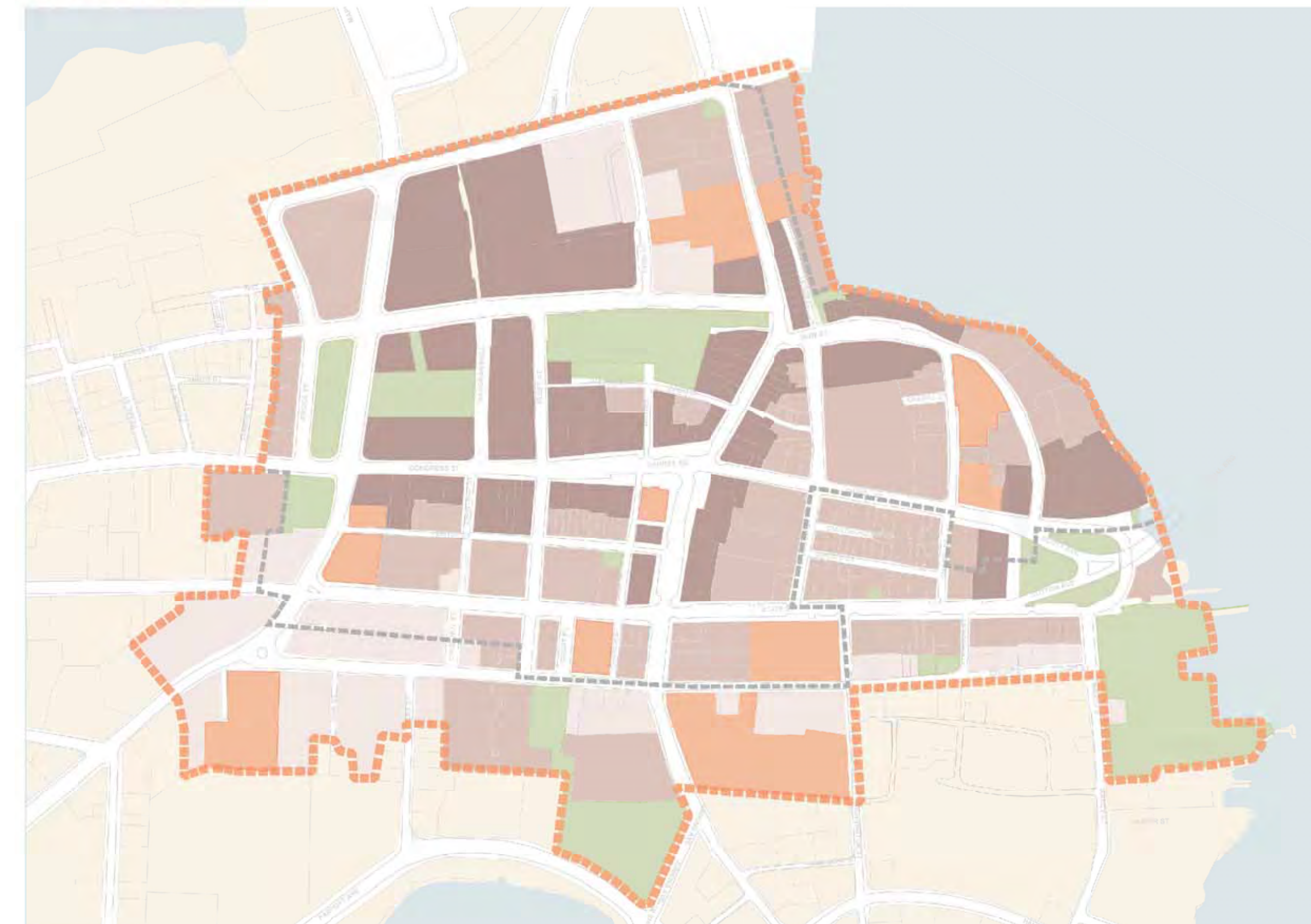
Not To Scale

MAP 10.5A10.3 BOUNDARY MAP



**LEGEND**  
 - - - - Portsmouth Character-Based District Boundary Line

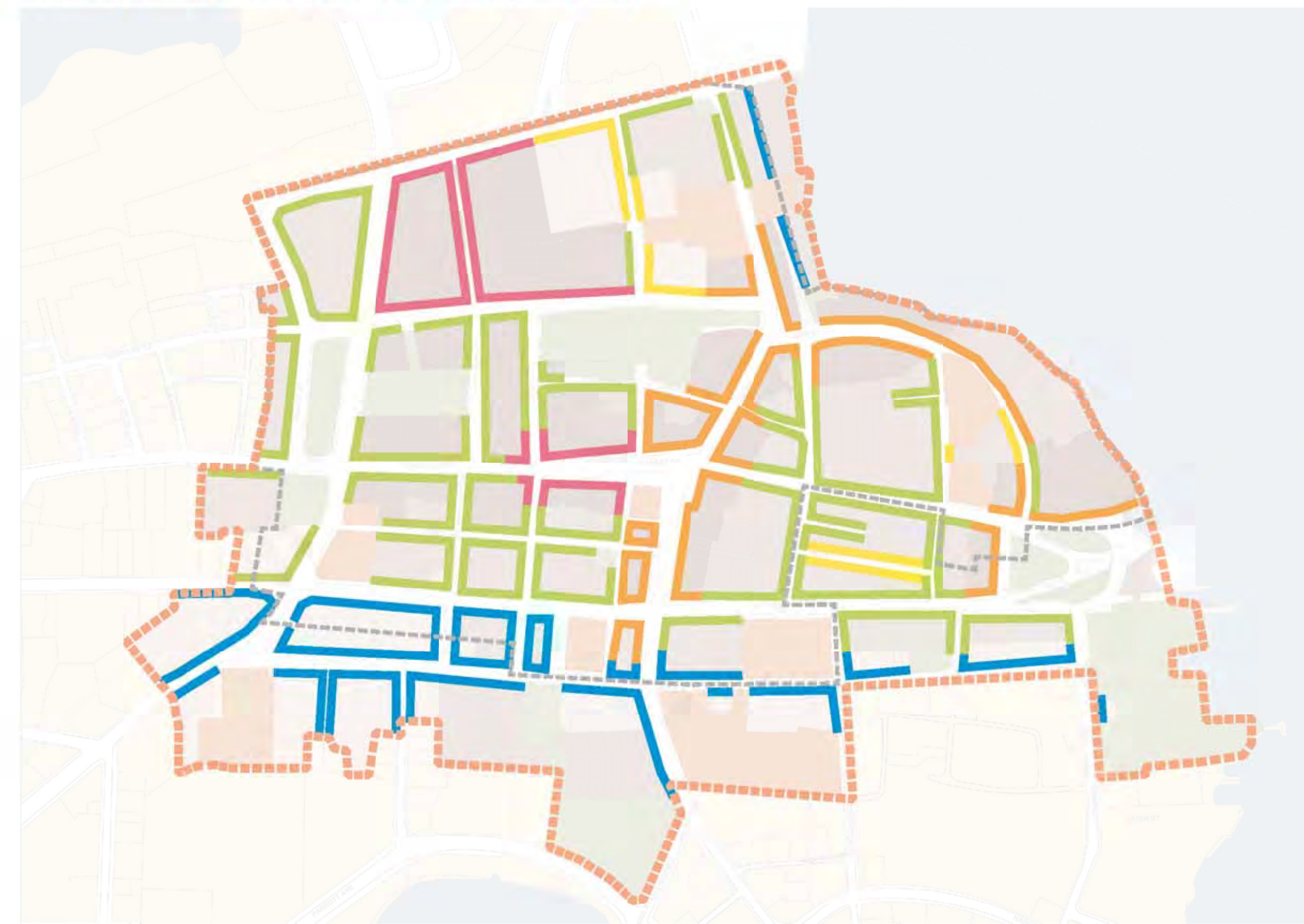
MAP 10.5A21A REGULATING PLAN\*



**LEGEND**  
 CD4-L  
 CD4  
 CD5  
 Municipal District  
 Civic District  
 Water  
 - - - - Downtown Overlay District  
 - - - - Character-Based Zoning Area

\* See special requirement maps for supplemental requirements

MAP 10.5A21B SPECIAL REQUIREMENTS: SPECIFIC BUILDING HEIGHT REQUIREMENT AREAS\*\*



**LEGEND**

Height Requirement Area***	Max. Building Height
2 Stories	35'
2-3 Stories (short 3rd*)	40'
2-3 Stories (short 4th*)	45'
2-4 Stories (short 5th*)	60'

- - - - Downtown Overlay District  
 - - - - Character-Based Zoning Area

\* A short story includes either:  
 1) use of a top story below the cornice line of a sloped roof 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: Attic space within a Gable, Gambrel, Hip, Hip-Top Mansard or Penthouse Level is not considered a Story. Attic Space is permitted above the top story provided the proposed building is no greater than the maximum building height.

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-sided appearance, and Uses shall be those permitted in the Waterfront Industrial Zone & Section 1C.830  
 Shopfront Frontage  
 Step Frontage  
 Office Front Frontage  
 - - - - Downtown Overlay District  
 - - - - Character-Based Zoning Area  
 Waterfront Zone

Note: All buildings, other structures, and land within this Waterfront Zone shall comply with the use regulations for the Central Business A District set forth in Section 10.440.



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

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 10.5A21C), 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 **at or above ground level** providing spaces for more than two vehicles shall not be located within ~~30~~ **24** feet of the following streets:

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

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 of ~~streets listed in paragraph 10.643.20~~ **the following streets:**

<b>Bow Street</b>	<b>High Street</b>	<b>Pleasant Street</b>
<b>Congress Street</b>	<b>Market Street</b>	<b>State Street</b>
<b>Daniel Street</b>		

and 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” in the row titled “Sign District 2”, and insert the words “Character District 4” and “Character District 5” in the row titled “Sign District 3” as follows:

Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business <b>Character District 4-L</b>
Sign District 3	Central Business A Central Business B <b>Character District 4</b> <b>Character District 5</b>

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 Article 5A, Character Districts, are defined in Section 10.5A60, including:**

<b>Adjacent</b>	<b>Outbuilding</b>
<b>Attic space</b>	<b>Park</b>
<b>Backbuilding</b>	<b>Parking area</b>
<b>Block</b>	<b>Parking lot</b>
<b>Block face</b>	<b>Parking structure</b>
<b>Building *</b>	<b>Path</b>
<b>Building element</b>	<b>Pedestrian alley</b>
<b>Character District</b>	<b>Penthouse level</b>
<b>Civic</b>	<b>Placement</b>
<b>Civic space</b>	<b>Plaza</b>
<b>Configuration</b>	<b>Principal entrance</b>
<b>Cornice</b>	<b>Principal frontage</b>
<b>Curb</b>	<b>Private frontage</b>
<b>Development</b>	<b>Public frontage</b>
<b>Development Plan</b>	<b>Rearyard</b>
<b>Edgeyard</b>	<b>Regulating Plan</b>
<b>Elevation *</b>	<b>Second lot layer</b>
<b>Encroach</b>	<b>Secondary frontage</b>
<b>Encroachment</b>	<b>Setback</b>
<b>Façade</b>	<b>Shopfront</b>
<b>Façade modulation</b>	<b>Short story</b>
<b>First lot layer</b>	<b>Sidewalk</b>
<b>Floor height</b>	<b>Sideyard</b>
<b>Frontage *</b>	<b>Special requirements</b>
<b>Frontage line</b>	<b>Square</b>
<b>Garage</b>	<b>Step frontage</b>
<b>Green</b>	<b>Stoop frontage</b>
<b>Improvement *</b>	<b>Story *</b>
<b>Liner building</b>	<b>Streetscreen</b>
<b>Lot layer</b>	<b>Structure *</b>
<b>Lot width</b>	<b>Third lot layer</b>
<b>Mansard roof</b>	<b>Thoroughfare</b>
<b>Officefront</b>	

**\* These terms are defined differently for Section 10.5A60 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:

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Robert Lister, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** March 18, 2014  
**Subject:** PSNH License Agreement 63-0572

*TR*

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I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0572.

This request is to license 2 poles off Rock Street that provide street lighting to the new Rock Street parking lot.

The installation of these poles posed no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached are pictures of the poles. Please call with any questions you may have.

cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk



**Public Service  
of New Hampshire**

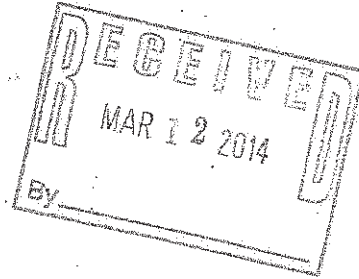
60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000

The Northeast Utilities System

March 11, 2014

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801



Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0572 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service of New Hampshire  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)

**PETITION AND POLE LICENSE  
PETITION**

Manchester, New Hampshire

March 11, 2014

To the City Council of the City of Portsmouth, New Hampshire.

PUBLIC SERVICE OF NEW HAMPSHIRE requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License two ( 2) pole(s), 24/8YB1, 24/8YB2 on Hanover Street in the City of Portsmouth.

**PUBLIC SERVICE OF NEW HAMPSHIRE**

BY: *Lisa-Marie Pinkes*  
Lisa-Marie Pinkes, PSNH CO Support / Licensing

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This 11st day of March, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" No. 63-0572, dated 3/11/2014, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Town Clerk





ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**





