

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 2, 2016 TIME: 7:00PM

- 6:00PM – NON-MEETING WITH COUNSEL RE: LITIGATION AND PERSONNEL IN ACCORDANCE WITH RSA 91-A:2,I (b)
- 6:30PM - NON-MEETING WITH COUNSEL RE: PROPOSED COLLECTIVE BARGAINING IN ACCORDANCE WITH RSA 91-A:2,I (b)

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- 1. Police Week in Portsmouth – Peace Officers’ Memorial Day
- 2. Recognition of National Small Business Week

V. ACCEPTANCE OF MINUTES – APRIL 18, 2016

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016 *Continued from the March 21, 2016 City Council meeting*

Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016

Amend the Zoning Map as set forth in the following maps dated January 11, 2016;

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

- B. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO THIRTEEN MILLION (\$13,000,000.00) DOLLARS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Approval and Acceptance of Donation Re: Memorial Bench
- B. Donations in Support of the Explorer Cadets:
- Kittery Lion Club in appreciation for a speech given to the Club by Cadet Acadia Spear - \$202.00
 - Ms. Vivienne B. Vanluven - \$20.00
 - Ms. Susan J. and Mr. John D. Herney - \$20.00
 - Dr. David Ferland and Ms. Lynda Cadieux - \$82.00
- (Sample motion – move to accept the donations totaling \$324.00 in support of the Police Explorer Cadets)***
- C. Grant from the NH Office of Highway Safety for Portsmouth Bicycle/Pedestrian Patrol - \$6,195.20 ***(Sample motion – move to accept and approve the grant in the amount of \$6,195.20)***

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016 *Continued from the March 21, 2016 City Council meeting*
- Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016
- Amend the Zoning Map as set forth in the following maps dated January 11, 2016;
- (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses
- B. Third and final reading of Ordinance amending Chapter 11, Section II, Section 11.216:B – Sewer User Charges/Records/Hook-up to Allow an Approved Irrigation System and a Water Meter at a Monthly Service Fee in addition to the Consumption Charge, said Fee to be Determined by the City Council during its Annual Budget Process
- C. Adoption of Resolution Authorizing the Issuance of Refunding Bonds of up to Thirteen Million (\$13,000,000.00) Dollars to Refinance certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Request for License to install Projecting Sign:

- Christi Watson owner of Fringe Hair Studio, LLC, for property located at 3 Market Square, 2nd Floor (**Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement 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**

- B. Letter from Josh Pierce, Seacoast Area Bicycle Riders, requesting permission to hold the Bike/Walk to Work Day in the Seacoast on Friday, May 20, 2016 (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Steve Leonard, Portsmouth Girls Softball Association President, requesting permission to hang a banner on the backstop at the Pease 1 field (**Sample motion – move to refer to the City Manager with power**)
- B. Letter from Jeffrey Keefe, Portsmouth Athenaeum, requesting permission to hold parade on one of the following dates: Saturday, June 24th, Saturday, September 16th, Saturday, October 7th or Saturday, October 14th, all in 2017 in the downtown at 11:00 a.m. (**Sample motion – move to refer to the City Manager with power**)
- C. Letter from Michael Dolan requesting to set up a small table in the downtown area for street performing (**If the City Council wishes to authorize the City staff recommends use of the Vaughan Mall only**)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for First Reading Re: Proposed Zoning Amendment - Transportation Corridor District
2. Report Back Re: Request to Rezone Land at 678 Maplewood Avenue and an adjacent parcel (Assessors Map 220, Lots 89 and 90) from Single Residence B (SRB) to Business (B)
3. Outdoor Sidewalk Café Providing Alcohol Service – Birdseye Lounge, LLC
4. Traffic Signal Easement Re: 361 Islington Street
5. Proposed Deer Street Garage Building Committee
6. Request for Disposal of 1987 Fire Engine
7. Water Line Easement – Nimble Hill Road, Newington

Informational items

1. Events Listing
2. Household Hazardous Waste Day
3. Update Re: C-PACE

B. MAYOR BLALOCK

1. Resignation – David Witham of the Zoning Board of Appeal

C. COUNCILOR PERKINS

1. Housing Committee Overview (*See attached memorandum*)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the March 2, 2016 & March 9, 2016 meetings of the Historic District Commission are now available on the City's website
2. Notification that the minutes of the March 17, 2016 and March 31, 2016 meetings of the Planning Board are now available on the City's website.

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

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** Congress and the President of the United States have designated May 15th as Peace Officers' Memorial Day and the week in which it falls as National Police Week; and
- Whereas:** The members of the Portsmouth Police Department play an essential role in safeguarding the rights and freedoms of Portsmouth and the State of New Hampshire; and
- Whereas:** It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Police Department; and
- Whereas:** The members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and
- Whereas:** The men and women of the Portsmouth Police Department unceasingly provide a vital public service.

Now, therefore, I, Jack Blalock, Mayor of the City of Portsmouth, on behalf of the members of the City Council, do hereby call upon all citizens of Portsmouth and upon all patriotic, civic, and educational organizations to observe the week of May 15 to May 21, 2016, as

Police Week in Portsmouth

with appropriate ceremonies and observances in which all of our people may join in commemorating all law enforcement officers past and present who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.


I further call upon all citizens of Portsmouth to observe May 15, 2016, as

Peace Officers' Memorial Day

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community, or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes by lowering all City, State and American flags in Portsmouth to half staff on Sunday, May 15, 2016.

Given with my hand and the
Seal of the City of Portsmouth,
on this 2nd day of May, 2016.





Jack Blalock, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

Whereas:

Much of America's and Portsmouth's progress has been driven by small business owners and entrepreneurs who take risks, work hard and have extraordinary energy and passion for what they do; and

Whereas:

The City of Portsmouth, New Hampshire celebrates our local small businesses and the contributions they make to our local economy, neighborhoods and community; and

Whereas:

According to the NH Employment Security Information Bureau, 90% of Portsmouth's small businesses employ less than 50 employees; and

Whereas:

According to the United States Small Business Administration, small businesses in the United States represent 99.7 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product, as well as 54 percent of all US sales; and

Whereas:

By supporting small business, jobs are created and local communities preserve their unique culture; and

Whereas:

A large majority of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

Whereas:

The President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration and other government agencies; and

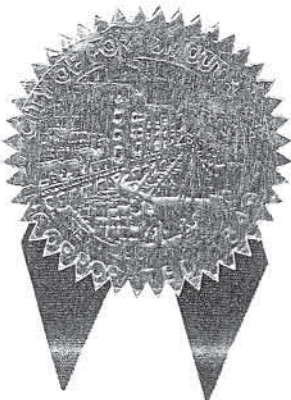
Whereas:

Portsmouth, NH supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant.

Now, therefore, I, Jack Blalock, Mayor of the City of Portsmouth, on behalf of the City Council and the residents of Portsmouth, do hereby proclaim May 1-7, 2016 as

Small Business Week in Portsmouth

and urge the residents of our community, and communities across the country, to continue to support small businesses and merchants this week and throughout the year.



Given with my hand and the
Seal of the City of Portsmouth,
on this 2nd day of May, 2016.

Jack Blalock, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 18, 2016

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15PM, a Work Session was held Re: Deer Street.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:05 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Recreation Director Wilson led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Recognition of Portsmouth High School Boys 2016 New Hampshire Division 2 New Hampshire State Champions

Mayor Blalock provided plaques to the Portsmouth High School Boys Basketball players and coaches in recognition of being the Division 2 NH State Champions. Coach Mulvey thanked Mayor Blalock and the City Council for recognizing the team.

2. Peter Michaud of the Division of Historical Resources Re: Update on Nomination of Downtown Properties to the National Register

Peter Michaud provided an update on the Nomination of Downtown Properties to the National Register. He reported that letters will be sent to property owners on May 10th informing them of the project and any objections would need to be in by July.

V. ACCEPTANCE OF MINUTES – MARCH 21, 2016 & APRIL 4, 2016

Councilor Lown moved to approve and accept the minutes of the March 21, 2016 and April 4, 2016 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

Brendan Dubois, Exeter, NH, spoke regarding the delay by the Police Commission to appoint a new Police Chief. He said there are three other communities that were looking for a new chief within the same time frame as the City and the municipalities have hired a new chief. He said it is disappointing to hear that the Police Commission would not be appointing a new chief until sometime this fall between September to November.

Marylou McElwain requested that the Historic District Commission brick sidewalk policy be reviewed. She spoke to the difficulty with the bricks in the winter months and that the material is very slippery.

Pat Ford, Star Island Nurse Practitioner, spoke in opposition to transferring the fire boat to Gilford, NH. She said that the fire boat has been called to Star Island in the past and they would not have another resource if Portsmouth transferred the boat. She said at least delay the transfer to allow Star Island to find another means of transport to be located from the Island in the case of an emergency.

Councilor Spear moved to suspend the rules to take up Item XII. A.1. – Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligations Agreement Options as result of Work Session. Seconded by Councilor Lown and voted.

Councilor Cyr announced he would be recusing himself from the discussion and vote on this matter as he owns property at 263 Hanover Street which is near the Deer Street property and if this land is purchased it could have an affect on the valuation of properties in the area.

Councilor Spear moved that the City Manager is hereby authorized to execute the Purchase and Sale Agreement and Post Closing Obligations Agreement with Deer Street Associates on behalf of the City regarding the City's acquisition of a potential site for a municipal parking garage on Deer Street (collectively, the "Documents") once the schedules of those Documents are in completed form and attach thereto with the advice and consent of the Working Group. Be it further moved, that the City Manager is authorized to negotiate and execute any amendments, exhibits or attachments to those Documents as are substantially consistent with the material terms of the Documents approved by the City Council and as he may deem appropriate. Seconded by Councilor Lown.

Councilor Spear said there is a great deal of work that has taken place on this matter. He said that there is a long term benefit to the City and that this is the obvious choice for a new parking garage.

Councilor Lown said he would support the motion. He said some people feel Worth Lot is a better site but after looking at the Deer Street site it is clearly the right decision. He said it is located in an area of the City that is expanding. He thanked The Roger's for their time and effort on making this deal, which is much better now than a few months ago. Councilor Lown said we need to start thinking of both Deer Street and the Worth Lot for parking garages because we will need to pursue both due to the parking issues in the City.

Councilor Denton said he is a proponent of the parking garage because it is out of the center of the City. He said he would support it because it is on an egress in and out of the City.

Councilor Pearson said she would support the motion. She said there is a lot of economic infusion from this project in the local economy. She said all the money will stay in the City and we will receive 600 new parking spaces which is an economic development advantage in the downtown.

Assistant Mayor Splaine moved to amend and request an updated property appraisal prior to the completion of the agreement. Seconded by Councilor Denton.

Assistant Mayor Splaine said this is a win for the community. He spoke to the land and said we can do more for affordable development and housing for the north end. He said the project provides for economic development. He stated fair market value is important and this is not coming out of taxes. Assistant Mayor Splaine said you can make money on parking garages. He stated the motion was made with the intent to get more information before we finalize on the payment.

Councilor Lown said we already have an appraisal for the property and the motion to amend will cause a delay and it would be costly for another appraisal. He said this will not change the equation and this is a fair price.

On a roll call vote 2-6, motion to amend and request an updated property appraisal prior to the completion of the agreement failed to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Mayor Blalock voted opposed. Councilor Cyr recused himself from this matter.

Councilor Dwyer said the motion is not to build a particular garage on the site. She said we are not really building anything as we need to figure out what the process will be to ensure we get what we think we want because there is a lot ahead of us. She said the public space is an issue and the idea that there are 600 spaces to the garage we would need to raise the fees. She asked what the steps will be and said the City Council needs to be a part of that process. She said this will not solve every parking problem.

Councilor Spear said we have good experience building public buildings in the City. He said the staff could come back with the mechanism for what the parking garage would look like.

Assistant Mayor Splaine said we need to include residential discount parking as part of the parking changes. He asked for an update on the process going forward. City Manager Bohenko said the closing would take place and then we would bring Walker Consultants on for the design of the garage. He said we have done our environmental work on the site and we are looking at how to build the road. He spoke to the need to still purchase a small property by the Gray's. City Manager Bohenko said we need to move forward and bring the process before the Historic District Commission and land use agencies to work with the City Council on pricing of the garage and residential parking which is the second piece to have in place.

On a unanimous roll call vote 8-0, main motion passed. Councilor Cyr recused himself from this matter.

Councilor Spear moved that a public hearing be held before the City Council on May 16, 2016 pursuant to RSA 231:43 for the purpose of discontinuing any rights of the City or the public in the following two parcels of property:

A certain triangular tract of land being located at the northwesterly corner of and within the intersection of the Deer Street and Bridge Street rights of way, and being approximately 1,717 square feet in size; and

A certain trapezoidal tract of land being located along the northerly boundary of said triangular tract of land being approximately four (4) feet wide and being approximately 269 square feet in size

And that at least fourteen (14) days prior to the public hearing written notice be given to all owners of property abutting the said areas. Councilor Cyr recused himself from this matter. Seconded by Councilor Lown and voted.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 11, ARTICLE II, SECTION 11.216:B – SEWER USER CHARGES/RECORDS/HOOK-UP BY THE ELIMINATION OF IRRIGATION METERS

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

John O'Leary said he has a second water meter for watering his lawn, flower and vegetable gardens. He spoke against the elimination of irrigation meters and said you need to realize how the changes will impact property owners. He provided a list of suggested fees for the irrigation meters to remain. He said his family puts a great deal of work on maintaining their lawn and gardens and urged the City Council to keep the irrigation meters.

Marylou McElwain said it is interesting that only 300 households have the meters. She said this may be because there was no advertising for the irrigation meters. She spoke in support of conservation.

John Lyons Attorney representing homeowners that have the meters spoke against the ordinance. He thanked the City for working with him in a straight forth way. He said the new ordinance that has a public hearing next would encourage conservation.

Richard Gamester said he supports water meters and it is important not to support the elimination of meters.

With no further speakers, Mayor Blalock closed the public hearing.

- B. ORDINANCE AMENDING CHAPTER 11, ARTICLE II, SECTION 11.216B – SEWER USER CHARGES/RECORDS/HOOK-UP TO ALLOW AN APPROVED IRRIGATION SYSTEM AND A WATER METER AT A MONTHLY SERVICE FEE IN ADDITION TO THE CONSUMPTION CHARGE, SAID FEE TO BE DETERMINED BY THE CITY COUNCIL DURING ITS ANNUAL BUDGET PROCESS

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

John Lyons said he hired Peter Weeks on behalf of his clients to review records on water usage in the City.

Peter Weeks said he analyzed the usage of water in the City. He asked that the City Council defeat the first ordinance that was up for a public hearing. He stated he was amazed at the time and effort of work that came back with this new ordinance for use by everyone. He said this is a fair and equitable fee to allow customers to have irrigation meters. Mr. Weeks said the ordinance proposed will help with the conservation of water. He thanked Deputy Public Works Director Goetz on how the water is managed.

John Lyons said the City Manager and staff are presenting a balance to the City Council and public with this ordinance. He said this is about fairness and urged the City Council to pass second reading.

With no further speakers, Mayor Blalock declared the public hearing closed.

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO PHASE II OF ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Ordinance amending Chapter 11, Article II, Section 11.216B – Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

Councilor Denton moved to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the May 2, 2016 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Denton thanked the staff for the work and said he would like to bring the ordinance back in and said the best way to conserve water is to eliminate the meters.

Assistant Mayor Splaine asked Deputy Public Works Director Goetz to look at the rates in the budget process. Deputy Director Goetz said all rates are reviewed during each budget.

Councilor Dwyer said that this is a complicated matter and she is convinced by the comments people will continue to use water whether the meters are in place or not.

Councilor Lown said he would vote against the motion. He said it favors everyone to have the meters which are designed to look at the over use of water by the use of meters.

Councilor Cyr said the way to get answers is to experiment. He said he would like to know a year from now if this works or not. He asked if in a year can the City Council revisit the topic of not eliminating the meters.

City Manager Bohenko said if this passes there will be significant capital investments with this ordinance and this would be in place for a few years.

Motion failed to pass. Councilors Spear and Denton voted in favor. Assistant Mayor, Councilors Perkins, Dwyer, Lown, Pearson, Cyr, and Mayor Blalock voted opposed.

- B. Second reading of Ordinance amending Chapter 11, Section II, Section 11:216:B – Sewer User Charges/Records/Hook-up to Allow an Approved Irrigation System and a Water Meter at a Monthly Service Fee in addition to the Consumption Charge, said Fee to be Determined by the City Council during its Annual Budget Process

Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the May 2, 2016 City Council meeting. Seconded by Councilor Denton and voted.

- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs Related to Phase II of Elementary School Facility Improvements

Councilor Lown moved to adopt the Bonding Resolution of up to Five Million (\$5,000,000.00) Dollars for Phase II of the Little Harbour School Improvements. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said many City Councilors took the tour of Little Harbour School last week. He said last year the Council made an issue of sprinkler systems and removal of asbestos and he commended the School Board for their hard work in resolving those matters.

Motion pass on a unanimous roll call vote 9-0.

Mayor Blalock brought the attention of a typographical error in the ordinance and asked for the City Council to approve the change to the ordinance and to have the new ordinance brought forward with the change at next City Council meeting for third and final reading.

Councilor Spear moved to correct a typographical error to (a) Automatic irrigation systems shall #4 by replacing the word higher with the word “lower”. #4 will read as follows: Include freeze sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers, which will render the system inoperative at 35 degrees Fahrenheit or lower. Seconded by Councilor Pearson and voted.

X. CONSENT AGENDA

- A. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 11th Annual Seacoast Half Marathon on Sunday, November 13, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Sister Mary Agnes, St. Charles Children’s Home, requesting permission to hold the 20th Annual St. Charles Children’s Home 5K on Monday, September 5, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold 2 boot drives this year, the first on Saturday July 9th, and the second on Saturday, August 20th for the Muscular Dystrophy Association in Market Square ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no items under this section of the agenda)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 2. Portsmouth Public Media, Inc. Proposed Lease Renewal

Assistant City Manager Moore provided a brief presentation regarding the proposed lease renewal.

Councilor Spear moved to authorize the City Manager to enter into a Lease Agreement with Portsmouth Public Media, Inc. for the South Meeting House at 280 Marcy Street from May 5, 2016 to May 4, 2021. Seconded by Assistant Mayor Splaine and voted.

3. Ratify Appointment of Nancy Colbert Puff to replace David Allen, Deputy City Manager on the Planning Board effective May 16, 2016

Councilor Spear moved to ratify the appointment of Nancy Colbert Puff to replace David Allen, Deputy City Manager on the Planning Board effective May 16, 2016. Seconded by Councilor Cyr and voted.

4. Request for Approval Re: Transfer of 2006 Fire Boat – Gilford, NH

Fire Chief Achilles spoke to the fire boat and the transfer to Gilford, NH. He said having the boat costs the City \$50,000.00 each year. He said there are other areas of value in the fire service that the \$50,000.00 could support. He stated there is no fee for surrendering the vessel to Gilford.

Assistant Mayor Splaine asked about the concerns expressed by Ms. Ford during public comment. Chief Achilles said the Coast Guard could handle calls to Star Island. He said you need to remember that Star Island is not located in the City of Portsmouth but the Town of Rye and they need to be the one to supply service to the Island. He stated in FY18 the department will be looking for a supplemental vessel.

Councilor Spear asked if the stipends would go away now that the City would no longer have a fire boat. Chief Achilles said they have not decided that yet and they would look at union negotiations regarding this matter.

Councilor Spear moved to approve the disposal of the Fire Department's 2006 Fire Boat, as presented. Seconded by Councilor Lown.

On a roll call vote 8-1, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

5. Request to Schedule a Public Hearing for Refinancing Callable Bonds

City Manager Bohenko explained that there are callable bonds for reissuance for a 10 year period and we would see \$1,000,000.00 in savings from reissuance.

Councilor Spear moved to establish a public hearing at the May 2, 2016 City Council meeting for an Advanced Refunding Bond Resolution of up to Thirteen Million Dollars (\$13,000,000.00) to refinance the remaining portion of the aforementioned callable bonds and all related costs. Seconded by Councilor Pearson and voted.

City Manager Bohenko said the 2016 Council Calendar was put together in November and a work session was scheduled for April 27th regarding the Pease Wastewater Treatment Facility which is no longer needed since the facility will be built at Peirce Island.

The City Council agreed to cancel the Work Session on April 27, 2016 regarding Pease Wastewater Treatment Facility.

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Reappointment of Amy Burns to Cable Television and Communications Commission
 - Reappointment of Robert Capone to Cable Television and Communications Commission
 - Reappointment of Cliff Lazenby to Citywide Neighborhood Steering Committee
 - Reappointment of Samantha Wright as alternate to the Conservation Commission
 - Reappointment of Kory Sirmaian to the Recreation Board

Councilor Spear moved to reappoint Amy Burns and Robert Capone to the Cable Television and Communications Commission until April 1, 2019; reappoint Cliff Lazenby to the Citywide Neighborhood Steering Committee until April 1, 2019; reappoint Samantha Wright as alternate to the Conservation Commission until April 1, 2019 and reappoint Kory Sirmaian to the Recreation Board until April 1, 2019. Seconded by Councilor Lown and voted.

C. COUNCILOR LOWN & DENTON

1. Surfrider – Plastic Bag Ordinance

Councilor Denton moved to have the City Attorney draft a letter from the City Council to the DES Commissioner and the DES Waste Division Director asking if DES believes 149-M given municipalities the authority to 1) ban single-use plastic shopping bags; and 2) establish the ten cents paper bag pass through that was part of the previous draft ordinance. Seconded by Councilor Spear and voted.

D. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 7, 2016 meeting

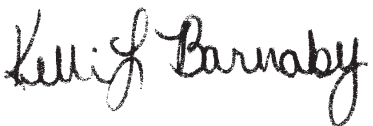
Councilor Lown moved to approve and accept the action sheet and minutes of the April 7, 2016 Parking and Traffic Safety Committee. Seconded by Councilor Spear and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Cyr requested a report back on water conservation programs that are available in the City.

XIV. ADJOURNMENT

At 9:20 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Pearson and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 21, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on an Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016

Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016

Amend the Zoning Map as set forth in the following maps dated January 11, 2016:

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses

Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated January 11, 2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

<p style="text-align: center;">LEGAL NOTICE</p> <p>NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 21, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on an Ordinance amending Chapter 10 – Zoning Ordinance Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated January 11, 2016</p> <p>Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” January 11, 2016</p> <p>Amend the Zoning Map as set forth in the following maps dated January 11, 2016:</p> <ul style="list-style-type: none">(a) Map 10.5A21A – Character Districts and Civic Districts;(b) Map 10.5A21B – Building Height Standards;(c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses <p>Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated January 11, 2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”</p> <p>The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.</p> <p>Kelli L. Barnaby, MMC, CMC, CNHMC City Clerk</p>
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and the West End. It is proposed to increase the maximum building footprint in the CD4 district from 10,000 sq. ft. to 20,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 30,000 sq. ft.

4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels (including the liner building) shall meet the maximum building footprint required for the Character district.
5. An exemption has been added to allow off-street parking to be located in front of single- and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End in order to encourage property owners to include workforce housing or community spaces such as pocket parks or plazas within a development (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

These proposed amendments will be presented to the Planning Board at its January 21 meeting, and the Board will hold a public hearing at its meeting on February 18. Concurrently with the Planning Board review, Portsmouth Listens will hold a series of Study Circles meetings to review the proposed zoning changes, beginning with a kick-off event on the evening of January 20; and it is anticipated that the findings from this process will be presented to the Planning Board and City Council in mid-March. To accommodate this timetable, I recommend that the City Council defer the public hearing on the proposed amendments until the Council meeting on March 21, 2016.

I will be prepared to provide an overview of the proposed zoning changes at the January 11 Council meeting, and to give more detailed presentations at the Planning Board and City Council public hearings.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.
- (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.
- (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.
- (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

The City Clerk shall properly alphabetize and/or re-number the ordinances 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:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 5A Character-Based Zoning

- Section 10.5A10** General
- Section 10.5A20** Regulating Plan
- Section 10.5A30** Character District Use Standards
- Section 10.5A40** Character District Development Standards
- Section 10.5A50** Civic Districts
- Section 10.5A60** Definitions

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 Applicability

- 10.5A12.10 Article 5A shall apply to the Character districts and Civic districts as shown on the Regulating Plan.
- 10.5A12.20 Municipal districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance (specifically, Sections 10.460 and 10.560) and not by Article 5A.

10.5A13 Compliance with Regulating Plan

- 10.5A13.10 In the Character districts and Civic districts, all lots, buildings, structures, uses, and development 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.
- 10.5A13.20 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except pursuant to the Regulating Plan and in compliance with the applicable standards and requirements for such district.

10.5A14 Relationship to Other Provisions of the Zoning Ordinance

- 10.5A14.10 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that are in conflict with Article 5A.
- 10.5A14.20 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 in the Character districts and Civic districts.

10.5A15 Relationship to Other Regulations, Codes and Ordinances

- 10.5A15.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.
- 10.5A15.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.
- 10.5A15.30 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.

10.5A16 Figures

- 10.5A16.10 The standards in the following figures are an integral part of Article 5A:
 - Figure 10.5A41.10A – Development Standards: Character District 4– Limited (CD4-L1/CD4-L2)
 - Figure 10.5A41.10B – Development Standards: Character District 4– West End (CD4-W)
 - Figure 10.5A41.10C – Development Standards: Character District 4 (CD4)
 - Figure 10.5A41.10D – Development Standards: Character District 5 (CD5)
 - Figure 10.5A43.10 – Façade Types
 - Figure 10.5A43.60 – Building Types
 - Figure 10.5A46.70 – Community Spaces
- 10.5A16.20 The diagrams, photographs and illustrations contained in the above figures are provided only to indicate general character within the various districts and shall have regulatory force and effect only to that extent.

10.5A17 Definitions

Terms used throughout Article 5A may be defined in the figures (Façade Types, Building Types, and Community Spaces), 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 unless the context clearly indicates otherwise.

Section 10.5A20 Regulating Plan

10.5A21 General

10.5A21.10 Contents of Regulating Plan

The Regulating Plan is the Zoning Map for the Character districts and Civic districts. The Regulating Plan consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- Map 10.5A21B – Building Height Standards
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

10.5A21.20 Building Height Standards

10.5A21.21 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 (whichever is lower) and no less than the designated minimum number of stories.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.

10.5A21.30 Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

The following standards shall apply when so designated by the Regulating Plan:

- (a) Assignments for shopfront, officefront or stepfront façade types require that a building have the designated façade type at the sidewalk level.
- (b) For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance.
- (c) Specific use requirements apply to designated properties along the waterfront area (see Sections 10.5A35-36).

10.5A22 Regulating Plan Amendment

10.5A22.10 General

The Regulating Plan may be amended in accordance with the provisions of Section 10.150 (Changes and Amendments), subject to the further provisions of Section 10.5A22.20.

10.5A22.20 Application Requirements

An application for a Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a site plan for such property that complies with the requirements for a request for Design Review under the Site Plan Review Regulations.

Section 10.5A30 Character District Use Standards

- 10.5A31 Buildings, structures and land within a Character district shall comply with the use regulations set forth for the applicable district in Section 10.440, except as specified below:
- 10.5A32 In Character District 4–West End (CD4-W), residential uses are not permitted on the ground floor.
- 10.5A33 In Character District 4–Limited 2 (CD4-L2), commercial uses are not permitted above the ground floor.
- 10.5A34 A lot within the Downtown Overlay District shall comply with the requirements of Section 10.642 Ground Floor Uses.
- 10.5A35 In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay as shown on Map 10.5A21C shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22 and 12.40.

- 10.5A36 In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street as shown on Map 10.5A21C shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440.

Section 10.5A40 Character District Development Standards

10.5A41 Development Standards

Development, structures and lots within Character districts shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-D (Development Standards) and elsewhere in Article 5A.

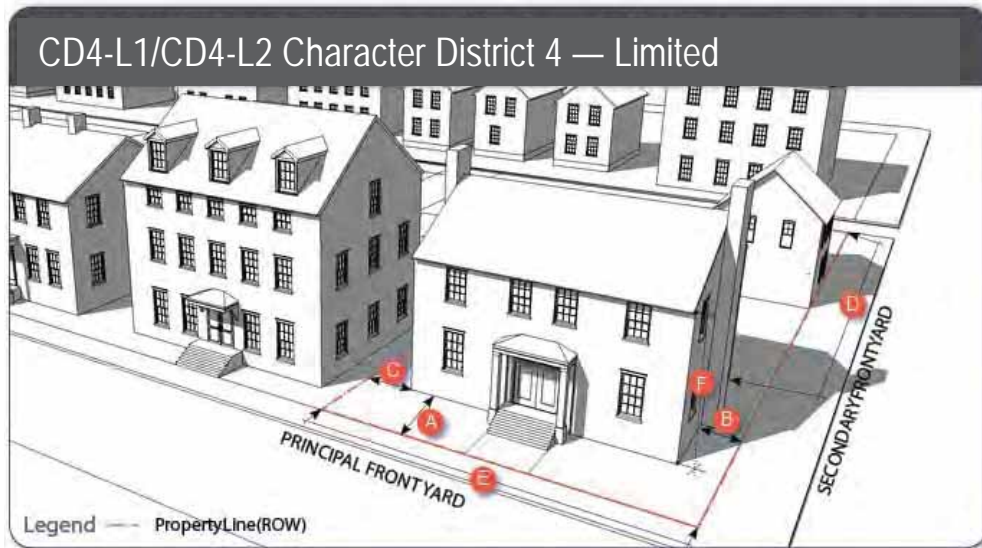
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**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**

These districts consist of medium density areas with a mix of medium to large houses. Upper floor uses are almost entirely residential. Ground floors include some commercial office uses; areas zoned CD4-L2 also allow some restaurant and retail uses on the ground floor. There are shallow front yards and shallow to medium side yards, with variable private landscaping with on-site accessory parking. Streets have sidewalks and street trees, and define medium to large blocks.



**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT — PRINCIPAL BUILDING

Maximum principal front yard	15 ft	A
Maximum secondary front yard	12 ft	B
Side yard	5 ft min. to 20 ft max.	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	60% min. to 80% max.	E

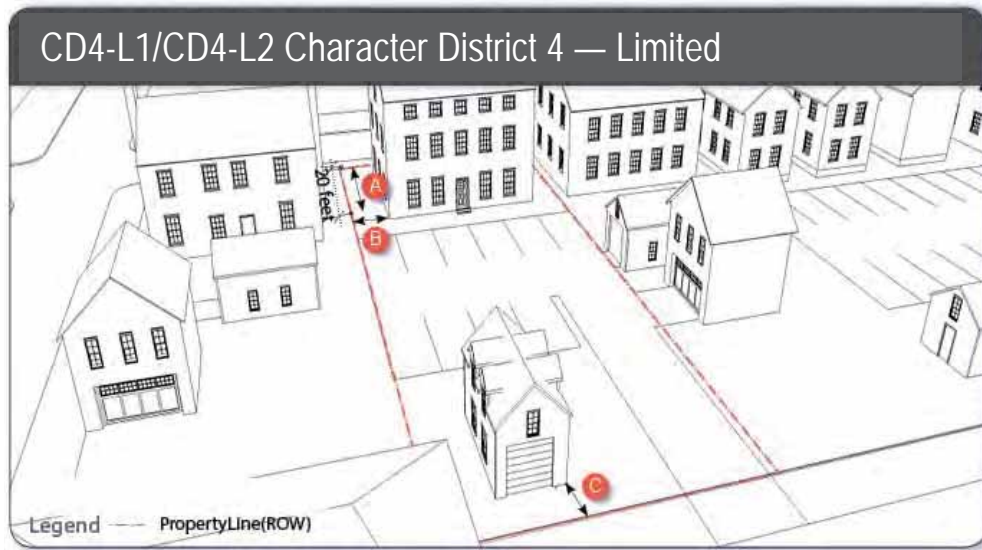
LOT OCCUPATION

Maximum building block length	80 ft
Required façade modulation (see Section 10.5A43.20)	50 ft
Minimum entrance spacing	50 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	2,500 sf
Minimum lot area	3,000 sf
Minimum lot area per dwelling unit	3,000 sf
Minimum open space	25%

BUILDING FORM — PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	11 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	25% min. to 40% max.	
Roof type	gable, hip, gambrel	
Roof pitch, if any:		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	permitted
Duplex	permitted
Rowhouse	permitted
Apartment building	permitted
Live/Work building	permitted
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440
 In the CD4-L2 district, commercial uses are not permitted above the ground floor (see Section 10.5A33)

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	not permitted
Shopfront	not permitted unless required (see Map 10.5A21C)
Officefront	not permitted unless required (see Map 10.5A21C)
Forecourt	permitted*
Recessed-entry	permitted*
*Not permitted in the Downtown Overlay District See Map 10.5A21C for additional requirements	

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

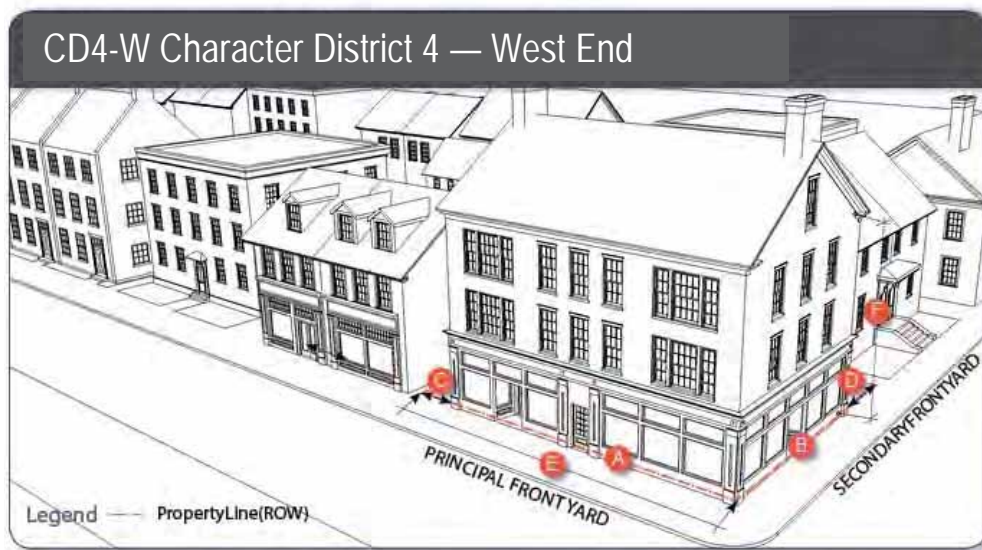
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**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**

This district consists of a medium-to-high density area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping and on-site accessory parking. Streets have sidewalks and street trees, and define medium blocks.



**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft.	C
Rear Yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	50% min.	E

* Except for items listed under Section 10.5A42.12

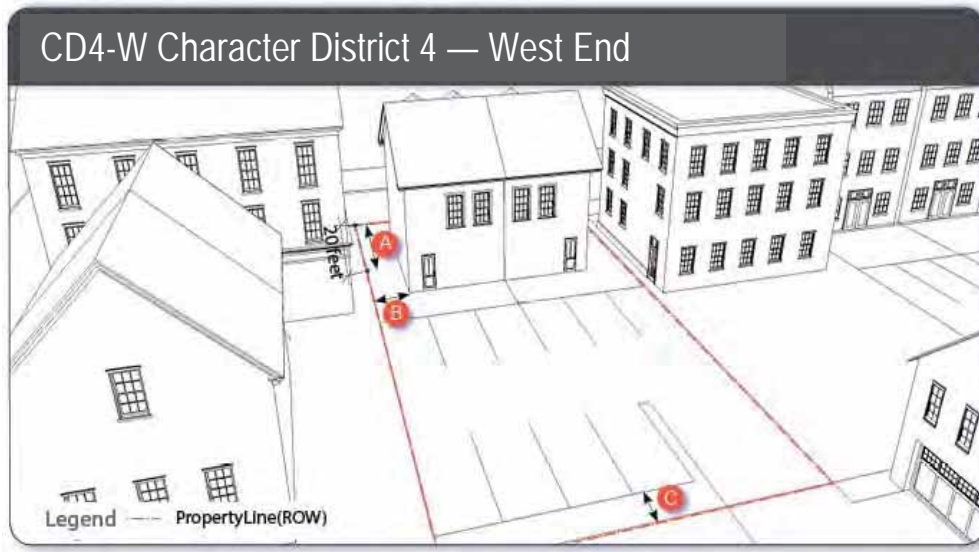
LOT OCCUPATION

Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	60%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf
Minimum lot area	5,000 sf
Minimum lot area per dwelling unit	2,500 sf
Minimum open space	15%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440
Residential uses are not permitted on the ground floor (see Section 10.5A32)

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

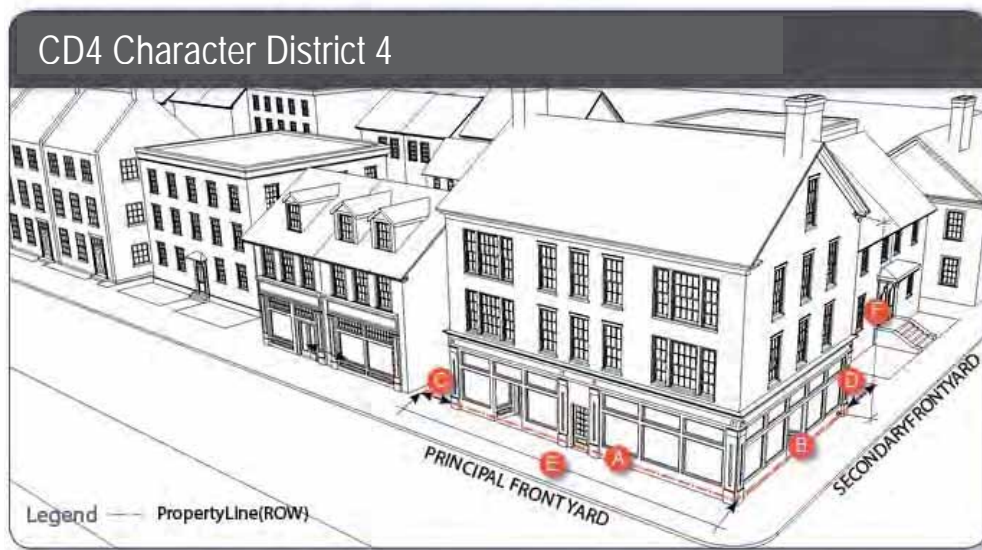
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**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have sidewalks and street trees, and define small to medium blocks.



**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Maximum side yard	20 ft	C
Rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout		
On Ceres Street	50% max. (see Map 10.5A21C)	
Everywhere else	50% min.	

* Except for items listed under Section 10.5A42.12

LOT OCCUPATION

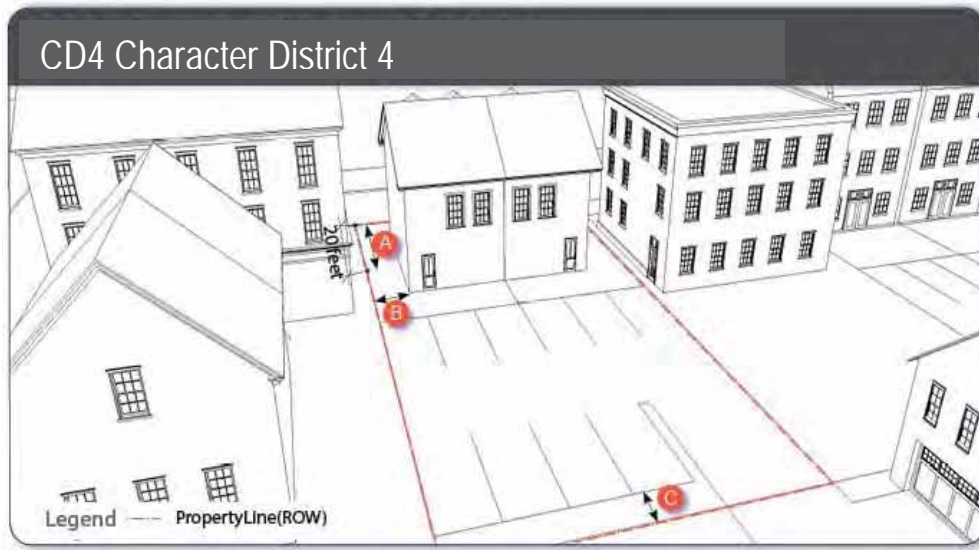
Maximum building block length	200 ft
Required façade modulation (see Section 10.5A43.20)	80 ft
Minimum entrance spacing	60 ft
Maximum building coverage	90%
Maximum building footprint (see Section 10.5A43.50)	20,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	10%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

FAÇADE TYPES	(see Figure 10.5A43.10)
Except where a façade type is required (see Map 10.5A21C) the below standards apply:	
Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*

*Not permitted in the Downtown Overlay District
See Map 10.5A21C for additional requirements

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

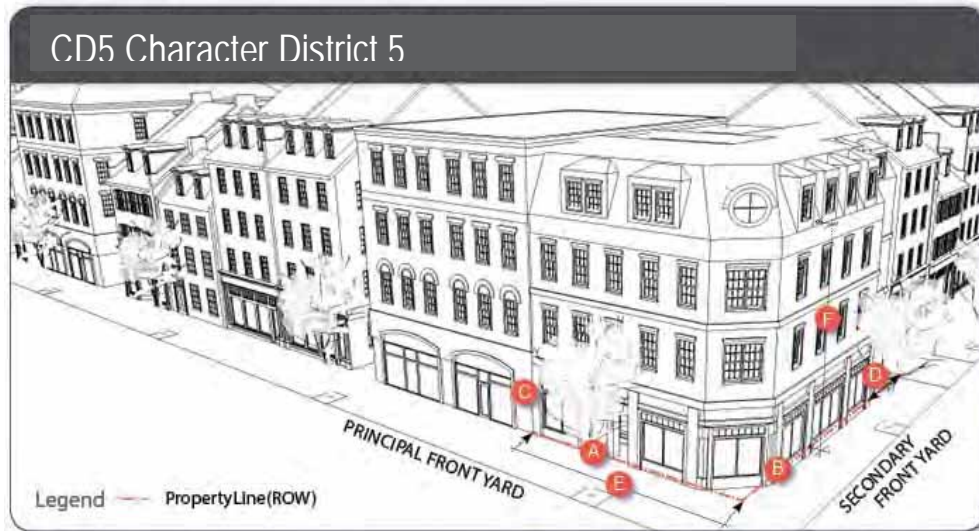
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**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**

This district consists of a high density center with a mix of building types and residential, retail and other commercial uses. There are no front yards or side yards, and limited landscaping and public parking facilities. Streets have sidewalks and trees, and define small to medium blocks.



**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Required principal front yard	0 ft	A
Required secondary front yard	0 ft	B
Required side yard	0 ft	C
Maximum rear yard	20 ft	
Required front lot line buildout	100%	

* Except for items listed under Section 10.5A42.12

LOT OCCUPATION

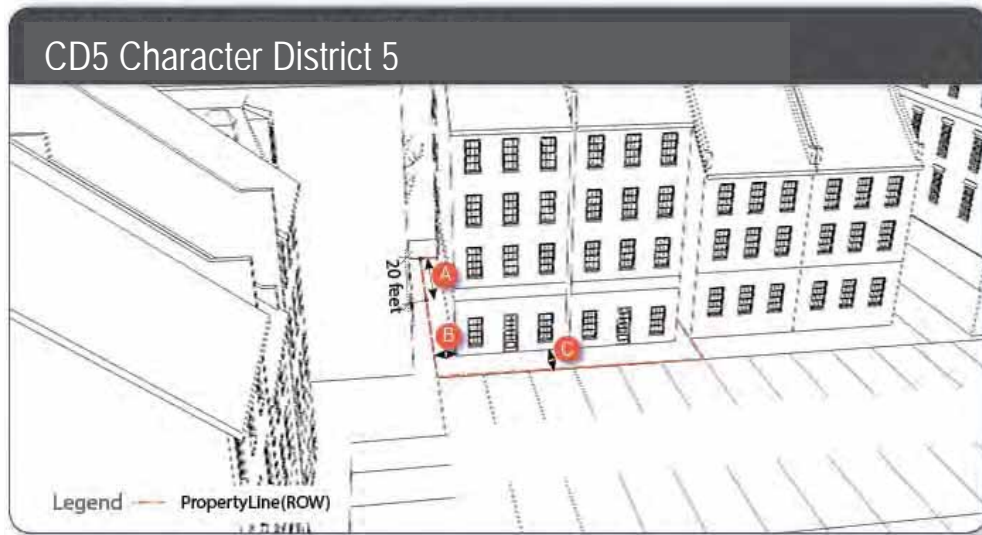
Maximum block length	250 ft
Required façade modulation (see Section 10.5A43.20)	100 ft
Minimum entrance spacing	60 ft
Maximum building coverage	95%
Maximum building footprint (see Section 10.5A43.50)	30,000 sf

Minimum lot area	2,000 sf
Minimum lot area per dwelling unit	NR
Minimum open space	5%

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max.	
Hip	3:12 min.	
Mansard/Gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind the façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

BUILDING TYPES	(see Figure 10.5A43.60)
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted
Small commercial building	permitted
Large commercial building	permitted

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

FAÇADE TYPES (see Figure 10.5A43.10)

Except where a façade type is required (see Map 10.5A21C) the below standards apply:

Porch	not permitted
Stoop	permitted*
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted*
Recessed-entry	permitted*

*Not permitted in the Downtown Overlay District
See Map 10.5A21C for additional requirements

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

10.5A42 Building Placement

10.5A42.10 Yards

- 10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).
- 10.5A42.12 Yards may be increased above the maximum permitted where truncated corners, alleys, vehicular access ways or community space are accepted by the City.
- 10.5A42.13 With respect to lots with more than one front yard:
- (a) For a corner lot, all requirements related to the front yard shall be applicable to both the principal front yard and the secondary front yard(s). The rear yard shall be determined based on the assigned street address.
 - (b) A through lot has two front yards and no rear yard.
 - (c) All requirements related to the front yard shall apply to both the principal front yard and the secondary front yard.

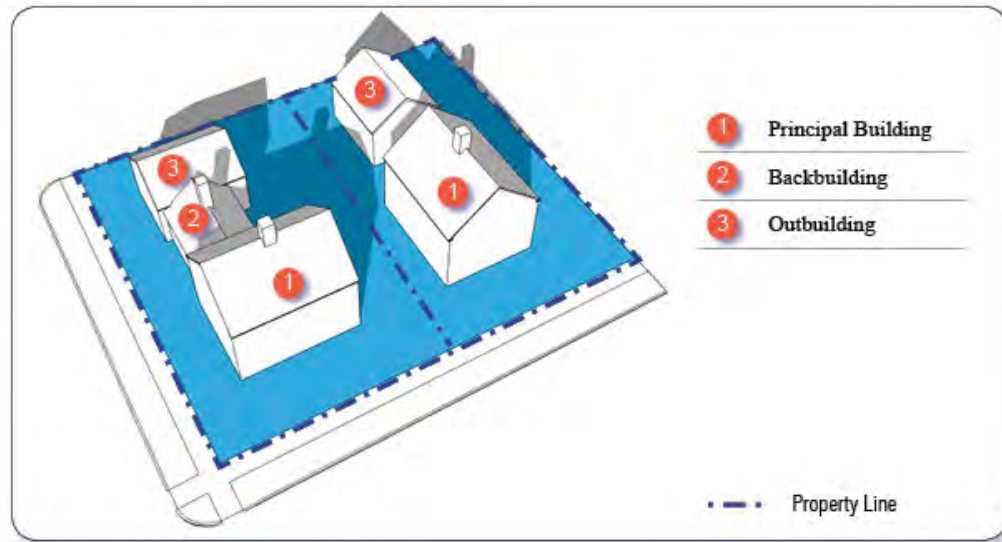
10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING



10.5A43 Building Form and Façades

10.5A43.10 Façade Types

The façade facing the principal front yard shall conform to Figure 10.5A43.10 (Façade Types) and Figures 10.5A41.10A-D (Development Standards), and to any applicable façade type requirements indicated on the Regulating Plan. Permitted building form and façade types may be combined.

10.5A43.20 Façade Modulation

10.5A43.21 Except as listed in 10.5A43.22, a façade 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 required façade modulation dimensions listed in Figures 10.5A41.10A-D (Development Standards).

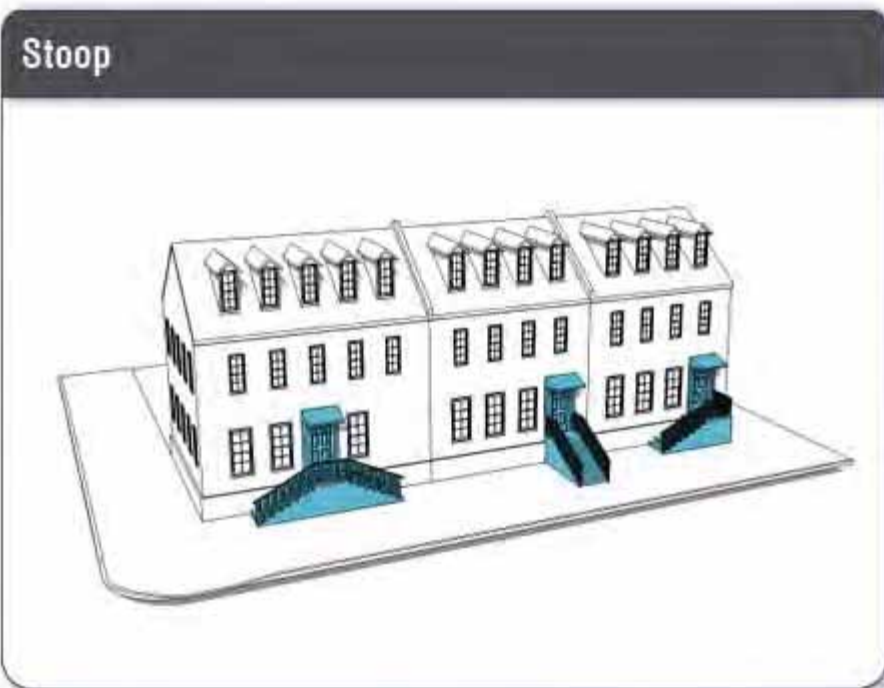
10.5A43.22 Façades that are all brick or masonry and have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including windows recessed in the openings and with multiple panes) shall be exempt from the modulation requirements listed in Figures 10.5A41.10A-D (Development Standards).

FIGURE 10.5A43.10 FAÇADE TYPES



The façade is set back from the front lot line with an attached porch or stoop permitted to encroach. This may be used with or without a fence to maintain street spatial definition.

Permitted districts:
CD4-L1, CD4-L2



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior stair and landing.

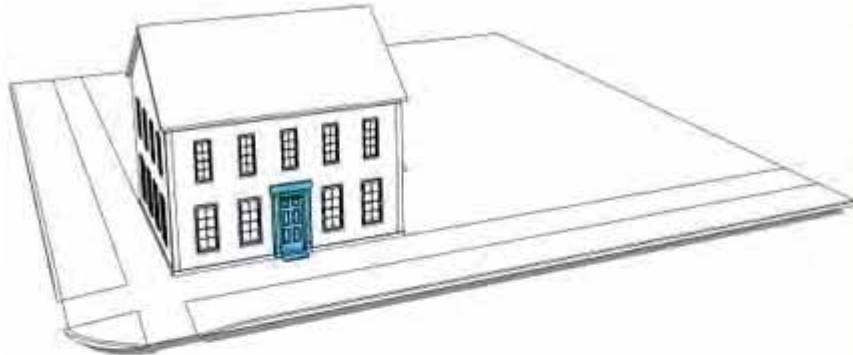
This type is recommended for ground floor residential use.

Permitted districts:
CD5, CD4, CD4-W, CD4-L1, CD4-L2

This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Step



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior single step without a landing.

This type is recommended for ground floor residential office or retail use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

Shopfront



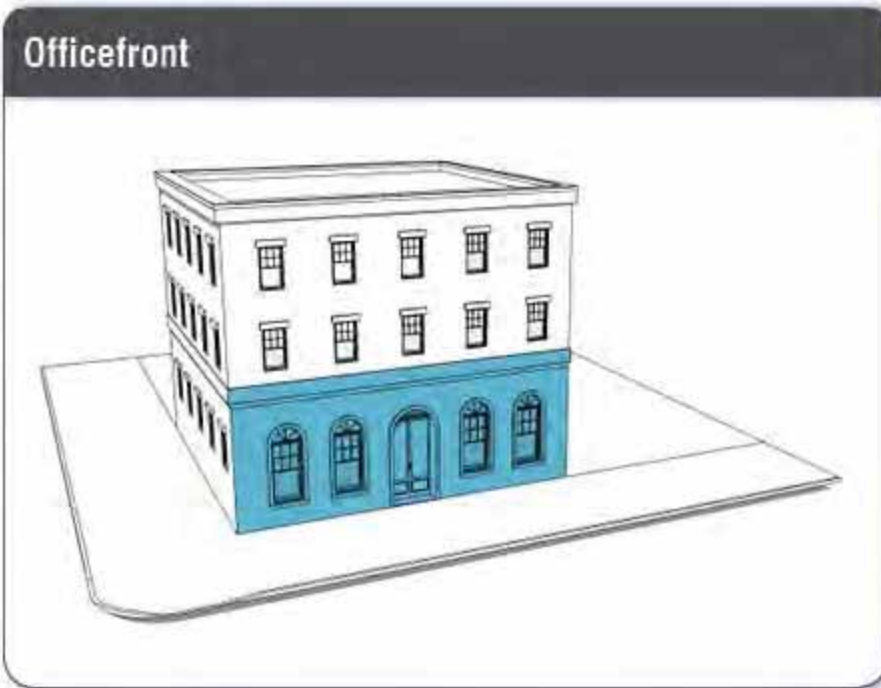
The façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor.

This type is conventional for retail, office or restaurant use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

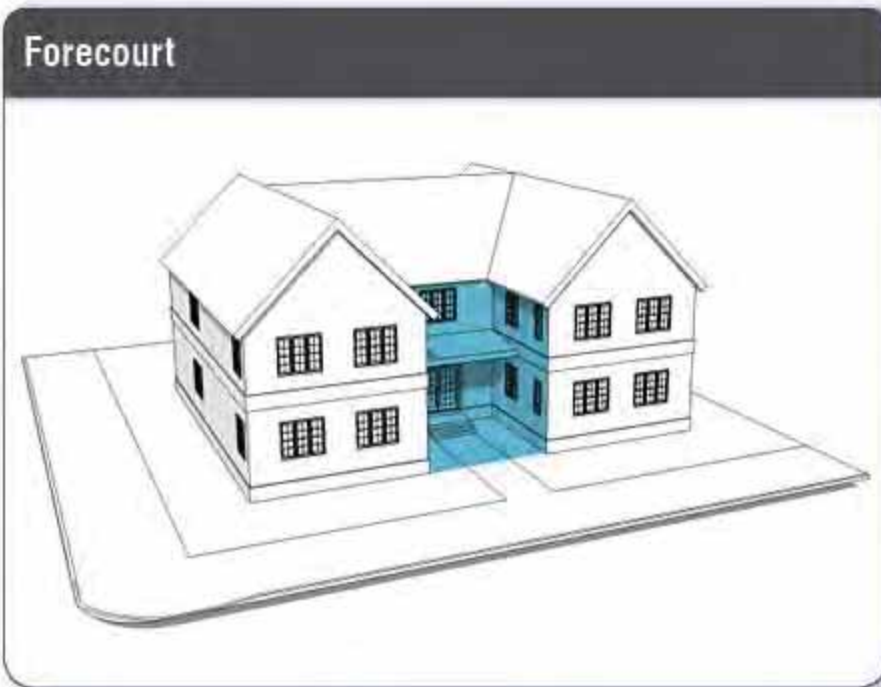


The façade is aligned close to the front lot line with the building entrance at or elevated above sidewalk grade. It may have substantial glazing on the sidewalk level.

This type is conventional for office use.

Permitted districts:

CD5, CD4, CD4-W
Permitted in CD4-L1 & CD4-L2 only where required on Map 10.5A21C (Special Requirements for Façade Types, Front Lot Line Buildout, and Uses)

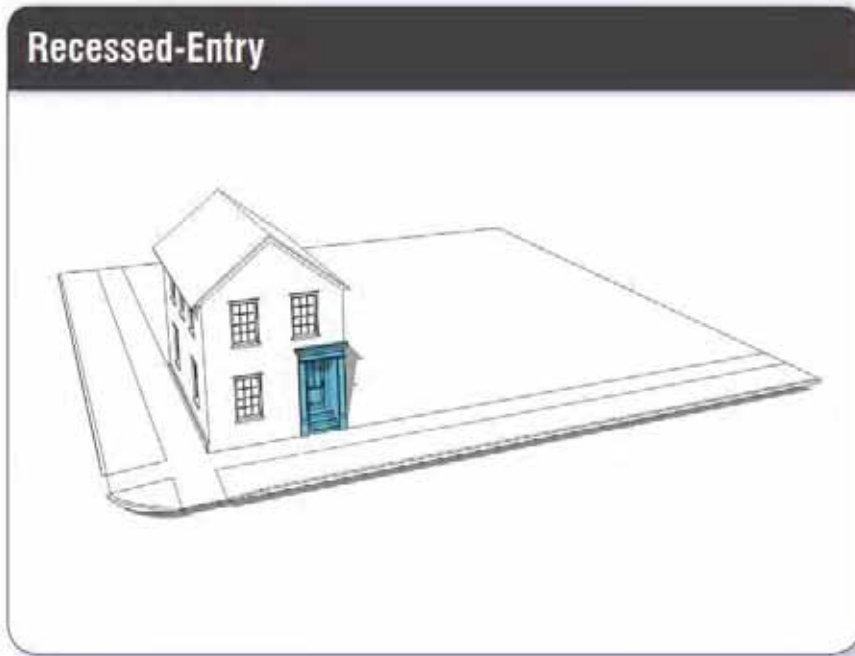


The two ends of the façade are close to the front lot line and the central portion is set back.

Permitted districts:

CD4-L1, CD4-L2
This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



The primary building entrance is recessed within the façade.

This type is conventional for residential use.

Permitted districts:

CD4-L1, CD4-L2, CD4, CD4-W, CD5

This façade type is not permitted in the Downtown Overlay District.

10.5A43.30 Building and Story Heights

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum building height in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.40 Maximum Building Footprint

10.5A43.41 No building or structure footprint shall exceed the applicable maximum building footprint listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached liner building may have a building footprint of up to 30,000 sq. ft. if it meets all other development

standards and is integrated into a parking structure through the provision of community space or shared access.

- 10.5A43.43 A building containing ground floor parking or underground parking levels may have a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if it meets all other development standards and meets both of the following criteria:
- (a) Any parking area that is not completely below a ground floor above the sidewalk level shall be separated from any street or vehicular right of way or easement by a liner building; and
 - (b) No story above the ground floor parking or underground parking levels shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.

- 10.5A43.44 The building footprint of a parking structure shall be no greater than 40,000 sq. ft., and the façade length shall be no greater than 300 feet.

10.5A43.50 Streetscreens

Any streetscreen in a front yard 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.

10.5A43.60 Building Types

Buildings in each Character district shall be of one or more of the building types specified for such Character district in Figure 10.5A43.60 (Building Types).

FIGURE 10.5A43.60 BUILDING TYPES



A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that occupies the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Apartment Building



A building that has the appearance of a multifamily dwelling, with yards on all sides.

Permitted districts:

CD4, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

Permitted districts:

CD5, CD4, CD4-W, CD4-L1, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

Small Commercial Building



A building with a shopfront or officefront façade type and minimal or no front yard, and that is no more than 3 stories in height.

Permitted districts:

CD5, CD4, CD4-W, CD4-L2

Only non-residential uses are permitted on the ground floor in CD4-W and the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A building with a shopfront or officefront façade type and minimal or no front yard, and that is 4 or more stories in height.

Permitted districts:
CD5, CD4, CD4-W

10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 Except as otherwise provided in this Section, all buildings, structures and uses in the Character districts and Civic districts shall comply with the off-street parking requirements set forth in Section 10.1110.

10.5A44.12 Buildings, structures and uses in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 Uses in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A44.22 Uses in the Character districts and Civic districts 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.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 Off-street parking spaces shall not be located in any required front yard, or between a principal building and a street (including on a corner lot), except when in an underground parking level. This restriction shall not apply to off-street parking for a single-family or two-family dwelling.

10.5A44.32 Parking lots and loading areas shall be screened from the street by a building or streetscreen except for any driveway.

- 10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.
- 10.5A44.34 All parking lots, garages, and parking structures shall include a pedestrian exit directly to a front lot line.
- 10.5A44.35 The above-ground portion of a parking structure shall have a liner building along the entire width of any front yard except for driveways and pedestrian entrances.
- 10.5A44.36 A parking lot containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

- 10.5A44.41 Landscape islands:
 - (a) Parking lots shall contain one landscaped island for every 10 parking spaces.
 - (b) A parking lot with more than one landscaped island shall have such islands distributed throughout the parking lot.
 - (c) Each landscaped island shall be a minimum of 325 square feet.
- 10.5A44.42 Trees:
 - (a) Parking lots shall contain at least one tree for every 7 parking spaces.
 - (b) 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.
 - (c) All trees shall be separated from paved surfaces by at least 3 feet.
- 10.5A44.43 All landscaping required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

10.5A44.50 Loading Docks, Storage and Service Areas

Loading docks, storage and service areas shall not be permitted between the principal building and any front lot line.

10.5A45 Architectural Design Guidelines

In reviewing a proposed project within the Historic District under Section 10.630, the Historic District Commission shall review the application 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,” adopted by the Historic District Commission and dated November 18, 2013, which shall apply until superseded by new guidelines adopted by the Historic District Commission and approved by the City Council.

10.5A46 Community Spaces

- 10.5A46.10 Community space types are 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 community space types are shown in Figure 10.5A46.10 (Community Spaces).
- 10.5A46.20 Any development having an aggregate land area of ½ acres or more, from the date of adoption of this amendment, shall include at least 10% of its gross land area assigned and improved as community spaces. Such community space shall count toward the required open space area listed under Figures 10.5A41.10A-D (Development Standards) or the community space required under Section 10.5A47.22(1) The Planning Board shall determine the size, location and type of the required community spaces based on the size and location of the development, and the proposed and adjacent uses.
- 10.5A46.30 Community spaces shall be designed as generally described in Figure 10.5A46.10 (Community Spaces) as related to the adjacent Character district, or if adjacent to more than one, as related to the highest numbered adjacent Character district.
- 10.5A46.40 Development, structures and lots within a community space shall comply with applicable requirements of Article 5A including, but not limited to, Section 10.5A40.
- 10.5A46.50 A community space that is provided on site and otherwise qualifies as open space shall count towards the open space requirement for the development.

FIGURE 10.5A46.10 COMMUNITY SPACES



A natural preserve available for structured or unstructured recreation. A park may be independent of surrounding buildings. 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.

Permitted districts: CD4-L1, CD4-L2



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts.

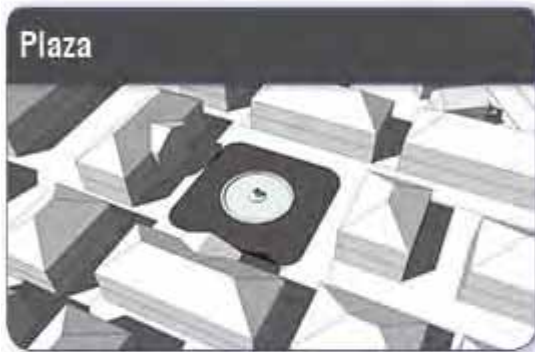
Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2

FIGURE 10.5A46.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted districts: CD4, CD4-W, CD5



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should 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.

Permitted districts: CD4, CD4-W, CD5



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2



A community 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.

Permitted districts: CD5, CD4, CD4-W, CD4-L1, CD4-L2

10.5A47 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A47.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A47.20, as applicable:

10.5A47.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum Building Coverage	No Change	80%
Maximum Building Footprint	30,000 sf	30,000 sf
Minimum Lot Area	No Change	2,000 sf
Minimum Lot Area Per Dwelling Unit	No Change	No minimum
Maximum Building Height	Plus 1 story up to 10 ft	Plus 1 story up to 10 ft
Minimum Off-Street Parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

10.5A47.20 Requirements to Receive Incentives to the Development Standards

- 10.5A47.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include a community space consisting of a continuous public greenway at least 20 feet in width that is parallel to the waterfront for the entire length of the rear or side lot line. The greenway shall include connections to abutting lots or public ways. When such a connection is not available due to current conditions on an abutting lot, provisions shall be made for future connections to such abutting lot in a location determined by the Planning Board.
- 10.5A47.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

- (1) Community space option – All of the following criteria shall be met:
 - (a) The community space shall be a community space type that is permitted within the applicable Character district.
 - (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 20 feet.
 - (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
 - (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
 - (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
 - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed community space is within the same Incentive Overlay District as the development.
 - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

- (2) Workforce housing option – One or more of the following criteria shall be met:
 - (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
 - (b) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

Section 10.5A50 Civic Districts

10.5A51 Purpose

- 10.5A51.10 Civic districts are designated to preserve existing buildings and uses which are open to the general public and owned and operated by a not-for-profit organization or entity other than the City of Portsmouth.

10.5A52 Standards

- 10.5A52.10 Permitted uses in the Civic district are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.
- 10.5A52.20 Structures may be converted to other civic uses permitted under 10.5A52.10 provided that no exterior changes are made to the existing structures.
- 10.5A52.30 When specified in the Site Plan Review Regulations, Site Plan approval is required for changes made to existing structures or the lot.
- 10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.
- 10.5A52.50 Structures in the Civic district that are proposed for and/or converted to non-civic uses permitted under 10.5A30 shall require Regulating Plan amendment as set forth in Section 10.5A22.

Section 10.5A60 Definitions

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

Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Block

The aggregate of private lots, rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

Community space

An area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10.

Façade

The side of a building facing a front yard.

Façade glazing

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

Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

Outbuilding

A 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 Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

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.

Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

A freestanding wall built (1) on the same plane as the front façade or at or along any lot line and (2) which masks a parking lot or other use from the street, provides privacy to a side yard, and/or strengthens the spatial definition of the public realm.

CHARACTER-BASED ZONING – 2016 REVISIONS
CONFORMING AMENDMENTS TO ZONING ORDINANCE

1/11/2016

Amend Chapter 10 – Zoning Ordinance as follows:
(deletions from existing language ~~stricken~~; additions to existing language **bolded**;
remaining language unchanged from existing)

- A. In Article 2, amend Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official, as follows:

10.234.50 In any case in which the Board of Adjustment is required to give notice of a public hearing in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in ~~the Central Business A and Central Business B Districts~~ **Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.**

- B. In Article 4, amend Section 10.410 – Establishment and Purpose of Districts, as follows:

District	Purpose
Character Districts	
Character District 4-L1 CD4-L1	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
Character District 4-L2 CD4-L2	
Character District 4-W CD4-W	
Character District 4 CD4	
Character District 5 CD5	
Business Districts	
Central Business A CBA	To promote a wide range of business, retail, residential, cultural and other public and private uses, in and surrounding the City's historic commercial core, at intensities and patterns that promote pedestrian circulation and support public transit.
Central Business B	

District	Purpose
Other Districts	
Civic District	To preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.

C. In Article 4, amend Section 10.440 – Table of Uses – Residential, Mixed Residential and Industrial Districts, as follows:

1. Delete the column headed “CBA”.
2. In the column headed “CD4-L2”, change “N” to “S” for 7 specific uses, as follows:

Use	CD4-L2
3.70 Club, fraternal or service organization	N S
5.32 Retail bank	N S
7.20 Personal services	N S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	N S
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N S
10.30 Inn	N S

3. In the header row, delete “CBB”, insert “CD4-W” below “CD4”, as follows:

CBB
CD5
CD4
CD4-W

D. In Article 5, amend Section 10.516 – Exceptions to Yard Requirements, as follows:

10.516.30 Corner Lot Vision Obstruction

On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in ~~the CBA and CBB districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

E. In Article 5, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, delete the columns headed “CBA” and “CBB”.

F. In Article 5, delete Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts.

G. In Article 5, Section 10.590 – Minimum Distance Between Nonresidential Uses and Residential or Mixed Residential Districts, make the following changes:

1. In Section 10.591, insert the words “Gateway District” after the words “General Business District”, and replace the words “property zoned residentially” with the words “a parcel in a Residential or Mixed Residential district or Character District 4-L1.”
2. In Section 10.592.10, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.
3. In the footnote to Section 10.592.10, replace the words “the Central Business A (CBA) or Central Business B (CBB) district” with the words “Character District 4 or 5 (CD4 or CD5) or the Downtown Overlay District.”
4. In Section 10.592.20, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.

H. Amend Article 6, Section 10.640 Downtown Overlay District, as follows:

10.641 Establishment and Purpose

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.

10.641.20 The purpose of the DOD is to promote the economic vitality of the ~~central business district~~ **downtown** by ensuring continuity of pedestrian-oriented business uses along streets.

I. In Article 8, Section 10.830 – Business Uses, delete Section 10.831 – Waterfront Industrial District Adjacent to Central Business District.

J. Amend Article 8, Section 10.860 Hours of Operation, as follows:

10.861 The following uses are limited to operation during the times specified:

Use No.*	Use	District with time limitations	From	To
3.51	Performance facility, indoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	8 AM	11 PM
3.52	Performance facility, outdoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	4 PM	11 PM
8.111 8.121	Convenience goods 1 & Convenience goods 2	MRB, CBA, CBB, CD5, CD4, CD4-W, CD4-L2, GB, GW, B	6 AM	11 PM

* Refer to Section 10.440, Table of Uses.

K. Amend Article 11, Section 10.1120 Off-Street Loading, as follows:

10.1121 General Requirements

10.1121.10 ~~In all Business (except Central Business A and B), Airport, and Industrial districts, All new structures, additions to existing structures, and changes and intensification of use in existing structures shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

10.1121.20 No loading areas shall be required in the ~~Central Business A and Central Business B districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

L. Amend Article 12, Section 10.1230 Sign Districts, as follows:

10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs. These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 3	Central Business A Central Business B Character District 4-W Character District 4 Character District 5

- M. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, by inserting the following definitions in alphabetical order:

Garage

An area within a principal building that provides space for parking vehicles as an accessory use. Not synonymous with parking structure. (See also: parking lot, parking structure, underground parking level.)

Parking lot

A ground-level open area within a lot for parking vehicles as a principal use or accessory use. (See also: garage, parking structure, underground parking level.)

Parking structure

A structure containing multiple stories of parking as a principal use or accessory use. (See also: garage, parking lot, underground parking level.)

- N. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, as follows:

Building footprint

~~The total area of a building, at or above 18 inches in elevation as measured from the outside walls at the grade plane,~~ **of a detached building, or of two or more buildings separated by fire walls, common walls or property lines.**

Workforce housing

~~Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household; or rental housing which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this definition.~~ **A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.**

Character-Based Zoning – 2016 Revisions

Proposed Additional West End Zoning Changes

1/11/2016

(Parcels are listed by Assessors Map-Lot references)

From Character District 4-L1 (CD4-L1) to General Residence C (GRC)

126-27
126-28
126-31
126-32

From Mixed Residence Business (MRB) to General Residence C (GRC)

138-48	139-2	146-19
138-48-1	139-3	146-20
138-48-2	139-4	146-21
138-49	139-5	146-22
138-50	139-6	146-23
138-51		
138-52	144-40	147-22
138-54		147-23
138-55	145-14	147-24
138-56	145-19	147-25
138-57	145-20	147-26
138-58	145-21	147-27
138-59	145-29	147-28
	145-30	147-29
		147-30
		147-30A
		156-24
		156-35

From Business (B) to General Residence C (GRC)

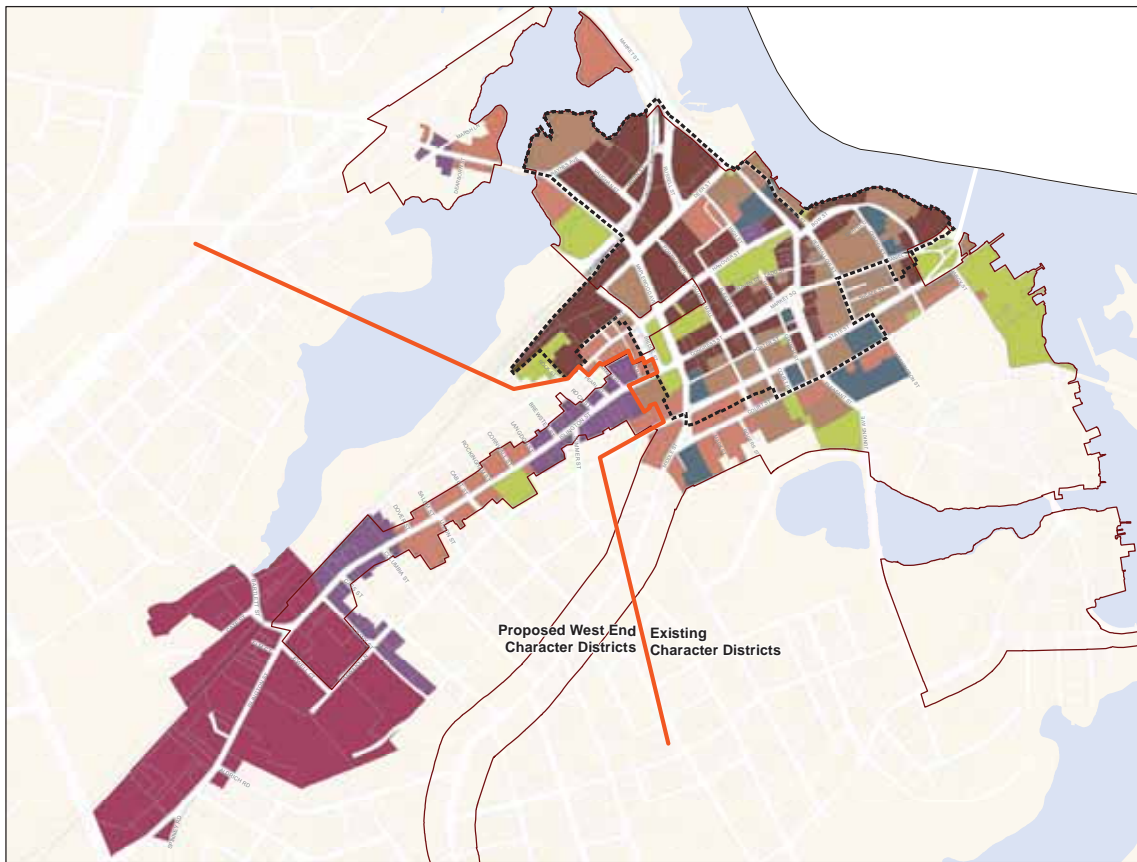
157-10
157-11
157-12
157-13
157-14

From Central Business B (CBB) to General Residence C (GRC)

138-34

Map 10.6A21A Character Districts and Civic Districts

First Reading - January 11, 2016



Legend

Downtown Overlay District

Historic District

Character Districts

CD5 Character District 5

CD4 Character District 4

CD4-W Character District 4-W

CD4-L1 Character District 4-L1

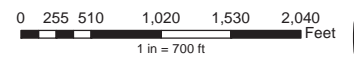
CD4-L2 Character District 4-L2

Civic District

Civic District

Municipal District

Municipal District



Map 10.6A21B Building Height Standards

First Reading - January 11, 2016



Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penthouse levels may exceed the building height by 2 feet.

1. 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 with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

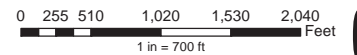
3. Attic space within either a gable, gambrel, Hip, or hip-top mansard roof or a penthouse level on a flat roof is not considered a story. Attic space is permitted above the top story provided the proposed building is no greater than the maximum building height.

|||| North End Incentive Overlay District

|||| West End Incentive Overlay District

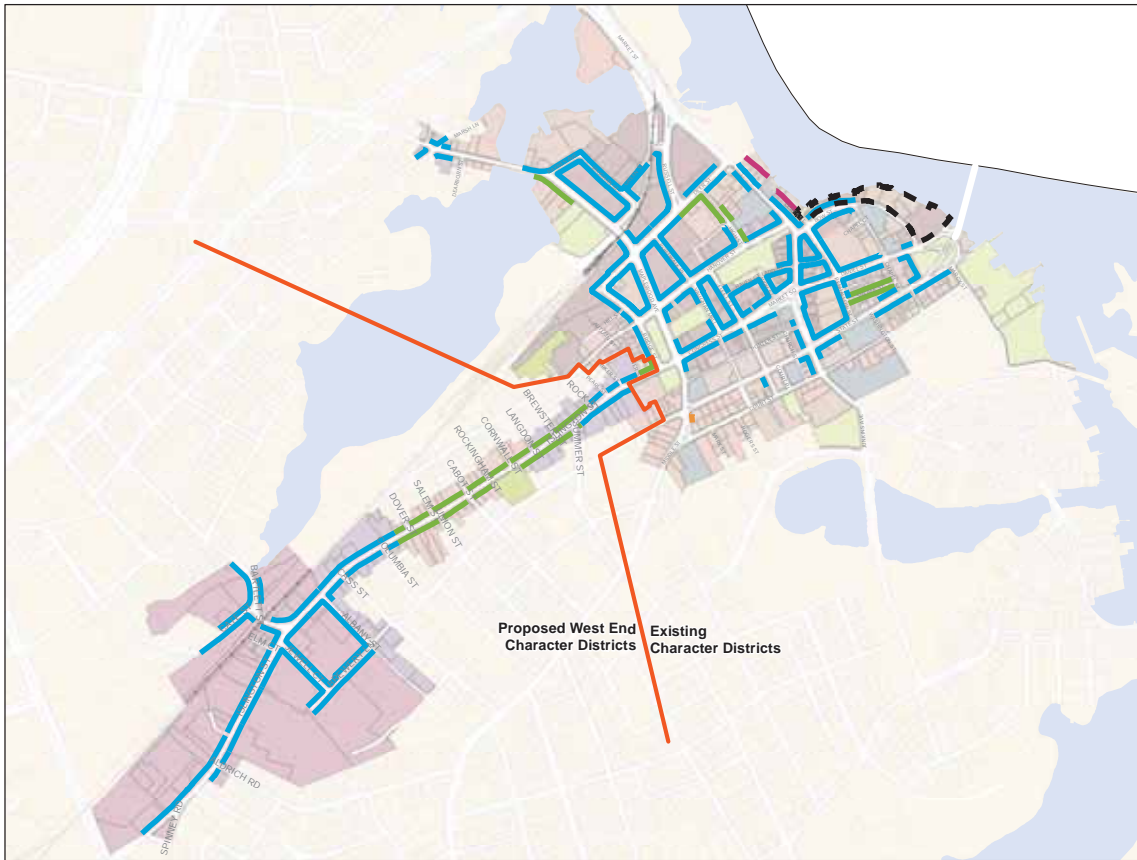
The maximum building height within Incentive Overlay Districts may be increased pursuant to Section 10.5A47.

Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.



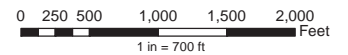
Map 10.6A21C Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

First Reading - January 11, 2016



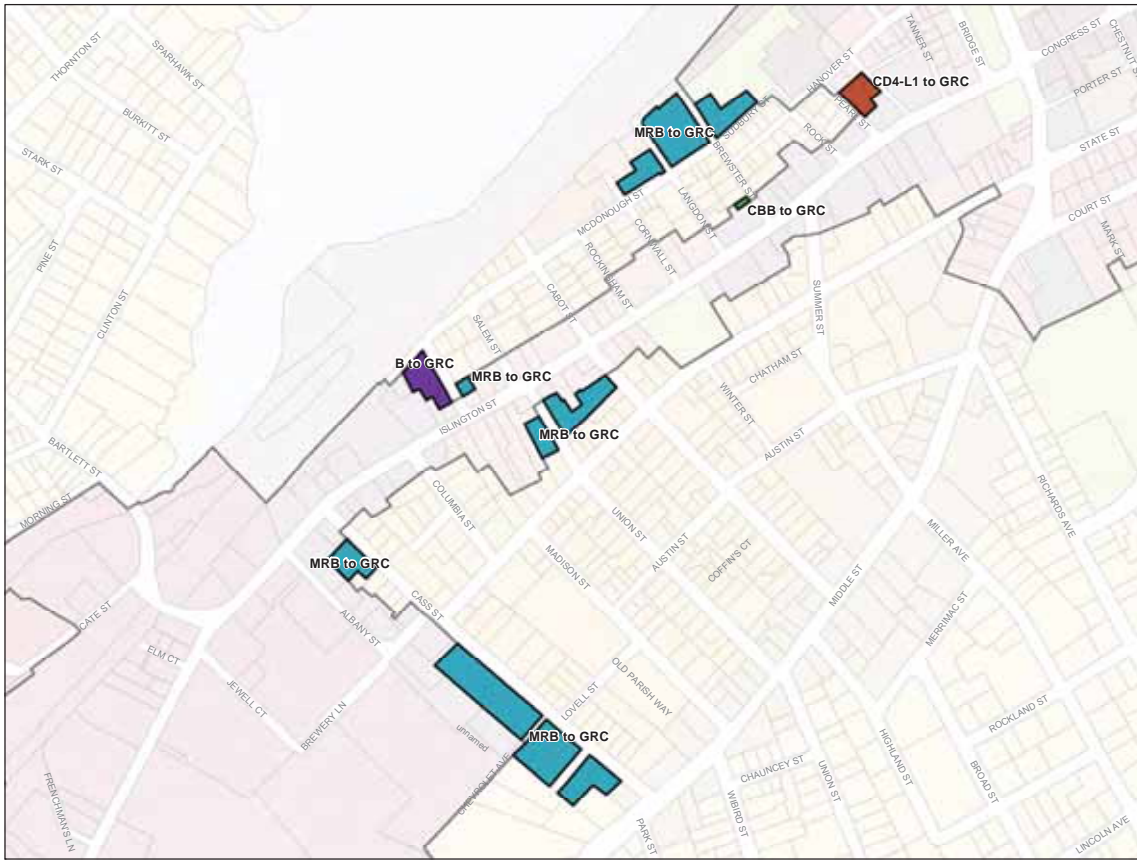
Legend

- Shopfront façade type
 - Step façade type
 - Officefront façade type
 - Waterfront Use Overlay
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit the following uses as set forth in Section 10.440: 9.60, 12.20, 12.22, and 12.40 (Section 10.5A35).
 - Waterfront lots on Ceres Street
For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance (Section 10.5A21.30).
- In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440 (Section 10.5A36).

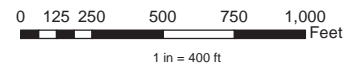


Additional West End Zoning Changes

First Reading - January 11, 2016



- Legend**
- Character districts area
 - Additional West End Zoning Changes**
 - Business to General Residence C
 - Central Business B to General Residence C
 - Character District 4-L1 to General Residence C
 - Mixed Residential Business to General Residence C



9

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance be amended as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 5/2/16.
- (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 5/2/2016.
- (3) Amend the Zoning Map as set forth in the following maps dated May 2, 2016:
 - (a) Map 10.5A21A – Character Districts and Civic Districts;
 - (b) Map 10.5A21B – Building Height Standards;
 - (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.
- (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 5/2/2016 and as shown on the map titled “Additional West End Zoning Changes – Second Reading – May 2, 2016”.

The City Clerk shall properly alphabetize and/or re-number the ordinances 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:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 5A Character-Based Zoning

- Section 10.5A10** General
- Section 10.5A20** Regulating Plan
- Section 10.5A30** Character District Use Standards
- Section 10.5A40** Character District Development Standards
- Section 10.5A50** Civic Districts
- Section 10.5A60** Definitions

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 Applicability

- 10.5A12.10 Article 5A shall apply to the Character districts and Civic districts as shown on the Regulating Plan.
- 10.5A12.20 Municipal districts are shown on the Regulating Plan for reference but are governed by other sections of the Zoning Ordinance (specifically, Sections 10.460 and 10.560) and not by Article 5A.

10.5A13 Compliance with Regulating Plan

- 10.5A13.10 In the Character districts and Civic districts, all lots, buildings, structures, uses, and development shall comply with the requirements of Article 5A, as well as with all other provisions of this Zoning Ordinance that are not superseded by Article 5A.
- 10.5A13.20 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except pursuant to the Regulating Plan and in compliance with all standards and requirements for the district.

10.5A14 Relationship to Other Provisions of the Zoning Ordinance

- 10.5A14.10 The provisions of Article 5A shall take precedence over all other provisions of the Zoning Ordinance that are in conflict with Article 5A.
- 10.5A14.20 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 in the Character districts and Civic districts.

10.5A15 Relationship to Other Regulations, Codes and Ordinances

- 10.5A15.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5A.
- 10.5A15.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5A.
- 10.5A15.30 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.

10.5A16 Figures

- 10.5A16.10 The standards and definitions in the following figures are an integral part of Article 5A:
 - Figure 10.5A41.10A – Development Standards: Character District 4– Limited (CD4-L1/CD4-L2)
 - Figure 10.5A41.10B – Development Standards: Character District 4– West End (CD4-W)
 - Figure 10.5A41.10C – Development Standards: Character District 4 (CD4)
 - Figure 10.5A41.10D – Development Standards: Character District 5 (CD5)
 - Figure 10.5A43.10 – Façade Types
 - Figure 10.5A43.60 – Building Types
 - Figure 10.5A46.10 – Community Spaces
- 10.5A16.20 The diagrams, photographs and illustrations contained in the above figures are provided only to provide reference to certain regulating elements and indicate general character within the various districts and shall have regulatory force and effect only to that extent.

10.5A17 Definitions

Terms used throughout Article 5A may be defined in the figures (Façade Types, Building Types, and Community Spaces), 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 unless the context clearly indicates otherwise.

Section 10.5A20 Regulating Plan

10.5A21 General

10.5A21.10 Contents of Regulating Plan

The Regulating Plan is the Zoning Map for the Character districts and Civic districts. The Regulating Plan consists of the following maps:

- Map 10.5A21A – Character Districts and Civic Districts
- Map 10.5A21B – Building Height Standards
- Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

10.5A21.20 Building Height Standards

10.5A21.21 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 (whichever is lower) and no less than the designated minimum number of stories.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest

building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.

10.5A21.30 Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

The following standards shall apply when so designated by the Regulating Plan:

- (a) Specific façade type requirements apply to designated properties at the sidewalk level. Where a permitted building type conflicts with a required façade type, the façade type shall supersede.
- (b) For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance.
- (c) Specific use requirements apply to designated properties along the waterfront area (see Sections 10.5A34-35).

10.5A22 Regulating Plan Amendment

10.5A22.10 General

The Regulating Plan may be amended in accordance with the provisions of Section 10.150 (Changes and Amendments), subject to the further provisions of Section 10.5A22.20.

10.5A22.20 Application Requirements

An application for a Regulating Plan amendment initiated by or on behalf of the owner of property shall be accompanied by a site plan for such property that complies with the requirements for a request for Design Review under the Site Plan Review Regulations.

Section 10.5A30 Character District Use Standards

- 10.5A31 Buildings, structures and land within a Character district shall comply with the use regulations set forth for the applicable district in Section 10.440, except as specified below:
- 10.5A32 In Character District 4–West End (CD4-W), residential uses are not permitted on the ground floor except for Rowhouse units.
- 10.5A33 A lot within the Downtown Overlay District shall comply with the requirements of Section 10.642 Ground Floor Uses.
- 10.5A34 In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay as shown on Map 10.5A21C shall also permit uses 9.60, 12.20, 12.22 and 12.40 as set forth in Section 10.440 (Table of Uses).

- 10.5A35 In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street as shown on Map 10.5A21C shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440.

Section 10.5A40 Character District Development Standards

10.5A41 Development Standards

Development, structures and lots within Character districts shall comply with the applicable general description and standards set forth in Figures 10.5A41.10A-D (Development Standards) and elsewhere in Article 5A.

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**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**

These districts consist of medium density areas with a mix of medium to large houses. Upper floor uses are almost entirely residential. Ground floors include some commercial office uses; areas zoned CD4-L2 also allow some restaurant and retail uses on the ground floor. There are shallow front yards and shallow to medium side yards, with variable private landscaping, and on-site accessory parking. Streets have sidewalks and street trees, and define medium to large blocks.



**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT – PRINCIPAL BUILDING

Maximum principal front yard	15 ft	A
Maximum secondary front yard	12 ft	B
Side yard	5 ft min. to 20 ft max.	C
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout	60% min. to 80% max.	

BUILDING AND LOT OCCUPATION

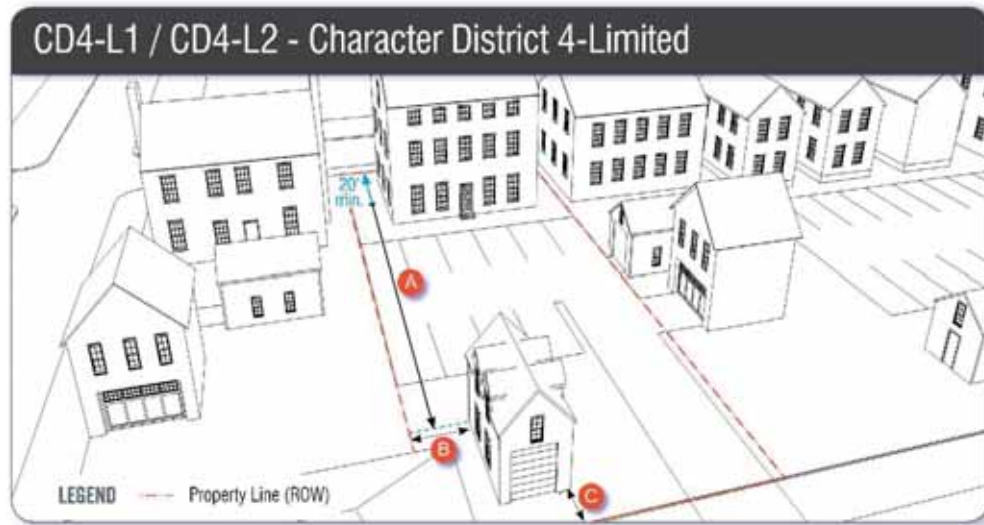
Maximum building block length	80 ft	E
Maximum façade modulation length	50 ft (see Section 10.5A43.20)	
Maximum entrance spacing	NR	
Maximum building coverage	60%	
Maximum building footprint	2,500 sf	
Minimum lot area	3,000 sf	

Minimum lot area per dwelling unit	3,000 sf
Minimum open space	25%
Maximum ground floor GFA per use	NR

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	11 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 40% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted

*Not permitted in the Downtown Overlay District
 **Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
 Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted
Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted

*Not permitted in the Downtown Overlay District

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

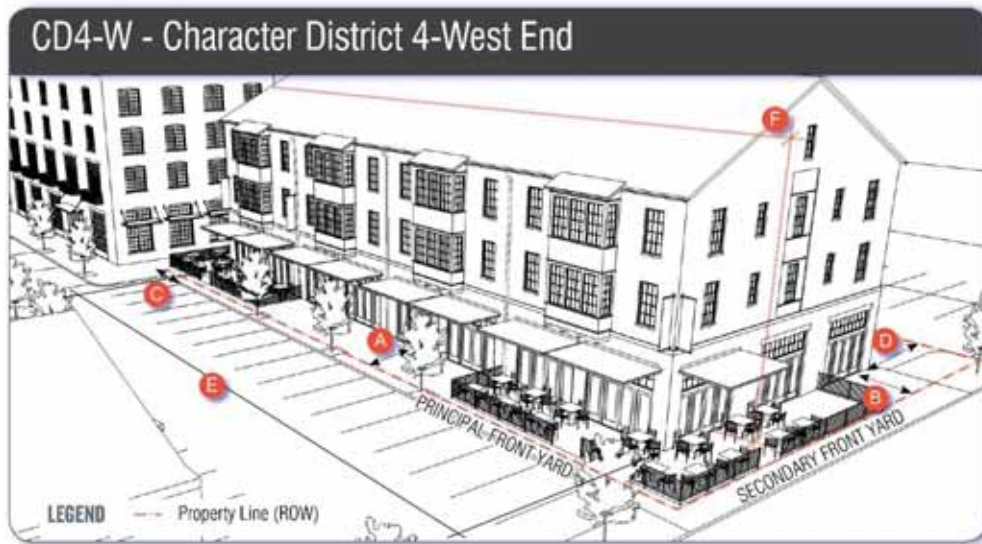
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**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**

This district consists of a medium-to-high density area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping and on-site accessory parking. Streets have sidewalks and street trees or other pedestrian amenities, and define medium blocks.



**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4–WEST END (CD4-W)**



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Side yard	NR	C
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Minimum front lot line buildout	50%	E

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

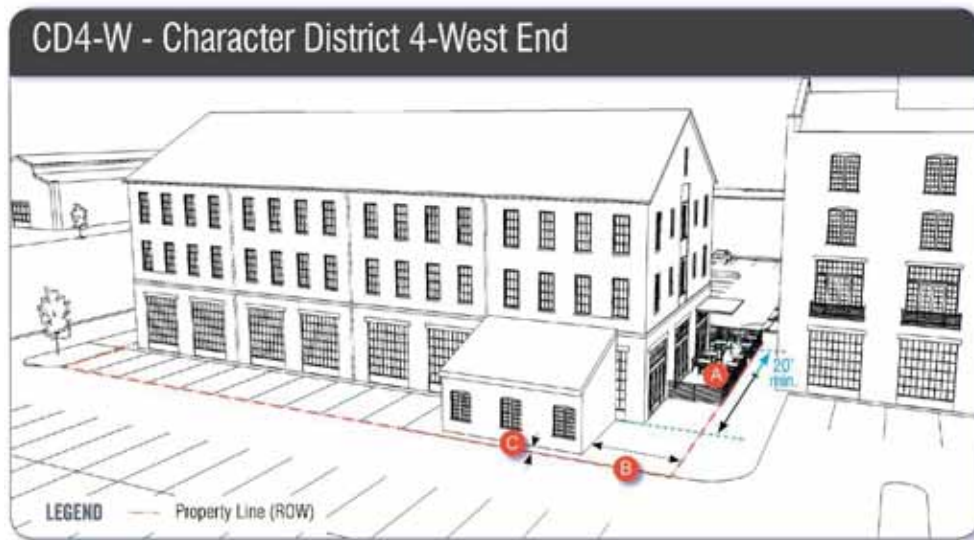
Maximum building block length	200 ft	E
Maximum façade modulation length	80 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	60%	
Maximum building footprint	15,000 sf (or as allowed by Section 10.5A43.40)	

Minimum lot area	5,000 sf
Minimum lot area per dwelling unit	2,500 sf
Minimum open space	15%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted

*Residential uses are not permitted on the ground floor

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

Residential uses are not permitted on the ground floor (see Section 10.5A32) except for rowhouse units.

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

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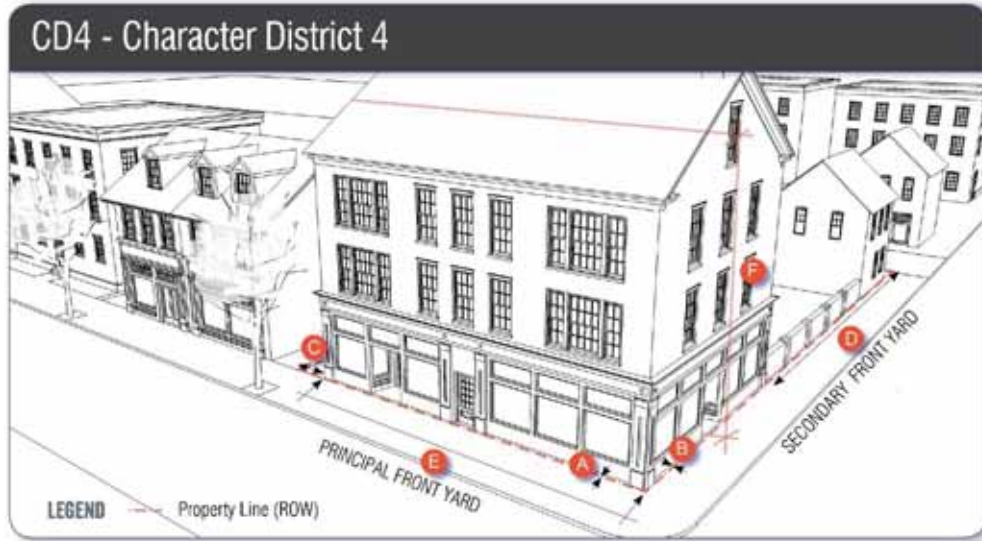
**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**

This district consists of a medium-to-high density transitional area with a mix of building types and residential, retail, and other commercial uses. There are shallow or no front yards and medium to no side yards, with variable private landscaping. Streets have sidewalks and street trees or other pedestrian amenities, and define small to medium blocks.



FIGURE 10.5A41.10C DEVELOPMENT STANDARDS

Character District 4 (CD4)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	A
Maximum secondary front yard	15 ft	B
Side yard	NR	C
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Front lot line buildout		
On Ceres Street	50% max. (See Map 10.5A21C)	
Everywhere else	50% min.	

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

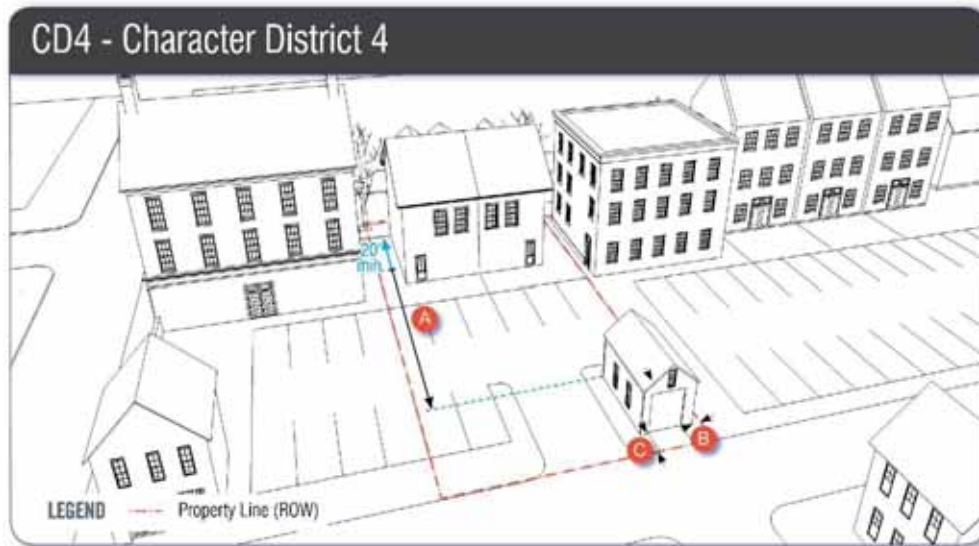
Maximum building block length	200 ft	E
Maximum façade modulation length	80 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	90%	
Maximum building footprint	15,000 sf (or as allowed by Section 10.5A43.40)	

Minimum lot area	NR
Minimum lot area per dwelling unit	NR
Minimum open space	10%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	permitted
Large commercial building	permitted

*Not permitted in the Downtown Overlay District
 **Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
 Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

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**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**

This district consists of a high density center with a mix of building types and residential, retail and other commercial uses. There are no front yards or side yards, and limited landscaping and public parking facilities. Streets have sidewalks and trees or other pedestrian amenities, and define small to medium blocks.



FIGURE 10.5A41.10D DEVELOPMENT STANDARDS

Character District 5 (CD5)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	5 ft	A
Maximum secondary front yard	5 ft	B
Side yard	NR	C
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	D
Minimum front lot line buildout	80%	

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

Maximum building block length	225 ft	E
Maximum façade modulation length	100 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	95%	
Maximum building footprint	20,000 sf (or as allowed by Section 10.5A43.40)	

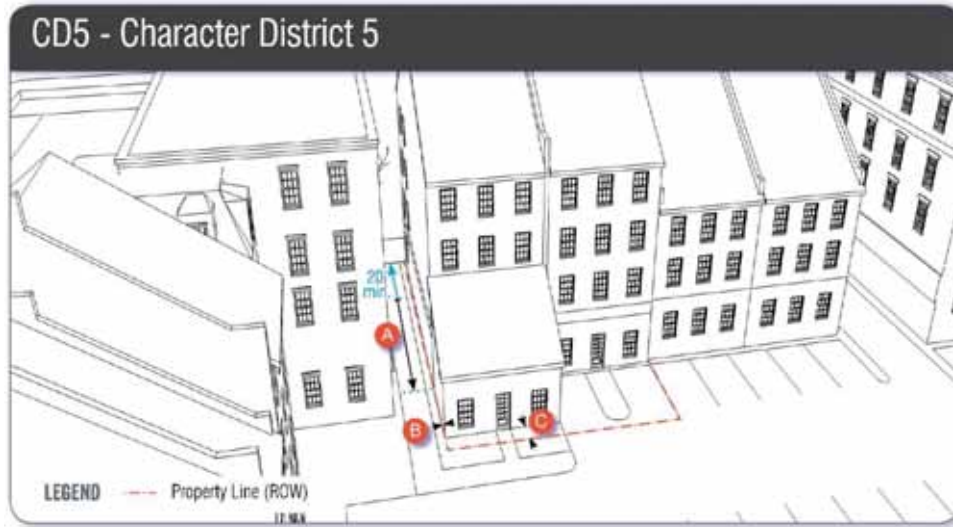
Minimum lot area	NR
Minimum lot area per dwelling unit	NR
Minimum open space	5%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	F
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Minimum upper story height	10 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

FIGURE 10.5A41.10D DEVELOPMENT STANDARDS

Character District 5 (CD5)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A46

10.5A42 Building Placement

10.5A42.10 Yards

10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).

10.5A42.12 Yards may be increased above the maximum permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.

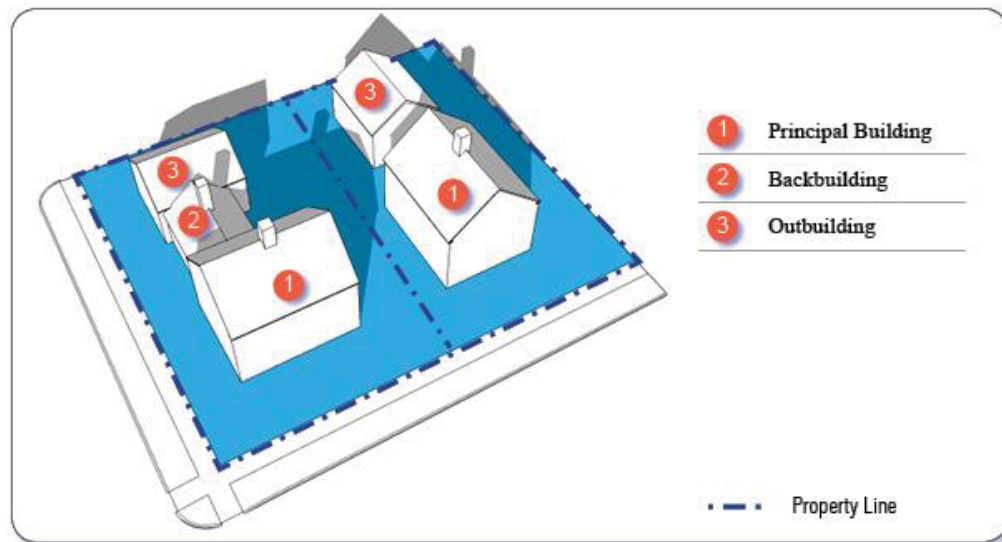
10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING



10.5A43 Building Form and Façades

10.5A43.10 Façade Types

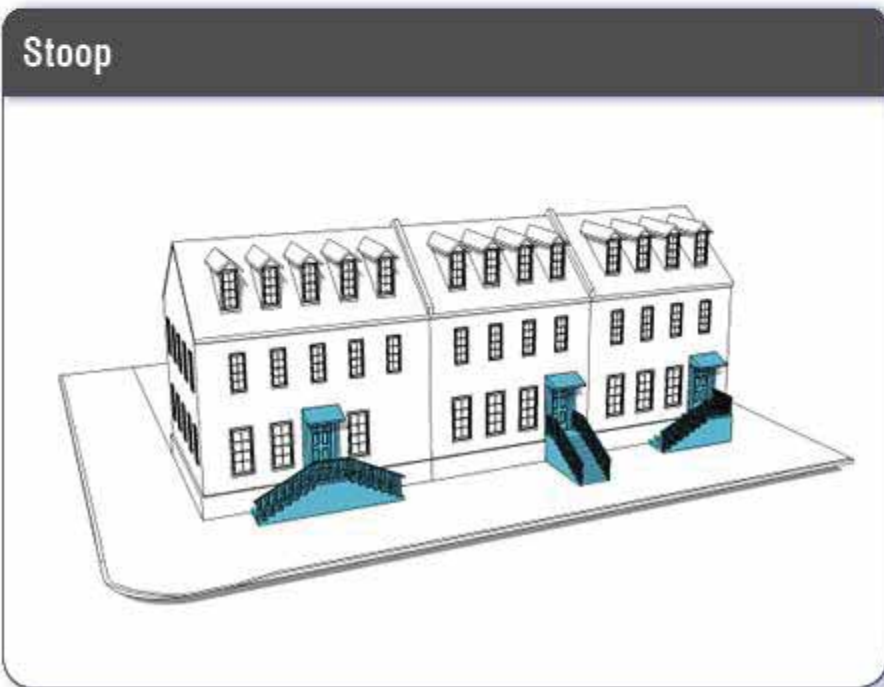
The façade facing the principal front yard shall conform to Figure 10.5A43.10 (Façade Types) and Figures 10.5A41.10A-D (Development Standards), and to any applicable façade type requirements indicated on the Regulating Plan. Permitted building form and façade types may be combined.

FIGURE 10.5A43.10 FAÇADE TYPES



The façade is set back from the front lot line with an attached porch or stoop permitted to encroach. This may be used with or without a fence to maintain street spatial definition.

Permitted districts:
CD4-L1, CD4-L2



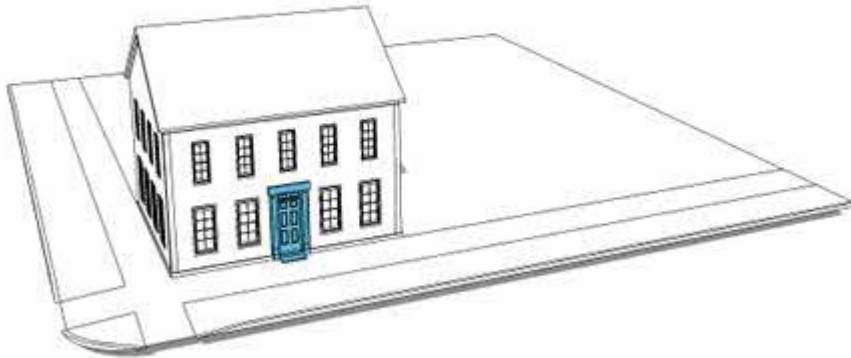
The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior stair and landing.

This type is recommended for ground floor residential use.

Permitted districts:
CD5, CD4, CD4-W, CD4-L1, CD4-L2

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Step



The façade is aligned close to the front lot line with the ground floor elevated from the sidewalk for privacy. The entrance has an exterior single step without a landing.

This type is recommended for ground floor residential, office or retail use.

Permitted districts:

CD5, CD4, CD4-W

Only permitted in CD4-L1 & CD4-L2 where indicated on Map 10.5A21C.

Shopfront



The façade is aligned close to the front lot line with the building entrance at sidewalk grade and with substantial glazing on the ground floor.

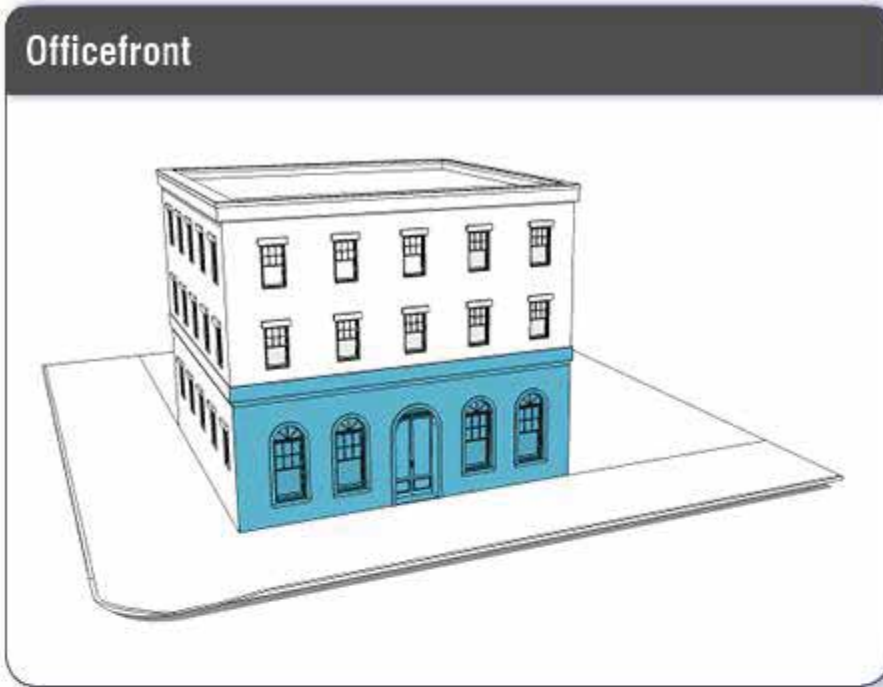
This type is conventional for retail, office or restaurant use.

Permitted districts:

CD5, CD4, CD4-W, CD4-L2

Only permitted in CD4-L1 where indicated on Map 10.5A21C.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

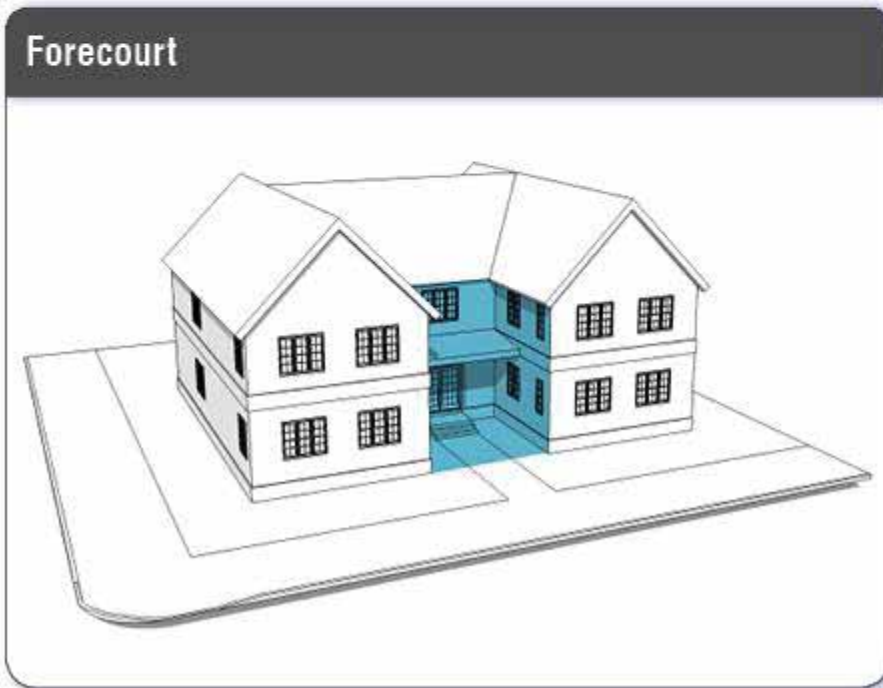


The façade is aligned close to the front lot line with the building entrance at or elevated above sidewalk grade. It may have substantial glazing on the sidewalk level.

This type is conventional for office use.

Permitted districts:

CD5, CD4, CD4-W
Only permitted in CD4-L1 & CD4-L2 where indicated on Map 10.5A21C.



The two ends of the façade are close to the front lot line and the central portion is set back.

Permitted districts:

CD4-L1, CD4-L2
This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



The façade is aligned close to the front lot line and the primary building entrance is recessed within the façade.

This type is conventional for residential use.

Permitted districts:

CD4-L1, CD4-L2, CD4, CD4-W, CD5

10.5A43.20 Façade Modulation

10.5A43.21 Except as listed in 10.5A43.22, a façade shall be modulated by major breaks in the façade plane and/or changes in exterior materials or rooflines. No individual section of a façade shall be longer than the maximum façade modulation length listed in Figures 10.5A41.10A-D (Development Standards).

10.5A43.22 Façades that have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including windows recessed in the openings and with multiple panes) shall be exempt from the façade modulation requirements listed in Figures 10.5A41.10A-D (Development Standards).

10.5A43.30 Building and Story Heights

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum building height in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.32 A roof appurtenance may exceed the maximum allowed building height as specified on Map 10.5A21B (Building Height Standards) by 10 feet, subject to the following:

- (a) All roof appurtenances and other features that exceed the allowed building height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.
- (b) Solar energy panels shall not be subject to the 33 percent limitation provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street.
- (c) The area of roof appurtenances that comply with this section shall not be considered as part of the building’s gross floor area calculations.

10.5A43.33 A development that is not located in an incentive overlay district and that contains at least one acre of lot area shall be allowed an additional story in height (up to 10 feet) if at least 20% of the property is assigned and improved as a community space. Such community space shall count toward the required open space listed in Figures 10.5A41.10A-D (Development Standards). The size, location and type of the community space shall be based on the size and location of the development, and the proposed and adjacent uses.

10.5A43.40 Maximum Building Footprint

10.5A43.41 No building or structure footprint shall exceed the applicable maximum building footprint listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached liner building may have a building footprint of up to 30,000 sq. ft. if it meets all other development standards and is integrated into a parking structure through the provision of community space or shared access.

- 10.5A43.43 A building, not subject to Section 10.5A43.42, containing ground floor parking, a parking garage or underground parking levels may have a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:
- (a) No story above the ground floor parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
 - (b) All ground floor parking areas shall be separated from any public or private street by a liner building.
 - (c) At least 50% of the gross floor area of the ground floor shall be dedicated to parking.
 - (d) At least 30% of the property shall be assigned and improved as community space. Such community space shall count toward the required open space listed under Figures 10.5A41.10A-D (Development Standards) and community space required under Section 10.5A47.20. The size, location and type of the community space shall be based on the size and location of the development, and the proposed and adjacent uses.
 - (e) The development shall comply with all applicable standards of the ordinance and the City's land use regulations.
- 10.5A43.44 The building footprint of a parking structure shall be no greater than 40,000 sq. ft., and the façade length shall be no greater than 300 feet.

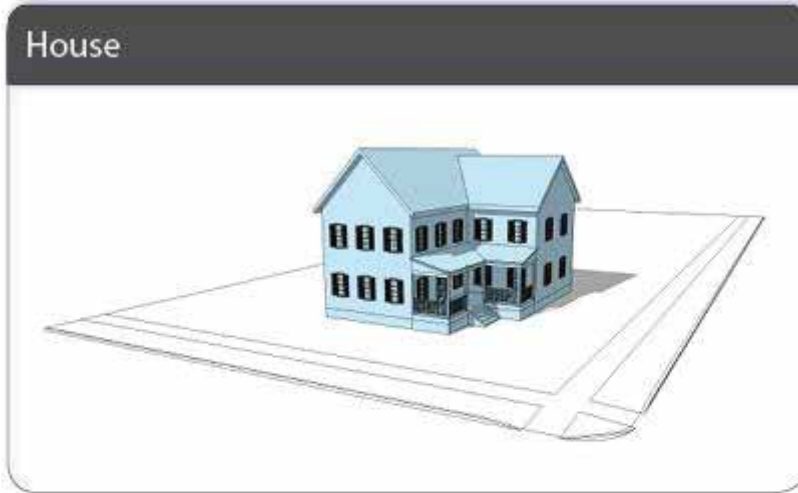
10.5A43.50 Streetscreens

Any streetscreen in a front yard 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.

10.5A43.60 Building Types

Buildings in each Character district shall be of one or more of the building types specified for such Character district in Figure 10.5A43.60 (Building Types).

FIGURE 10.5A43.60 BUILDING TYPES

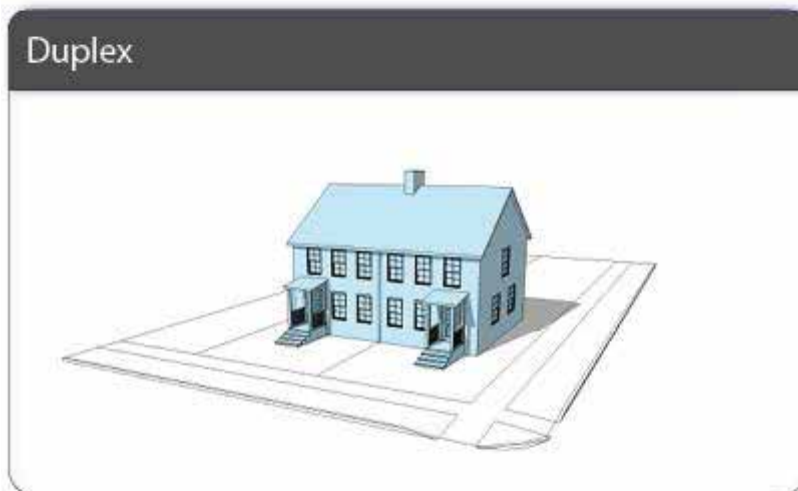


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

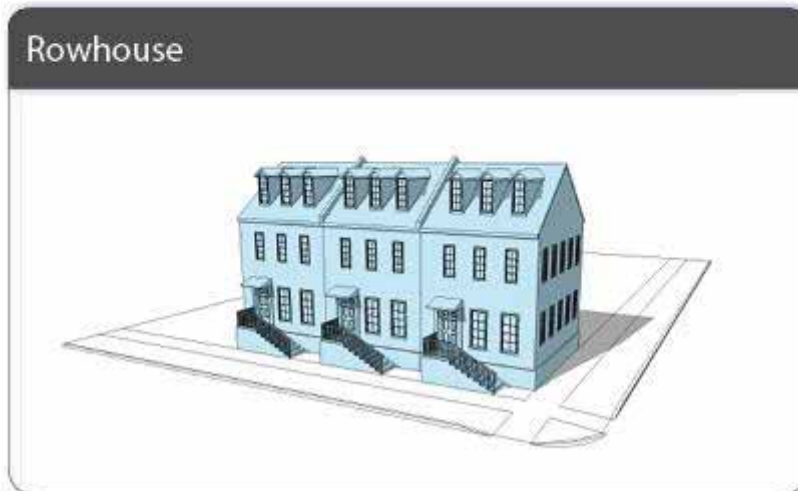


A residential building with two vertically-separated units with separate entrances. The building may have yards on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard.

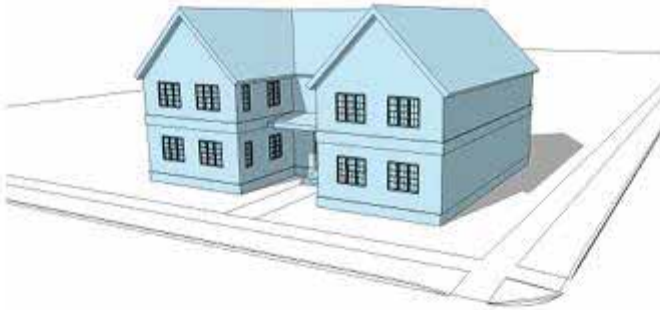
Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Apartment Building



A building that has the appearance of a multifamily dwelling, with yards on all sides.

Permitted districts:

CD4, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

Permitted districts:

CD5, CD4, CD4-W, CD4-L1, CD4-L2

Residential uses are not permitted on the ground floor in CD4-W or the Downtown Overlay District.

Small Commercial Building



A building with a shopfront or officefront façade type and minimal or no front yard, and that is no more than 3 stories in height.

Permitted districts:

CD5, CD4, CD4-W, CD4-L2

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A building with a shopfront or officefront façade type and minimal or no front yard, and that is 4 or more stories in height.

Permitted districts:
CD5, CD4, CD4-W

10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 Except as otherwise provided in this Section, all buildings, structures and uses in the Character districts and Civic districts shall comply with the off-street parking requirements set forth in Section 10.1110.

10.5A44.12 Buildings, structures and uses in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 Uses in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide off-street parking in accordance with Section 10.1112.

10.5A44.22 Uses in the Character districts and Civic districts 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.

10.5A44.23 Subject to approval by the Planning Board, any portion of the required off-street parking spaces may be dedicated to public use.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 All off-street parking spaces shall be located at least 20 feet behind any façade of a principal building, except when in an underground parking level. This restriction shall not apply to off-street parking for a single-family or two-family dwelling.

- 10.5A44.32 Parking lots and loading areas shall be screened from the street by a building or streetscreen except for any driveway.
- 10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.
- 10.5A44.34 All parking lots, garages, and parking structures shall include a pedestrian exit directly to a front lot line.
- 10.5A44.35 The above-ground portion of a parking structure or garage shall have a liner building at least the height of the ground floor along the entire width of any front yard except for driveways and pedestrian entrances.
- 10.5A44.36 A parking lot containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

- 10.5A44.41 Landscape islands:
 - (a) Parking lots shall contain one landscaped island for every 10 parking spaces.
 - (b) A parking lot with more than one landscaped island shall have such islands distributed throughout the parking lot.
 - (c) Each landscaped island shall be a minimum of 325 square feet.
- 10.5A44.42 Trees:
 - (a) Parking lots shall contain at least one tree for every 7 parking spaces.
 - (b) 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.
 - (c) All trees shall be separated from paved surfaces by at least 3 feet.
- 10.5A44.43 All landscaping required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

10.5A44.50 Loading Docks, Storage and Service Areas

Loading docks, storage and service areas shall not be permitted between the principal building and any front lot line.

10.5A45 Architectural Design Guidelines

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

10.5A46 Community Spaces

10.5A46.10 Figure 10.5A46.10 (Community Spaces) describes the types of community spaces that may be provided as part of a development in accordance with Sections 10.5A42, 10.5A43 or 10.5A47.10.5A46.20.

10.5A46.20 A community space that is provided on site and otherwise qualifies as open space shall count towards the open space requirement for the development.

FIGURE 10.5A46.10 COMMUNITY SPACES



An area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. A park may consist of grassy areas, trees and other natural or planted landscape features, and may also contain walking paths and trails, monuments, fountains, playground equipment, benches, picnic tables and similar amenities.



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts.

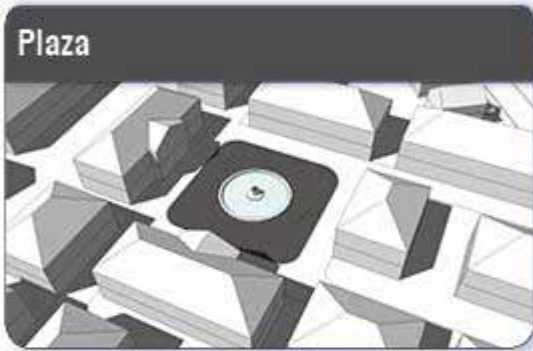


A wide pedestrian sidewalk located between the building façade and the public right of way. Wide pedestrian sidewalks provide space between the façade and the curbline for comfortable pedestrian movement, street trees and street furniture.

FIGURE 10.5A46.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed.



A community 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.

10.5A47 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A47.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A47.20, as applicable:

10.5A47.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ¹	Plus 1 story up to 10 ft ^{1,2}
Minimum off-street parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as listed in Figures 10.5A41.10A-D (Development Standards) as community space; even if less than 15 feet in width.

² For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A47.22 (1) and (2) are met.

10.5A47.20 Requirements to Receive Incentives to the Development Standards

10.5A47.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include a community space consisting of a continuous public greenway at least 20 feet in width that is parallel to the waterfront for the entire length of the rear or side lot line. The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to

current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

10.5A47.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

- (1) Community space option – All of the following criteria shall be met:
 - (a) The community space shall be a community space type that is permitted within the applicable Character district.
 - (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 15 feet.
 - (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
 - (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
 - (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
 - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed community space is within the same Incentive Overlay District as the development.
 - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.
- (2) Workforce housing option – One or more of the following criteria shall be met:
 - (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
 - (b) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is

greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

Section 10.5A50 Civic Districts

10.5A51 Purpose

10.5A51.10 Civic districts are designated to preserve existing buildings and uses which are open to the general public and owned and operated by a not-for-profit organization or entity other than the City of Portsmouth.

10.5A52 Standards

10.5A52.10 Permitted uses in the Civic district are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting.

10.5A52.20 Structures may be converted to other civic uses permitted under 10.5A52.10 provided that no exterior changes are made to the existing structures.

10.5A52.30 When specified in the Site Plan Review Regulations, Site Plan approval is required for changes made to existing structures or the lot.

10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.

10.5A52.50 Structures in the Civic district that are proposed for and/or converted to non-civic uses permitted under 10.5A30 shall require Regulating Plan amendment as set forth in Section 10.5A22.

Section 10.5A60 Definitions

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

Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Block

The aggregate of private lots, rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

Community space

An area that is dedicated for public use with permanent deeded access to the City of Portsmouth and conforming to the types shown in Figure 10.5A46.10.

Entrance spacing

The distance between any two publicly accessible pedestrian entrances to a building along a façade.

Façade

The side of a building facing a front yard.

Façade glazing

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

Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

Outbuilding

A 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 Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

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.

Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

A freestanding wall or fence built on the same plane as a façade to mask a parking lot, structure or use from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

CHARACTER-BASED ZONING – 2016 REVISIONS
CONFORMING AMENDMENTS TO ZONING ORDINANCE

Planning Board Proposed Amendments – 5/2/16

Amend Chapter 10 – Zoning Ordinance as follows:
(deletions from existing language ~~stricken~~; additions to existing language **bolded**;
remaining language unchanged from existing)

- A. In Article 2, amend Section 10.234 – Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official, as follows:

10.234.50 In any case in which the Board of Adjustment is required to give notice of a public hearing in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in ~~the Central Business A and Central Business B Districts~~ **Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.**

- B. In Article 4, amend Section 10.410 – Establishment and Purpose of Districts, as follows:

District	Purpose
Character Districts	
Character District 4-L1 CD4-L1	To promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development.
Character District 4-L2 CD4-L2	
Character District 4-W CD4-W	
Character District 4 CD4	
Character District 5 CD5	
Business Districts	
Central Business A CBA	To promote a wide range of business, retail, residential, cultural and other public and private uses, in and surrounding the City's historic commercial core, at intensities and patterns that promote pedestrian circulation and support public transit.
Central Business B CBB	

District	Purpose
Other Districts	
Civic District	To preserve existing buildings and uses that are open to the general public and owned and operated by a not-for-profit entity other than the City of Portsmouth.

C. In Article 4, amend Section 10.440 – Table of Uses – Residential, Mixed Residential and Industrial Districts, as follows:

1. Delete the column headed “CBA”.
2. In the header row, delete “CBB”, as follows:

CBB
CD5
CD4

3. In the column headed “CD4-L2”, change “N” to “S” for 7 specific uses, as follows:

Use	CD4-L2
3.70 Club, fraternal or service organization	N S
5.32 Retail bank	N S
7.20 Personal services	N S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	N S
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N S
10.30 Inn	N S

4. In the header row, insert “CD4-W” below “B”, as follows:

B
CD4-W

5. In the column headed “B/**CD4-W**”, change specific uses, as follows:

Use	B CD4-W
1.20 Townhouse	N P
3.51 Outdoor performance facility	
3.511 Occupancy up to 500 persons	S N
3.522 Occupancy more than 500	S N
8.40 Shopping center	P S
9.50 Restaurant, place of public assembly or function room	
9.51 Occupancy load less than 250	P S

6. Insert additional supplemental regulation for use 1.40 Multifamily dwelling, as follows:

Use	Supplemental Regulations
1.40 Multifamily dwelling	10.5A32 (Character district permitted uses)
1.41 3 or 4 dwelling units	10.640 (Downtown Overlay district)
1.42 5 to 8 dwelling units	10.730 (Gateway district)
1.43 More than 8 dwelling units	10.813 (Multifamily Dwellings in the Business District)

7. Amend uses 9.40 through 9.60 as follows:
- (a) Move the row for use 9.40 to before existing use 9.51 (i.e., as a new use 9.51), and amend as follows:
 - 9.51 ~~Restaurant with no accessory uses and with no nightclub or bar, place of public assembly or function room~~
Occupant load less than 50
 - (b) Amend existing use 9.51 (new 9.52) as follows:
 - 9.52 Occupant load **from 50 to** less than 250.
 - (c) Renumber uses 9.50 through 9.60 as 9.40 through 9.50.
- D. In Article 5, amend Section 10.516 – Exceptions to Yard Requirements, as follows:
- 10.516.30 Corner Lot Vision Obstruction
- On a corner lot, no structure, accessory structure, landscaping, or screening which obstructs visibility shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by the sidelines of the intersecting street rights-of-way and a straight line joining points along said street sidelines 20 feet from the point of intersection of such sidelines or extensions thereof. This provision shall not apply in ~~the CBA and CBB districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**
- E. In Article 5, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, delete the columns headed “CBA” and “CBB”.
- F. In Article 5, delete Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts.

- G. In Article 5, Section 10.590 – Minimum Distance Between Nonresidential Uses and Residential or Mixed Residential Districts, make the following changes:
1. In Section 10.591, insert the words “Gateway District” after the words “General Business District”, and replace the words “property zoned residentially” with the words “a parcel in a Residential or Mixed Residential district or Character District 4-L1.”
 2. In Section 10.592.10, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.
 3. In the footnote to Section 10.592.10, replace the words “the Central Business A (CBA) or Central Business B (CBB) district” with the words “Character District 4 or 5 (CD4 or CD5) or the Downtown Overlay District.”
 4. In Section 10.592.20, replace the words “Residential or Mixed Residential District” with the words “Residential or Mixed Residential district or Character District 4-L1” in both the introductory sentence and the table header row.
- H. Amend Article 6, Section 10.640 Downtown Overlay District, as follows:
- 10.641 Establishment and Purpose
- 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.
- 10.641.20 The purpose of the DOD is to promote the economic vitality of the ~~central business district~~ **downtown** by ensuring continuity of pedestrian-oriented business uses along streets.
- I. Delete Article 6, Section 10.643 Off-Street Parking Facilities
- J. In Article 8, Section 10.830 – Business Uses, delete Section 10.831 – Waterfront Industrial District Adjacent to Central Business District.

K. Amend Article 8, Section 10.860 Hours of Operation, as follows:

10.861 The following uses are limited to operation during the times specified:

Use No.*	Use	District with time limitations	From	To
3.51	Performance facility, indoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	8 AM	11 PM
3.52	Performance facility, outdoor	CBA, CBB, CD5, CD4, CD4-W, GB, GW, B	4 PM	11 PM
8.111 8.121	Convenience goods 1 & Convenience goods 2	MRB, CBA, CBB, CD5, CD4, CD4-W, CD4-L2, GB, GW, B	6 AM	11 PM

* Refer to Section 10.440, Table of Uses.

L. Amend Article 11, Section 10.1120 Off-Street Loading, as follows:

10.1121 General Requirements

10.1121.10 ~~In all Business (except Central Business A and B), Airport, and Industrial districts, All new structures, additions to existing structures, and changes and intensification of use in existing structures shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

10.1121.20 No loading areas shall be required in ~~the Central Business A and Central Business B districts~~ **Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.**

M. Amend Article 12, Section 10.1230 Sign Districts, as follows:

10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and illumination of signs. These sign districts are overlay districts. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

Sign Districts	Underlying Zoning Districts
Sign District 3	Central Business A Central Business B Character District 4-W Character District 4 Character District 5

N. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, by inserting the following definitions in alphabetical order:

Garage

An area within a principal building or outbuilding that provides space for parking vehicles as an accessory use. Not synonymous with parking structure. (See also: parking lot, parking structure, underground parking level.)

Parking lot

A ground-level open area within a lot for parking vehicles as a principal use or accessory use. (See also: garage, parking structure, underground parking level.)

Parking structure

A structure containing multiple stories of parking as a principal use or accessory use. (See also: garage, parking lot, underground parking level.)

O. In Article 15, Section 10.1525 add the terms **Recessed entry** and **Entrance spacing** to the list of terms primarily used in Article 5A.

- P. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, as follows:

Building footprint

The total area ~~of a building~~, at or above 18 inches in elevation as measured from the outside walls at the grade plane, **of a detached building, or of two or more buildings separated by fire walls, common walls or property lines.**

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of stories in a building, a story above grade plane shall count as a full story. An attic, **half story or penthouse** shall not be counted as a story, but ~~a half story or a short story~~ shall be counted as a story. (See also: building height, grade plane, half story, short story, and story above grade plane)

Workforce housing

~~Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household; or rental housing which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this definition.~~
A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance. All workforce housing units shall include a restrictive covenant that ensures affordability as specified in RSA 674:58,IV, for the maximum allowable term.

Character-Based Zoning – 2016 Revisions

Proposed Additional West End Zoning Changes

5/2/2016

(Parcels are listed by Assessors Map-Lot references)

From Character District 4-L1 (CD4-L1) to General Residence C (GRC)

126-27
126-28
126-31
126-32

From Mixed Residence Business (MRB) to General Residence C (GRC)

138-48	139-2	146-19
138-48-1	139-3	146-20
138-48-2	139-4	146-21
138-49	139-5	146-22
138-50	139-6	146-23
138-51		
138-52	144-40	147-22
138-54		147-23
138-55	145-14	147-24
138-56	145-19	147-25
138-57	145-20	147-26
138-58	145-21	147-27
138-59	145-29	147-28
	145-30	147-29
		147-30
		147-30A
		156-24
		156-35

From Business (B) to General Residence C (GRC)

157-10
157-11
157-12
157-13
157-14

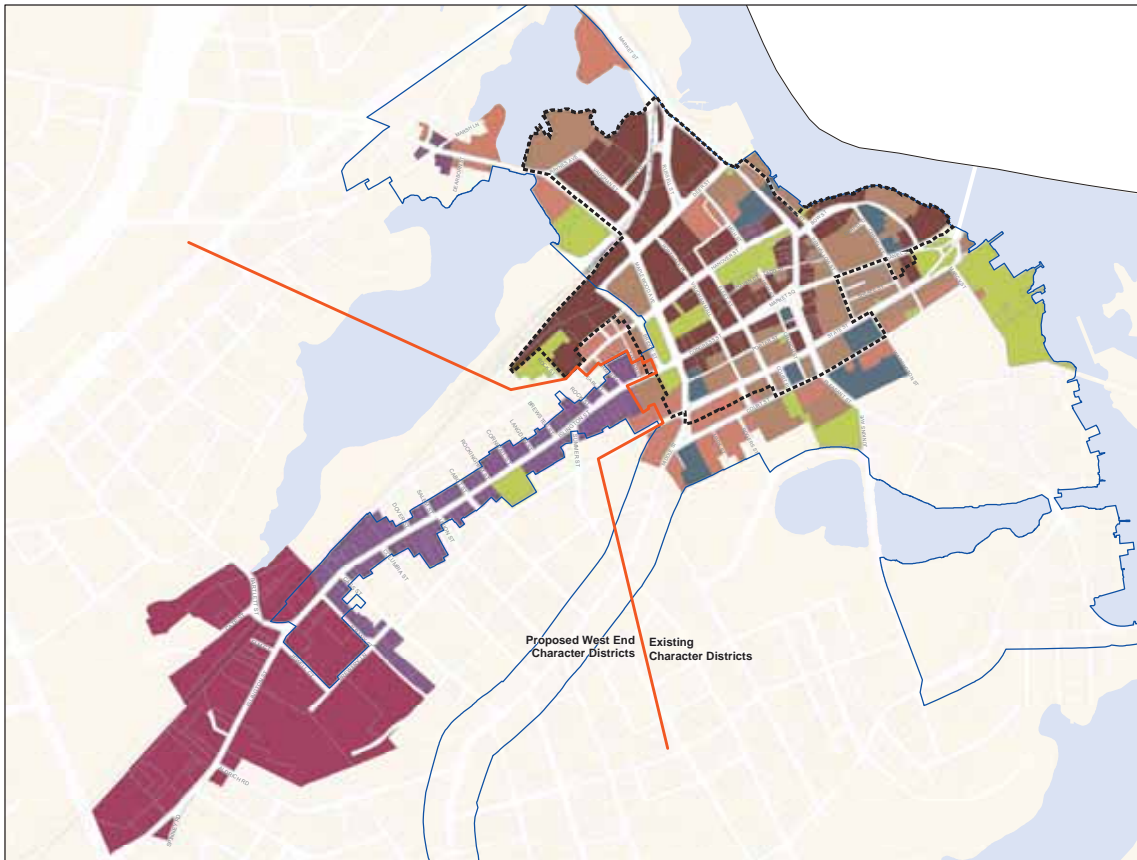
From Central Business B (CBB) to General Residence C (GRC)

138-34

Map 10.5A21A Character Districts and Civic Districts

Second Reading

May 2, 2016



Map 10.5A21B Building Height Standards

Second Reading

May 2, 2016



Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penthouse levels may exceed the building height by 2 feet.

1. 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 with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

3. Attic space within either a gable, gambrel, Hip, or hip-top mansard roof or a penthouse level on a flat roof 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.

North End Incentive Overlay District

West End Incentive Overlay District

The maximum building height within Incentive Overlay Districts may be increased pursuant to Section 10.5A47.

Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.

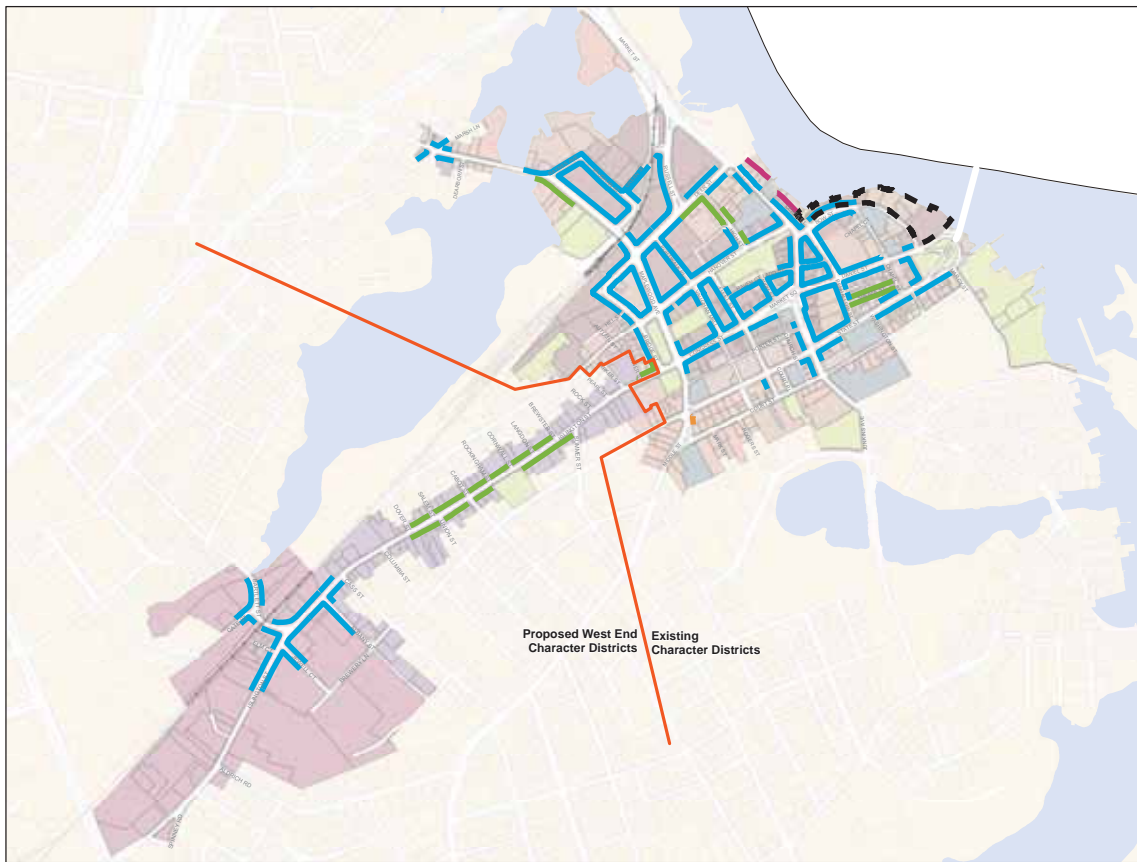


9

Map 10.5A21C Special Requirements for Façade Types, Front Lot Line Buildout, and Uses

Second Reading

May 2, 2016



Legend

Required Façade Types

- Shopfront façade type
- Step, stoop or recessed entry façade type
- Officefront façade type

Waterfront Lots

Waterfront Use Overlay
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit uses 9.60, 12.20, 12.22, and 12.40 as set forth in Section 10.440 (Table of Uses). (Section 10.5A34).

Waterfront lots on Ceres Street
For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance (Section 10.5A21.30).

In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440 (Section 10.5A35).

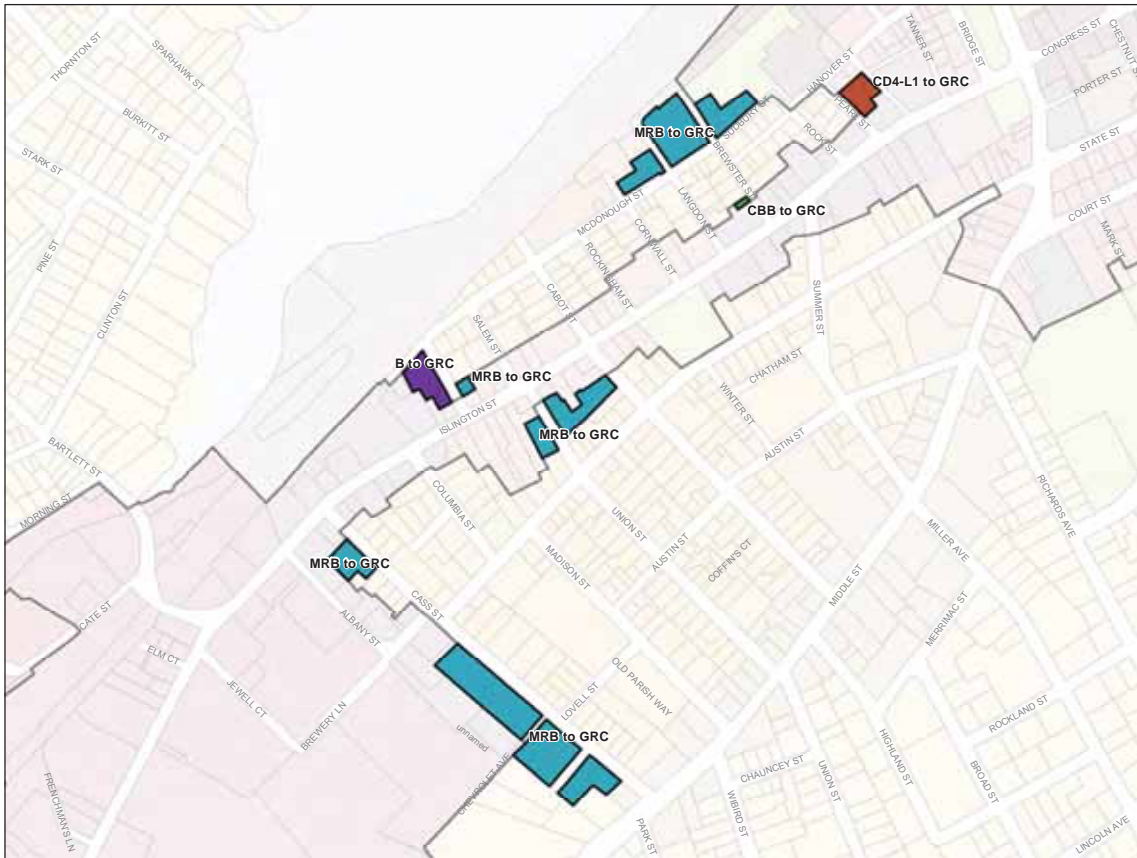
0 250 500 1,000 1,500 2,000 Feet

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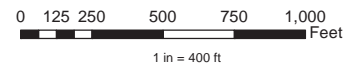
Additional West End Zoning Changes

Second Reading

May 2, 2016



- Legend**
- Character districts area
 - Additional West End Zoning Changes**
 - Business to General Residence C
 - Central Business B to General Residence C
 - Character District 4-L1 to General Residence C
 - Mixed Residential Business to General Residence C



9

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 2, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on A Resolution Authorizing the Issuance of Refunding Bonds of up to Thirteen Million (\$13,000,000.00) Dollars to Refinance certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

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Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PM00193940

**CITY OF PORTSMOUTH
TWO THOUSAND SIXTEEN**

PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO THIRTEEN MILLION (\$13,000,000) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTEREST COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the various City's General Obligation Bonds dated June 15, 2008 and June 15, 2009 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to THIRTEEN MILLION DOLLARS (\$13,000,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

April 20, 2016

City of Portsmouth
City Managers Office
1 Junkins Avenue
Portsmouth, NH 03801


Holly and Kim Cedarstrom
50 Eaton Avenue
Meredith, NH 03253

Dear City Council:

We would like to honor our daughter Caitlyn Cedarstrom Morris by placing a memorial bench near one of her favorite spots in the city. She was a resident for several years before she died in 2014. She really loved her chosen home town and was very happy there.

Thank you for your consideration.

Sincerely,


Holly and Kim Cedarstrom

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

APR 27 2016

CITY MANAGER
PORTSMOUTH, NH

DATE: APRIL 27, 2016
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
DAVID J. MARA, CHIEF OF POLICE
RE: GRANT & DONATIONS

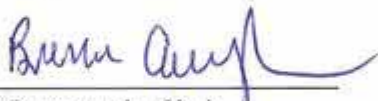
At the April 26th, 2016 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations and grant:

Grant & Donations:

- a.) Donations in support of the Explorer Cadets as follows:
 - 1.) \$202 from the Kittery Lions Club in appreciation for a speech given to the Club by Cadet Acadia Spear.
 - 2.) \$20 from Ms. Vivienne B. Vanluven
 - 3.) \$20 from Ms. Susan J. and Mr. John D. Herney.
 - 4.) \$82 from Dr. David Ferland and Ms. Lynda Cadieux
(Anticipated Action: A motion will be made to accept the donations totaling \$324 in support of the Police Explorer Cadets and forward to the city council for their action.)
 - 5.) A Grant in the amount of \$6,195.20 from the NH Office of Highway Safety for Portsmouth Bicycle/Pedestrian Patrols, Project #314-16A-011. (Anticipated Action: A motion will be made to accept the grant in the amount of \$6,195.20 and forward to the city council for their action.)

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,



Brenna Cavanaugh, Chair
Board of Police Commissioners



David J. Mara, Chief of Police

copies: Board of Police Commissioners
Finance Director Judie Belanger
Admin. Mgr. Karen Senecal
Business Assistant Tammie Perez

Karen Senecal

From: Farinella, Deborah <Deborah.Farinella@dos.nh.gov>
Sent: Friday, April 01, 2016 9:17 AM
To: Stephen DuBois
Cc: Frank Warchol; Karen Senecal; Speikers, Luann
Subject: Portsmouth Bicycle/Pedestrian Patrols - Project #314-16A-011 Final
Attachments: PortsmouthBicycle-Ped-Project #314-16A-011Final.pdf, zHSA-22 Match Form.xlsx

It is my pleasure to inform you that the Office of Highway Safety has approved your attached highway safety Grant Agreement.

This approval obligates federal funds in the amount designated within your Grant Agreement. Your Grant Agreement has an effective date of **October 1, 2015**.

Please be aware that Enforcement patrol reimbursements along with match documentation are required to be made quarterly and are due as referenced in your Grant Agreement.

Equipment reimbursements shall be submitted with copies of the invoice(s) dated within the contract period and a copy of the cancelled check showing the equipment was paid in full. Requests for reimbursement shall be submitted 20 days after payment for equipment. **Equipment invoices shall include the serial number of purchased equipment.

We look forward to working with you to achieve the common goal to minimize potential crashes and the unnecessary deaths and injuries that occur on our New Hampshire roadways. Thank you.

Sincerely,

John Clegg
Program Manager

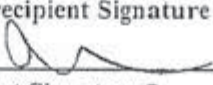

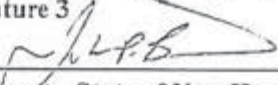
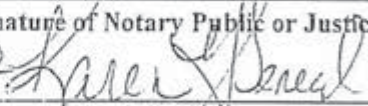
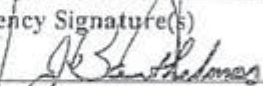
Debbie

Deborah Farinella
Administrative Supervisor
Office of Highway Safety
33 Hazen Drive, Room 109A
Concord, NH 03305
Telephone: 603-271-2132
Fax: 603-271-3790
email: deborah.farinella@dos.nh.gov

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Avenue Portsmouth, NH 03801	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City)		1.4.2 DUNS 073976706	
1.5. Subrecipient Phone # 610-7572	1.6. Effective Date 10/01/15	1.7. Completion Date 09/30/16	1.8. Grant Limitation \$6,195.20
1.9. Grant Officer for State Agency LuAnn Speikers		1.10. State Agency Telephone Number 271-2197	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 DAVID J. MARA, Chief of Police - Interim	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 John P. Bohenko, City Manager	
Subrecipient Signature 3 		Name & Title of Subrecipient Signor 3 9/23/16 Chief of Police	
1.13. Acknowledgment: State of New Hampshire, County of Rockingham, on 3/24/16, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 		1.13.2 Name & Title of Notary Public or Justice of the Peace Karen A. Senechal, Adm. Mgr.	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) JOHN J. BARTHELMIES COMMISSIONER - DOS Date: 3-31-16	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: On: / /			

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

KAREN A. SENECHAL
Notary Public New Hampshire
My Commission Expires June 10, 2020

New Hampshire Highway Safety Agency

78 Regional Drive, Building 2
 Concord, NH 03301
 Telephone: 603-271-2131
hwysafety@nhhsa.state.nh.us



Application Form FFY Bicycle and Pedestrian Grant Program Application Due: August 7, 2015

Part I Contact Information

Applicant Agency and Street Address Portsmouth Police Department 3 Junkins Ave. Portsmouth NH 03801	
Chief's First Name Stephen	Chief's Last Name DuBois
Chief's Telephone 603-610-7572	Chief's Email Address sdubois@cityofportsmouth.com
Grant Contact's First Name Frank	Grant Contact's Last Name Warchol
Grant Contact's Telephone 603-610-7630	Grant Contacts Email Address fwarchol@cityofportsmouth.com

Part II Department and Community Profile

Population of your city or town	21,500
Number of full-time officers in your city or town	62
Number of part-time officers in your city or town	22
Did your department receive a grant in 2013 or 2014?	yes
If your department received a grant in 2013 or 2014, were all funds used? If not, please explain why.	Yes, both years. Not all funds were used

Part III Local Crash and Enforcement Statistics

This section must be filled out completely for all project applications. If data is unavailable insert (N/A) for not available.

	2012	2013	2014	3 Year Average
Total Crashes	673	649	698	673
Injury Crashes	101	103	114	106
Fatal Crashes	0	0	0	0
Crashes involving Pedestrians	14	12	3	10
Crashes involving Bicycles	11	8	6	8
Pedestrian Fatalities	0	0	0	0
Bicycle Fatalities	0	0	0	0

Part IV Total Number of Summonses

Agency Summons Data	2012	2013	2014	TOTALS
All Traffic Summonses	360/1788w	299/1782w	314/2672w	324/2081w
Crosswalk Violation Summonses	15	15	14	15
Jay Walking Summonses	0	0	2	1
Other Bicycle or Pedestrian-related Summonses	0	0	0	0

Part V Problem Statement

Please describe the bicycle- and pedestrian-related traffic safety (vehicles not stopping at crosswalks, impaired pedestrians, etc.) problems in your city or town. Please provide specifics detailing the following:

- When the problem is taking place (month, day of week, time of day)
- Where (specific streets, neighborhoods, etc.)
- Who (demographics)
- What (crosswalk violations, etc.)
- Other relevant information to your city or town (officer shortages, vacation destination, colleges in town, etc.)

The City of Portsmouth swells to almost 70,000 people each day from April through October. Downtown Market Sq. is an incredibly popular tourist destination and the square itself brings several streets together at one point. The congestion of vehicular traffic coupled with the congestion of foot traffic makes that area of our city fairly dangerous for the pedestrians. There are several well marked crosswalks in the downtown and crosswalk violations by motor vehicles are all too common, and most recently, a large community complaint. Our statistics on this issue indicate that there is no pattern as it relates to month or time of day of infraction occurrence, but the majority of infractions are occurring in the downtown area.

Part VI Proposed Solution

Please describe your proposed solutions for combatting the problem you described above. Solutions should be linked directly to the data you provided. Please be specific regarding:

- When patrols will take place (month, day of week, time of day)
- Where patrols will take place (specific streets, neighborhoods, etc.)
- What type of patrols will take place (law enforcement crosswalk decoys, pedestrian sweeper patrols, etc.)
- Estimated number of patrol hours

The Portsmouth Police Department will deploy enforcement measures during times of peak pedestrian and motor vehicle activity in the downtown area. These times will include lunch time rush hour and evening rush hour times and will also coincide with special events that occur throughout the year that bring in large amounts of tourists and vehicular traffic. The enforcement measures will include but not be limited to officers on foot patrol in the designated areas. We estimate 22 4-hour patrol details will occur throughout the year.

Part VII Project Goals

Please provide your department's goals for this grant. Goals must be specific and measurable. For example, "Our department would like to reduce pedestrian crashes by 10% from 100 to 90 by September 2016."

The Portsmouth Police Department's goal is to reduce bicycle/pedestrian crashes by 20% from 18 to 14.

--

Part VIII Budget

Please provide a budget indicating how much you can realistically spend on this project. Budget should be based on your proposed number of hours and payroll deductions (Only FICA, Medicare, and retirement). Overtime rate does not need to be based on the maximum available rate.

Estimated Total # of Enforcement Hours	Estimated Average OT Hourly Rate	Estimated Payroll Deductions	Requested Award Amount for Enforcement
88	\$55.00	\$1,355.20	\$6195.20

Please also provide the amount of matching funds you intend to contribute to this project. Matching funds are your department's contribution to this project. For example, additional enforcement patrols, fuel costs, administrative time, and supervisor's time that are not funded by this grant.

Item	Cost	Total

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II, Section 11.216 – SEWER USER CHARGES/RECORDS/HOOK-UP of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

Section 11.216: SEWER USER CHARGES/RECORDS/HOOK-UP

B.

The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes which is connected to a public sewer shall pay a sewer user charge. The sewer user charge shall be established by the City from time to time to defray the cost of management, maintenance, operation and repair, including replacement, of the municipal waste water system. Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, ~~or watering gardens or washing cars~~, except for ~~single residential~~ customers who have installed at their cost **a an approved irrigation system and a second water meter**, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. **A monthly service fee shall be charged for each irrigation meter in addition to the consumption charge, said fee to be determined by the City Council during its annual budget process. (Amended 11/17/97)**

Users of the City of Portsmouth's water system may request a permit for the installation of an irrigation system and irrigation meter. An application must be completed and submitted to the Water Department for the installation of an irrigation system and irrigation meter prior to the issuance of an irrigation permit. The Water Department may deny the issuance of a permit for an irrigation system or irrigation meter when the existing water main does not provide sufficient water volume/pressure to support the demands of an irrigation system without causing unacceptably low water pressure for other customers on the same water main.

Irrigation service lines and meters shall be installed not more than four feet from the prime meter and shall be installed parallel to the prime meter. Sewer charges shall not apply to water amounts measured by irrigation meters. Shut off valves are required ahead and behind the irrigation meter and must be within one foot of the meter. A back flow preventer (approved by the City) to protect against contamination of the water system must be installed behind the irrigation meter.

Only a landscape irrigation system designed and installed by an Environmental Protection Agency Watersense Certified Irrigator in accordance with the criteria set forth in this section shall be deemed to be in compliance with subparagraph

(a) of this section. The Certified Irrigator must certify in writing to the Water Division that the landscape irrigation system has been designed and installed in accordance with subparagraph (a) of this section. This certification shall be provided to the Water Division at the time of requesting final inspection of the system.

(a) Automatic irrigation systems shall:

- (1) Be maintained in compliance with the provisions of this section;**
- (2) Be rendered inoperative by or at the direction of the irrigation system owner or operator pending repairs if damaged in a manner that results in leakage or excessive discharge of water from broken components;**
- (3) Include rain sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers and set to render the irrigation system inoperative at ¼ inch of moisture or more;**
- (4) Include freeze sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers, which will render the system inoperative at 35 degrees Fahrenheit or higher lower;**
- (5) Be designed so that spray or rotary heads are at least four (4) inches inside from any curbing, sidewalk, fencing, or building;**
- (6) Be designed so that heads spray only towards pervious surface or landscaped area;**
- (7) Be designed to include a zonal irrigation system; and**
- (8) Be designed to include a master valve.**

(b) Operation of irrigation systems or devices.

From April 1 to September 30, landscape irrigation utilizing water, in whole or in part, obtained from the City water system, is prohibited except during the times between 6:00 p.m. and 10:00 a.m. The City Manager, or his or her designee, may further restrict landscape irrigation to specified days of the week or otherwise restrict the irrigation schedule as circumstances dictate.

If records of metered water use are not available or do not reasonable reflect the quantity of waste discharged into the sewage system, the sewer user charge shall be based upon estimated water use or on actual measurement of the volume of waste discharged into the sewer system. Sewer surcharges shall be levied upon users whose waste characteristics are found to be above normal strength. For the purpose of evaluating waste characteristics, the terms of the Report on the Proposed Rates and Charges for Sewer Services by the City of Portsmouth, prepared by Coffin and Richardson, dated June 15, 1976, are incorporated herein by reference.

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 passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

M E M O R A N D U M

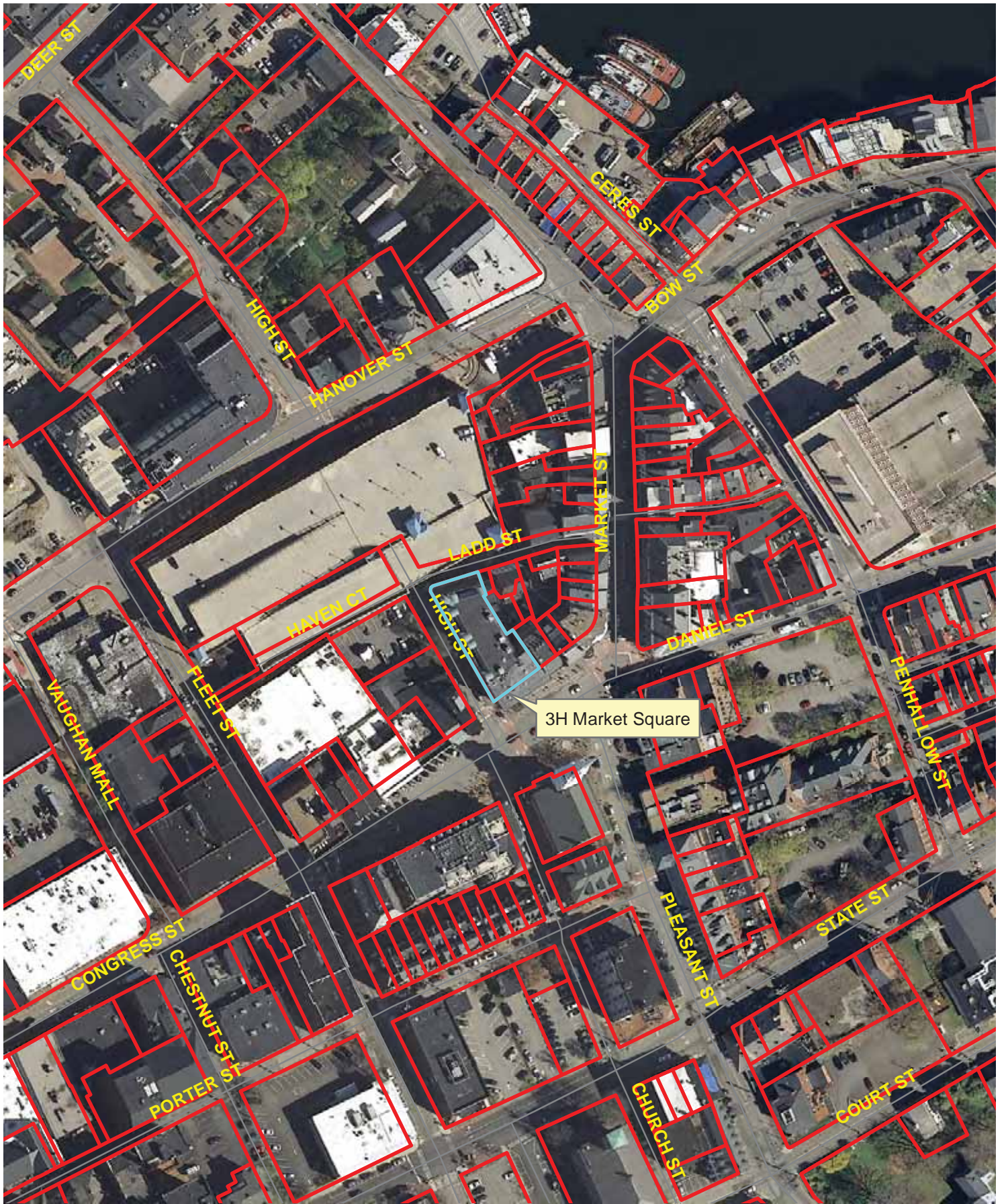
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 21, 2106
RE: City Council Referral – Projecting Sign
Address: 3 Market Square, 2nd Floor
Business Name: Fringe Hair Studio, LLC
Business Owner: Christi Watson

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 26" x 44"
Sign area: 7.9 sq. ft.
Height from sidewalk to bottom of sign: 13'0"

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

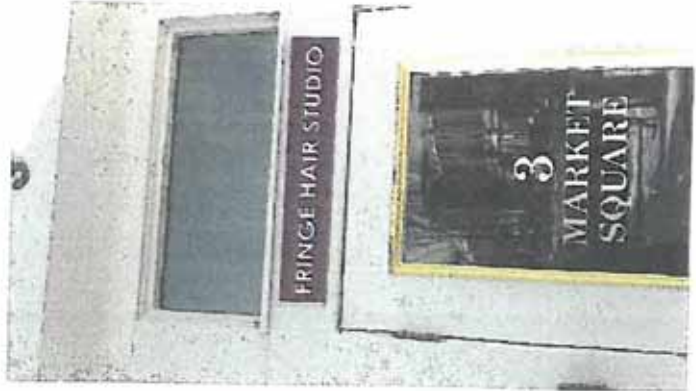
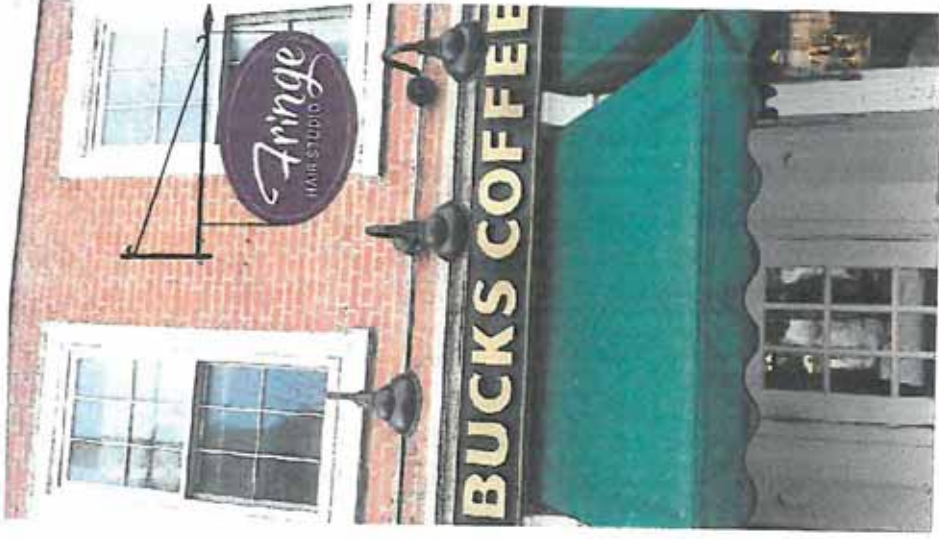
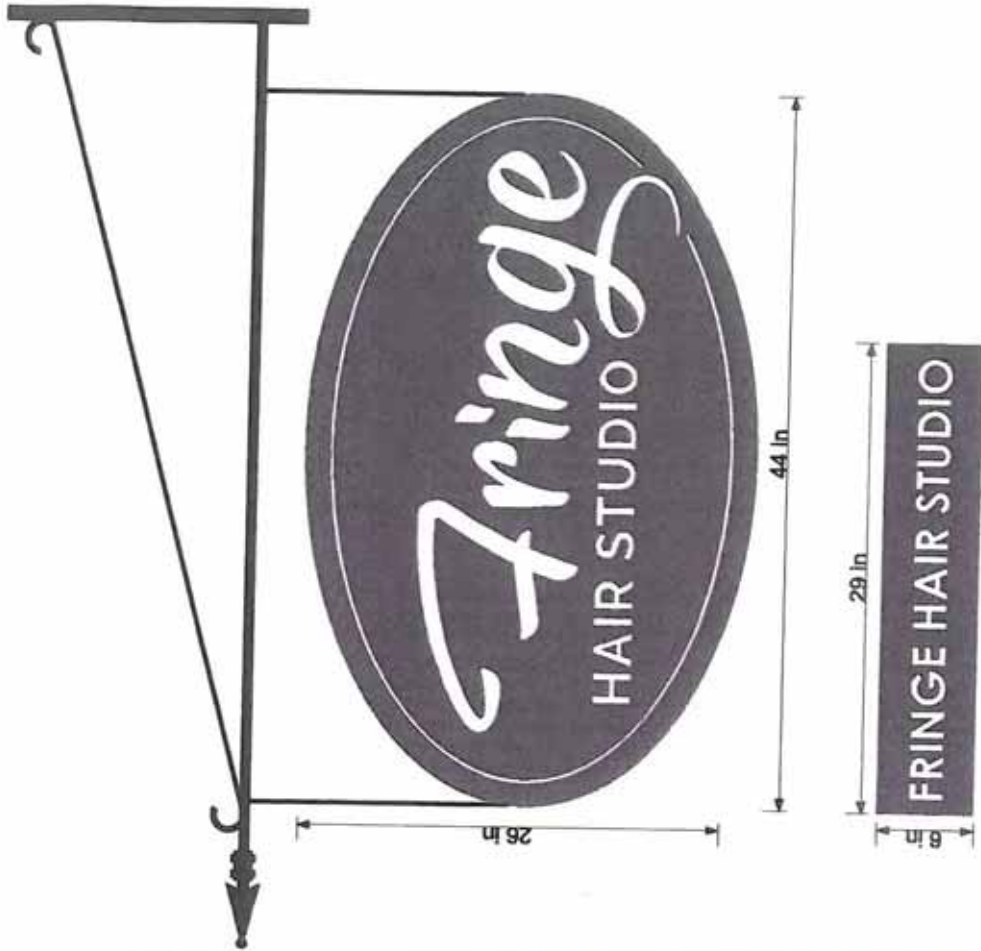
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation 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.



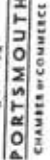
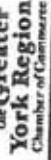


Request for Projecting Sign License 3H Market Square

Fringe Hair Studio LLC
3 Market Square
1 Projecting Sign





 PortsmouthSign.com 603-436-0047	REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision. PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.	2/12/16 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.	Member of:   
© COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.		SIGNATURE: _____ Date: _____	RETURN SIGNED TO: service@portsmouthsign.com
Qty: <input type="checkbox"/> SS <input type="checkbox"/> DS <input type="checkbox"/>		Background Color: _____ Vinyl Color: _____ HP <input type="checkbox"/> Int <input type="checkbox"/>	Other: _____





Seacoast Area Bicycle Riders

PO Box 765, Portsmouth, NH 03802
www.seacoastbikes.org

MEMORANDUM

TO: City of Portsmouth Councilors
FROM: Josh Pierce, Seacoast Area Bicycle Routes
DATE: April 12, 2016
RE: Seacoast Bike/Walk to Work Day



Friday May 20, 2016 will be Bike/Walk to Work Day in the Seacoast. To mark the event, Seacoast Area Bicycle Riders (SABR), the Rockingham Planning Commission, and a range of other businesses and organizations are jointly planning a series of Commuter Breakfasts in the towns of Dover, Durham, Exeter, North Hampton, Portsmouth, Pease Tradeport, Newmarket, Lee and the Stratham Industrial Park.

For the last 13 years SABR has held an alternative commuter breakfast in Market Square on the third Friday of May. For the past eight years we have done so at Popovers on Market Square, using their sidewalk permit and relying on Popovers for all of our food and beverages.

The goals of Bike/Walk to Work Day 2016 are to promote bicycling and walking as healthy and safe ways to get to work, decrease traffic congestion, improve air quality, and raise public awareness of opportunities to improve bicycle and pedestrian facilities in the Seacoast.

In 2015 we had a record turnout of bicycle and pedestrian commuters, and we hope to see similar gains this year. We also see the commuter breakfasts as an opportunity for town parks and recreation programs to pass out information on upcoming summer programs, and gather input from cyclists and walkers on bicycle and pedestrian needs.

Requested Action:

On behalf of the coalition of project organizers, SABR respectfully requests that the Portsmouth City Council allow SABR to host a commuter breakfast from 7 – 10 a.m. on Friday, May 20 at Popovers on Market Square. SABR also respectfully requests that the Portsmouth city Council officially recognize May 20 as Bike/Walk to Work Day in Portsmouth.

Sincerely,

Josh Pierce
President

Seacoast Area Bicycle Riders Board of Directors

Josh Pierce
President

Scott Bogle
Secretary

Nicole Vinet
Treasurer

Anne Rugg
Jeff Latimer

Andrew Richmond
Lisa Cote

Rich Matthes
Karen Saltus

Address: 451 Peverly Hill Rd

Hello,

My name is Steve Leonard and I'm the President of the Portsmouth Girls Softball Association. We have been a Not for Profit organization that has been providing opportunities for girls in Portsmouth and the surrounding communities ages 5 -16 since 1998. I'm writing to you in regards to advertising sponsors Banners at Ball Fields, Scoreboards, Banners on Backstops etc. I learned today that each league has to get permission every year to hang the banners that we all have on our outfield fences. I was not aware of it being a yearly thing so I apologize for the PGSA not doing that if indeed that's the process. If it is the process please let me know what it is exactly you would need from us.

I'm working on making improvements to the league and to the home fields we have at the Tony Rahn Park. My goal is to leave the PGSA in a great place when my tenure ends. With that said I have been wanting to put a banner on the backstop of the Pease 1 field which is the field closest to the highway that is visible right after you pass the water station. This would greatly reduce the noise of traffic on the field and would have a positive effect on our players, parents and fans. To do this I would like to use a sponsor that would have their name on the Banner and also it would also read "A proud sponsor of the PGSA". The revenue from this would go back into the league for equipment, field maintenance, several yards of field mix, completion of fencing on the Pease 2 field, and the start of building a new field that would help the PGSA have one park to go on most occasions. I would also like to add a 3x50 foot banner which would be the same color banner and lettering that is required to our outfield fence. This would be proportioned along the fence with the other banners we have hung every year.

Please provide me with your input on these requests and what permissions I would need from the City to move forward.

Thank you
Steve Leonard
PGSA President
451 Peverly hill Rd
Portsmouth NH 03801
603-498-7103



PORTSMOUTH ATHENÆUM

9 MARKET SQUARE

PORTSMOUTH, NEW HAMPSHIRE 03801-4011

(603) 431-2538



April 11, 2016

The Honorable Jack Blalock, Mayor of Portsmouth and
Members of the Portsmouth City Council
c/o Mr. John Bohenko, City Manager
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Mayor and City Councilors,

I am writing to you on behalf of the Portsmouth Athenæum, in an effort to gain your support in an exciting community celebration. In 2017 the Athenæum will be celebrating 200 years of elevating the educational resources of the community and serving as a primary resource of information relevant to the rich history and culture of Portsmouth and the Piscataqua region. The Proprietors of the Athenæum would like to include the community in celebrating this exciting milestone by holding an historic parade through downtown Portsmouth.

The theme of the parade will be "Time Marches On". In addition to celebrating 200 years of service to the community, our aim is to document and tell a story of some of the more notable events that have shaped the past and progression of Portsmouth. Through a selective invitation process, we would create a parade that marches through a timeline from 1817 to present day. A sampling of the participants that we would hope to include would be some of the historic homes of Portsmouth, Strawberry Banke Museum, the high school and middle school bands, Fife and Drum band, historic cars, horse drawn vehicles, civic groups, notable members of the business community, Navy Yard Band, the VFW, and the Portsmouth police & fire departments. We are in the beginning stages of planning and anticipate a much more comprehensive invitation list to fully complete the theme.

Currently we are looking at a parade that would be held on either, June 24th, September 16th, October 7th, or October 14th, all in 2017. The start time would be 11:00 am and we expect it to last no more than an hour. The planned route would be from Parrot/Junkins Ave, left on Pleasant Street, left on Congress Street, left On Middle Street, left on State Street, right on Pleasant Street and ending on Parrott/Junkins. This route would require a staging area that may include South Playground lot, Parrott Avenue lot, Parrott Avenue, middle school lot, and the court house lot. We already have access to the Hoefle-Phoenix law office lot on Parrott Ave.

We would like to collaborate with the city on the details and are open to any and all suggestions from Mr. Bohenko and staff. We also anticipate a robust public relations campaign to promote this event and would like to discuss the potential of coordinating with the city on this as well.

The Portsmouth Athenaeum Proprietorship is requesting your support in this exciting event. We would like the opportunity to meet with City Manager, John Bohenko and his staff to discuss the logistics of planning an event that would be least disruptive to the downtown area and inspire the highest level of community participation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey W. Keefe', with a long, sweeping flourish extending to the right.

Jeffrey W. Keefe



Esteemed council members,

I respectfully request that I be issued a permit to set up a small table in the downtown area.

I am a street artist/performer who creates original works of art using spray paint and unconventional and primitive tools. The distinguishing feature of the art form is in the performance, which can take as little as 60 seconds to produce a complete painting.

I set up several times last year without any problems, but was informed that I would need a permit for this year. While I use spray paint, it is very controlled and carries very little risk- Despite this, I still put down a tarp, am building a downdraft table and will be taking out an insurance policy with \$1million in liability coverage*.

The items for sale are limited exclusively to the artworks created during the performances, and thus should not require a business permit as per federal court rulings**.

My entire setup fits on a 5x7 tarp, and normally includes a 5' table, two totes containing supplies, and a milk crate I use as a tip jar. While I am continually refining my setup, the changes have stayed rather consistent with this example.

Thank you for your consideration. Having been a street performer for over 20 years (music, juggling, painting), I must say that Portsmouth's performer guidelines are among the best I have seen, and I am proud to make the Seacoast my home. I believe that my work will help contribute to the vibrant arts culture which the city has worked so hard to foster.

I am happy to address any further questions or concerns you may have.


Thank you,
-Michael Dolan
39 S Main St, Box 230 Rochester NH
facebook.com/MikeTheArtGuy
603 986-9200

* Insurance is offered through Specialty Insurance Agency, which offers plans for street performers, circus acts, festival vendors, face painters, and other nontraditional artists and businesses.

** 2nd and 9th Circuit Court rulings hold that under the first amendment, an artist may sell their works without a business permit, provided they are direct forms of the speech itself, and not inherently useful objects. eg: A musician could sell their albums, but not t-shirts.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: April 28, 2016
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on May 2, 2016 City Council Agenda

-
- 6:00 p.m.** Non-meeting regarding litigation and personnel in accordance with RSA 91-A:2,I (b).
6:30 p.m. Non-meeting with counsel regarding proposed collective bargaining in accordance with RSA 91-A:2,I (b).

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

Acceptance of Grants and Donations:

1. **Approval and Acceptance of Donation Re: Memorial Bench.** The City of Portsmouth has received a donation from Holly and Kim Cedarstrom in the amount of \$2,000 for the purchase and installation of a bench in Haven Park in memory of their daughter Caitlyn Cedarstrom Morris ([see attached letter](#)).

I recommend the City Council move to approve and accept the donation for a memorial bench, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Police Department Grant and Donations.** Attached under Section VIII of the Agenda is a memorandum, dated April 27, 2016 from Brenna Cavanaugh, Chair of the Portsmouth Police Commissioners, and Police Chief David J. Mara, requesting that the City Council approve the following grant and donations:

- a) Donations in support of the Explorer Cadets as follows:
1. \$202 from the Kittery Lions Club in appreciation for a speech given to the Club by Cadet Acadia Spear
 2. \$20 from Ms. Vivienne B. Vanluven
 3. \$20 from Ms. Susan J. and Mr. John D. Herney
 4. \$82 from Dr. David Ferland and Ms. Lynda Cadieux
- b) A Grant in the amount of \$6,195.20 from the NH Office of Highway Safety for Portsmouth Bicycle/Pedestrian Patrols, Project #314-16A-011.

The Portsmouth Police Commission submits the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

I recommend the City Council move to approve and accept the grant and donations to the Portsmouth Police Department. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**
- 1.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance – West End Zoning Amendment Ordinance (Continued Public Hearing and postponed Second Reading from March 21, 2016 City Council Meeting).** Attached under Section VII of the Agenda for reconvening a public hearing and second reading at the May 2, 2016 City Council meeting are the following documents relating to the extension of character-based zoning to the West End, additional revisions to Article 5A affecting other character districts, and related amendments to the Zoning Ordinance and the Zoning Map:
- A one-page ordinance incorporating all the proposed zoning amendments;
 - A proposed revision to Article 5A — Character Districts (39 pages);
 - A set of "conforming amendments" to other sections of the Zoning Ordinance (8 pages);
 - A list of additional proposed zoning changes for 52 lots adjacent to the proposed Character districts in the Islington Street corridor and West End (1 page); and

- A set of four maps showing proposed amendments to the Zoning Map. The first three maps are revisions to the existing Regulating Plan for the Character districts, extending character-based zoning down Islington Street to the West End, while the fourth map shows the 52 additional lots proposed for rezoning.

The proposed amendment to Article 5A incorporates the following substantive revisions:

1. A new Character District 4-West End (CD4-W) is established. In terms of building and site design, the CD4-W district is modeled on the CD4 district in the downtown; but in its use regulations the new district is similar to the Business (B) district that currently applies in the West End. The development standards for this district are set forth in Figure 10.5A41.108 on pages 5A-11 through 5A-13. In addition, similar to the Downtown Overlay District, Section 10.5A30 prohibits ground floor residential uses in the CD4-W district except for rowhouses.

The primary differences between the CD4-W district in the West End and the CD-4 district in the downtown pertain to the requirements for off-street parking, density, lot coverage and open space. In particular, the lack of public off-street parking facilities in the West End means that the standards for density, lot coverage and open space must reflect the need to provide private off-street parking.

2. The proposed amendment recognizes a new "recessed entry" facade type (see Figure 10.5A43, page 5A-27). This is an existing building façade type found in Portsmouth's older neighborhoods, and it has been added as a permitted facade type along Islington Street, in the West End, and in other areas outside the Downtown Overlay District.
3. The proposed amendment increases the maximum building footprints in the CD4 and CD5 districts to reflect the historic land use patterns and building footprints in these areas of the downtown, as well as the concepts illustrated in the Vision Plans that TPUDC developed based on the Community Design Charrettes for both the North End and the West End. It is proposed to increase the baseline maximum building footprint in the CD4 district from 10,000 sq. ft. to 15,000 sq. ft. and in the CD5 district from 15,000 sq. ft. to 20,000 sq. ft.
4. The proposed amendment allows ground-level building footprints to be increased to 30,000 sq. ft. in the CD4 and CD4-W districts, and to 40,000 sq. ft. in the CD5 district, where necessary to accommodate parking on a ground floor or underground level (see Sections 10.5A43.42 and 10.5A43.43). In such cases, any above-ground parking requires a liner building along each street frontage, and all stories of the building above ground floor or underground parking levels

(including the liner building) shall meet the baseline maximum building footprint required for the Character district.

5. An exemption has been added to allow off-street parking to be located in front of single-and two-family structures (Section 10.5A44.31).
6. Incentives to the development standards have been added for the West End and for large parcels in other character districts in order to encourage property owners to provide workforce housing or community spaces such as pocket parks or plazas (Section 10.5A47).

In addition to these substantive revisions, the proposed zoning amendments implement a number of minor housekeeping amendments intended to clarify existing provisions or correct inconsistencies in the Zoning Ordinance. In keeping with the changes enacted in August 2015, a number of definitions are moved from Article 5A to the general definitions chapter in Article 15.

The Planning Board considered these proposed amendments at its January meeting, and in a public hearing at its February, March and April meetings. Concurrently with the Planning Board review, Portsmouth Listens held a series of Study Circles meetings to review the proposed zoning changes, and presented the findings and recommendations to the Planning Board at its meeting on March 17th. The Planning Board closed the public hearing at its meeting on April 21st and voted to recommend that the City Council enact the [attached](#) ordinances as revised.

Over the three-month review period, the Planning Department developed a number of proposed revisions to the draft ordinance that had been presented to the Council in January for first reading. These changes were offered in response to recommendations from the Study Circles groups, comments from residents at the public hearing, and consideration by Planning Board members. As a result, the version that the Planning Board voted to recommend has significant differences from version initially accepted by the Council and referred to the Board in January. As a result, in order to minimize any confusion, I suggest that the procedure for moving forward with the proposed ordinance changes be modified as follows:

1. At Monday's meeting (a) vote to recess the public hearing to the May 16, 2016 City Council meeting without a presentation from the Planning Department, and (b) vote to substitute the original ordinance as recommended by the Planning Board for the version of the amended ordinance currently before the Council.
2. The Planning Department will work with the City Clerk to re-notice the public hearing with reference to the new version of the proposed ordinance.

3. The Planning Department will provide a complete presentation of the proposed ordinance amendments at the May 16, 2016 City Council public hearing.

Therefore, I recommend the City Council move the following motions:

1. *Move to recess the public hearing to the May 16, 2016 City Council meeting, and,*
2. *Move to substitute the original ordinance as recommended by the Planning Board for the version of the amended ordinance currently before the Council, which is attached.*

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

2. **Public Hearing and Adoption of Proposed Bonding Resolution:**

- 2.1 **Public Hearing and Adoption of Proposed Resolution Authorizing the Issuance of Refunding Bonds of up to Thirteen Million (\$13,000,000) Dollars to Refinance Certain Outstanding Bonds of the City.** As a result of the April 18th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached](#) proposed Bonding Resolution of up to Thirteen Million (\$13,000,000) to refinance certain outstanding bonds of the City so as to reduce interest costs, and to pay all costs incidental and related thereto.

In reviewing the City's debt schedule, there are existing bond issues eligible for Advanced Refunding (refinancing) which will result in total future interest savings. The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate.

The original bonds issued that are eligible for advanced refunding are:

1. Bond issue on 6/15/2008 for:
 - Fire Station 2 Land Acquisition
 - Fire Station 2 Construction
2. Bond issue on 6/15/2009 for:
 - Fire Station 2 construction phase II
 - Madbury Treatment Plant upgrades

The average coupon rate (interest) for the remaining life of these bonds is 4.2%. Keeping in mind that interest rates are subject to change, the City, by opting to refinance these bonds in the current market, could experience savings in excess of \$970,000 net of all issuance costs, over the remaining life of the bonds.

I am requesting the City Council move to adopt the Resolution Authorizing the Issuance of Refunding Bonds of up to Thirteen Million (\$13,000,000) Dollars to Refinance Certain Outstanding Bonds of the City so as to reduce interest costs, and to pay all costs incidental and related thereto. The refunding resolution requires a public hearing with two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.

3. **Third and Final Reading of Proposed Ordinance Amendment.**

- 3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216 – Sewer User Charges/Records/Hook-up – Addition of All Customers.** As a result of the April 18th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 11, Article II, Section 11.216 – Sewer User Charges/Records/Hook-up, which expands the allowance of irrigation meters to all customer classes.

[Attached is a copy of a memorandum from Brian Goetz, Deputy Director of Public Works](#), regarding this matter.

Through research with our Water/Sewer rate consultant, we have determined that the current practice in New England and throughout the rest of the country is to allow for irrigation meters for all customers.

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

Consent Agenda:

1. **Request for License to Install Projecting Sign.** [Attached under Section X of the Agenda is a request for a projecting sign license \(see attached memorandum from Rick Taintor, Planning Director\):](#)
- Christi Watson, owner of Fringe Hair Studio, LLC for property located at 3 Market Square, 2nd Floor

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute this License Agreement for this request. Action on this item should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Request for First Reading Proposed Zoning Ordinance Amendment - Transportation Corridor District.** Attached is a memorandum from Rick Taintor, Planning Director, regarding the attached proposed Zoning Ordinance amendment to establish a new Transportation Corridor District. The Planning Board voted on April 21, 2016 to recommend that the City Council amend the Zoning ordinance, as proposed. I am requesting the City Council authorize me to bring back the proposed Ordinance for first reading at the May 16, 2016 City Council meeting.

The Planning Department has proposed that the railroad rights-of-way within the City (excluding areas for sidings and spurs) be rezoned to a new Transportation Corridor District. The purposes of the proposed district are:

- to preserve these corridors for existing and future transportation uses and utility lines and facilities;
- to allow for the development of multi-use (bicycle/pedestrian) recreational trails along abandoned rail corridors; and
- to restrict any land uses that would conflict with these transportation and recreational uses from being established.

Therefore, I recommend the City Council move to authorize the City Manager to bring back the proposed Ordinance for first reading at the May 16, 2016 City Council meeting, as recommended by the Planning Board.

2. **Report Back Re: Request to Rezone Land at 678 Maplewood Avenue and an adjacent parcel (Assessors Map 220, Lots 89 and 90) from Single Residence B (SRB) to Business (B).** As you will recall, at the March 14, 2016 City Council meeting, the Council referred the attached rezoning request from Attorney Joseph R. Russell, on behalf of Maplewood Ridge LLC, to the Planning Board for a report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, outlining the details of this request.

Following extensive public comment at the April 21, 2016 Planning Board public hearing, and based on the considerations in the attached memorandum, the Board voted unanimously to recommend that the City Council not rezone the parcels as requested.

Therefore, I recommend the City Council move to accept the Planning Board's recommendation to not rezone the parcels as requested.

3. **Application for Sidewalk Café providing Alcohol Service – Birdseye Lounge, LLC.** I am bringing forward for City Council action the attached Area Service Agreement for Birdseye Lounge, LLC for the 2016 season. City staff has reviewed Birdseye Lounge's

application and are recommending its approval as presented. Please note that the “Area” to be used by Birdseye Lounge, along with a table-chair layout, is included as an [attachment to the Agreement](#). The particulars of this application are as follows:

- 6 tables
- 12 chairs
- Area: 180 square feet
- Area Service Fee: \$1,800

As you are aware, in 2012, the City Council adopted City Council Policy 2012-02 titled “Policy Regarding Use of City Property for Sidewalk Café’s providing Alcohol Service”, [a copy of which is attached](#). That policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk café’s and calls for a 6 month term, typically running from mid-April through mid-October. The policy limits the number of sidewalk café’s in the City to six (6).

The fee for the use of the public “Area” subject to the Area Service Agreement is \$10.00 per square foot, with a minimum season’s fee of \$2,000 and no proration of the fee. The Agreements may be suspended at the sole discretion of the City on an administrative basis and revoked in their entirety by vote of the City Council. Hours of operation are until 10:30 p.m. Monday through Saturday and until 10:00 p.m. on Sunday, with no smoking allowed in the “Area” at any time. Use of the “Area” may be precluded, modified or made subject to special conditions to accommodate municipal events. The sidewalk café Area will be separated from the public pedestrian space by black decorative metal fence.

At the April 4, 2016 City Council meeting, the Council approved the following area service agreements:

Establishment	Location	Area	Fee
State Street Saloon	268 State Street	340	\$3,400
Popovers	8 Congress St	570	\$5700
Ri Ra Portsmouth	22 Market Square	447	\$4,470
District	103 Congress	467	\$4,670

I recommend the City Council move to authorize the City Manager to enter into an Area Service Agreement with Birdseye Lounge, LLC for Outdoor Alcohol Service on City land for the 2016 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafés providing alcohol service.

4. **Traffic Signal Easement Re: 361 Islington Street.** Lucky Thirteen Properties, LLC owns property at 361 Islington Street, which sits at the corner of Islington Street and Cabot Street. The owner received approval from the Planning Board to make certain improvements to the property, which improvements have been completed. One of the stipulations prior to release of the bond securing the site work is to convey to the City an easement for the installation of a new traffic signal. See [attached map](#) showing the approximate easement area.

The current traffic signals at this intersection are pedestal mounted within the City right-of-way and are sometimes not obvious to drivers. With this easement, the City can upgrade the signal system at the intersection by installing modern signals mounted on mast arms located over the roadway thus improving signal sight.

The easement deed will conform to City Legal Department specifications. The Director of Public Works and the Planning Director support this request.

I recommend the City Council move to authorize the City Manager to accept a traffic signal easement from Lucky Thirteen Properties LLC over property located at 361 Islington Street.

5. **Proposed Deer Street Garage Building Committee.** I am recommending that the Mayor and City Council appoint a five member Building Committee for the proposed garage at 165 Deer Street. I would like to suggest that the membership be (2) City Council Members, (1) Economic Development Commission Member, and (2) members from the public.

May I have your positive action regarding this matter.

6. **Request for Disposal of 1987 Fire Engine.** The Fire Department is looking to dispose of a 1987 fire engine, vehicle ID #1F9BBAA85H1037941. This fire engine was replaced by a 2015 E-One Rescue-Pumper, which was received by the Department in November 2015. There was no opportunity to trade-in the 1987 fire engine toward the purchase of the 2015 engine because that unit was already discounted as a demonstrator model.

The 1987 fire engine is an E-One Hush II Custom Fire Engine on a Federal Motors Chassis (Serial number 5503). It is equipped with a 1500 GPM Hale pump, a 500 gallon water tank and deck gun. It will be sold without hose or appliances. It is powered by a 6V92 Detroit diesel engine with 95,022.2 miles and 3,925.21 engine hours.

According to City Ordinance Section 1.505, any sale of property valued at or over \$500 must be authorized by the City Council and may be conducted by competitive bidding, public auction or any other means authorized by a two-thirds vote of the City Council. As in the past, we have disposed of surplus equipment through a sealed bid process or through GovDeals an online auction site, in which the equipment is sold to the highest bidder.

I recommend the City Council move to authorize the City Manager to dispose of the 1987 Fire Engine either through the sealed bid process or through GovDeals an online auctions site, in which the equipment is sold to the highest bidder.

7. **Waterline Easement - Nimble Hill Road, Newington.** The City of Portsmouth currently provides retail water service to portions of Newington including an area along Nimble Hill Road. The City was requested to extend its water service to supply a new minor subdivision off of Nimble Hill Road; the Town of Newington Planning Board approved the subdivision plan conditioned on the waterline being installed to City specifications to serve the properties. The area of the minor subdivision is shown on the [attached area map](#). The waterline has been installed to City specifications and is located in what will be a future public road once accepted by the Town of Newington.

On April 21, 2016, the Portsmouth Planning Board voted to recommend to the Portsmouth City Council acceptance of a waterline easement within the roadway as shown on a plan entitled “Minor Subdivision Plan Paul J. Beane Estate 233 Nimble Hill Road Newington NH” dated December 30, 2013 recorded in the Rockingham County Registry of Deed. [A copy of the water main as-built plan for Lydia Lane off of Nimble Hill Road in Newington is attached.](#)

I recommend the City Council move to authorize the City Manager to accept a waterline easement from Dennett Farm LLC to serve the minor subdivision off of Nimble Hill Road.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 18, 2016. In addition, this can be found on the City’s website.
2. **Household Hazardous Waste Day.** For your information, Household Hazardous Waste Day is scheduled for Saturday, May 14, 2016 from 8:00 a.m. to Noon at the Portsmouth Public Works Department, 680 Peverly Hill Road, for residents of Portsmouth, Greenland and Newington; proof of residency is required. I have [attached a copy of the informational sheet](#) regarding household hazardous waste collection, which can be found on the City Website <http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>
3. **Update Re: C-PACE.** Subsequent to Councilor Denton’s April 4, 2016 request to investigate administering C-PACE in Portsmouth, City staff met to discuss C-PACE to briefly review the state law and discuss setting up a meeting up with the Jordan Institute.

City staff met with Scott Maslansky from the Jordan Institute on April 15, 2016 to hear a presentation about C-PACE and to try to begin to understand how it would work in the City. Mr. Maslansky was able to answer some of our questions, needed some time to respond to others and determined that answers to some of the questions would not be born out until program implementation began. There was interest among staff in understanding

how this program would work in other communities and the extent to which communities may be able to work together in developing a better understanding of this program.

It was left that the City would be interested in having a meeting with the group of other communities also investigating this program, Dover, Keene, Concord, and Hanover, and hearing a joint presentation and/or Q&A session with the Jordan institute so these communities would be able to discuss their shared interest and discuss the need for consistency across NH Municipalities.

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 25, 2016
RE: Proposed Zoning Amendment – Transportation Corridor District

The Planning Department has proposed that the railroad rights-of-way within the City (excluding areas for sidings and spurs) be rezoned to a new Transportation Corridor District. The purposes of the proposed district are:

- to preserve these corridors for existing and future transportation uses and utility lines and facilities;
- to allow for the development of multi-use (bicycle/pedestrian) recreational trails along abandoned rail corridors; and
- to restrict any land uses that would conflict with these transportation and recreational uses from being established.

The proposed district is based on a Transportation Corridor Overlay District that was adopted by the Town of Hampton in 2012 and applied to the former Eastern Line rail corridor within that Town.

A key objective of the proposed zoning amendment is to preserve transportation rights-of-way for recreational trail use. The Eastern Line corridor (commonly referred to in Portsmouth as the Hampton Branch) extends the length of the New Hampshire Seacoast from Seabrook to Portsmouth. This corridor has been designated as the off-road route of the New Hampshire Seacoast Greenway, which is the New Hampshire portion of the East Coast Greenway, a nearly 3,000-mile “linear park” connecting cities from Key West, FL to Calais, ME. The City is working with the Rockingham Planning Commission and other Seacoast towns toward converting the New Hampshire corridor to a multi-use rail trail. This project is identified in the 2005 Master Plan, the 2014 Bicycle and Pedestrian Plan, and the draft 2016 Master Plan. In addition, over the past several years the City has designated funds in the CIP to support construction of the rail trail. By supporting this project, the proposed zoning amendment is consistent with and supports the City’s long-range planning policies.

The Planning Board held a public hearing on this proposed Zoning Ordinance amendment on April 21, 2016, and voted unanimously to recommend to the Council that it be adopted.

Attached are the proposed zoning amendment and a set of maps showing the parcels proposed to be included in the new Transportation Corridor District.

Transportation Corridor District

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

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

- A. In Article 4 – Zoning Districts and Use Regulations, Section 10.410 – Establishment and Purpose of Districts, insert the following:

District	Purpose
[...]	
Other Districts	
[...]	
Transportation Corridor	TC To provide for future transportation uses and related facilities as well as recreational trail use.

- B. In Article 4 – Zoning Districts and Use Regulations, insert a new Section 10.470 as follows:

Section 10.470 Uses Permitted in the Transportation Corridor District

Land in the Transportation Corridor District may be used for the following purposes:

- 10.471 Rail transport**
- 10.472 Municipal trail**
- 10.473 Rail-trail or rail-with-trail**
- 10.474 Underground utility lines, including but not limited to water, sewer, drainage, natural gas, electric and telecommunications**

C. In Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, insert the following new terms and definitions in alphabetical order:

Municipal trail

A full public right-of-way of indefinite duration subject to public trail use restrictions, and classified as a Class A or Class B trail by the City Council pursuant to RSA Chapter 231-A.

Rail transport

The transportation by rail of goods or passengers, including such infrastructure and facilities as tracks, sidings, signals, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals.

Rail-trail

A multi-purpose public path (paved or natural) created within an abandoned rail corridor right-of-way.

Rail-with-trail

A shared-use path that is located on or directly next to an active railroad corridor.

D. Amend the Zoning Map by rezoning the following lots or parts thereof to the Transportation Corridor District:

- Assessors Map 165 Lot 14
- Assessors Map 234 Lot 2A
- Part of Assessors Map 164 Lot 4 (100-foot wide corridor, measured from the southeasterly property line)
- Assessors Map 125 Lot 20
- Assessors Map 124 Lot 13
- Assessors Map 119 Lot 3
- Part of Assessors Map 119 Lot 5 (50-foot wide corridor, measured from the southwesterly property line)
- Assessors Map 121 Lot 1

Said lots are shown on a series of nine maps titled “Proposed Transportation Corridor District”, dated March 17, 2016.

The City Clerk shall properly alphabetize and/or re-number the ordinances 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:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

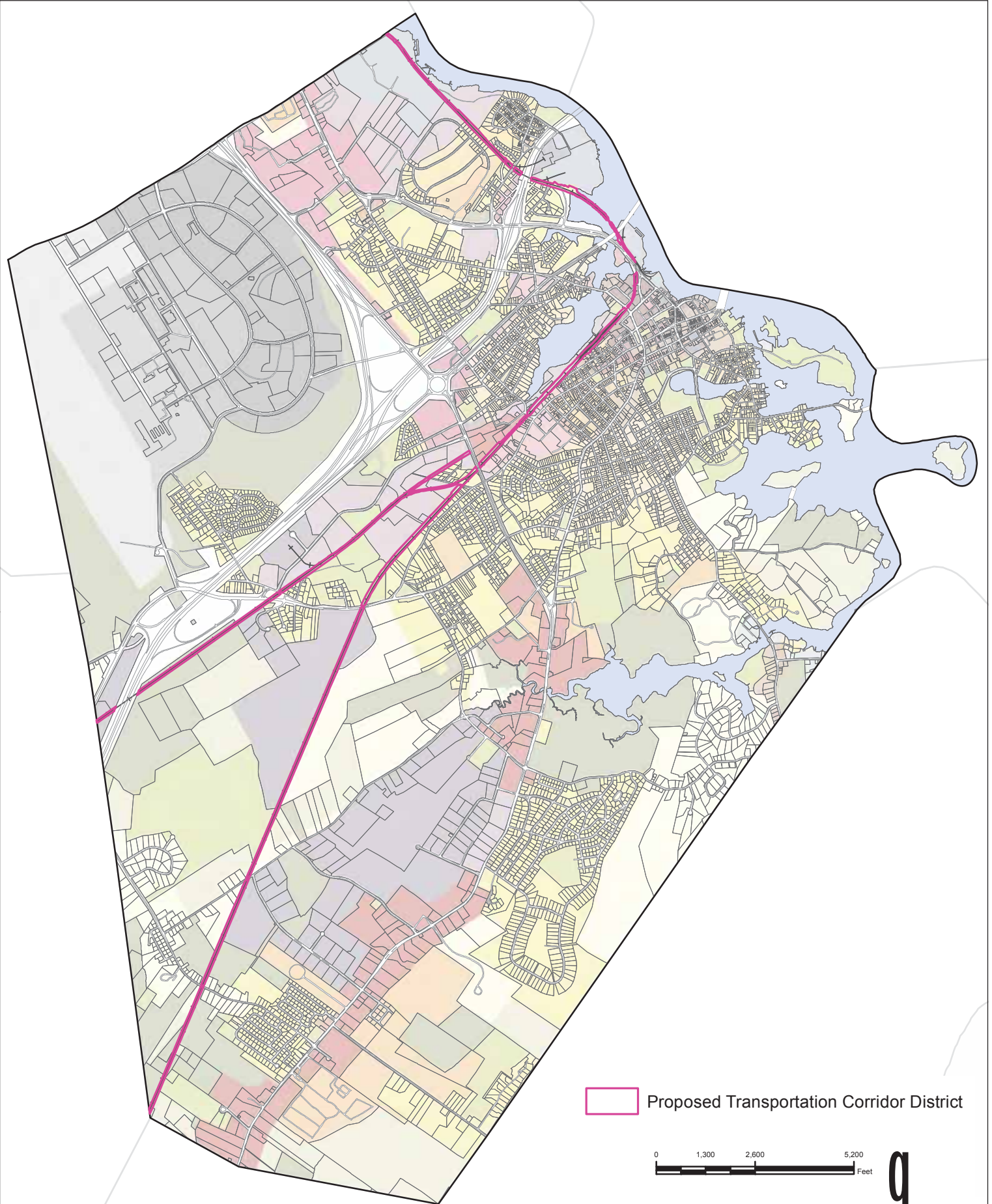
Kelli L. Barnaby, City Clerk

H:\Rick T\Land Use Regulations\Zoning\Zoning Ordinance Amendments\Amendments 2016 - Transportation Corridor District\Amend 2016 - transportation corridor - CC 160425.docx

Proposed Transportation Corridor District

March 17, 2016

Map 1 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 2 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 3 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 4 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 5 of 9



0125-0020-0000

Proposed Transportation Corridor District

0 100 200 400 Feet

Proposed Transportation Corridor District

March 17, 2016

Map 6 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 7 of 9



0119-0003-0000

 Proposed Transportation Corridor District

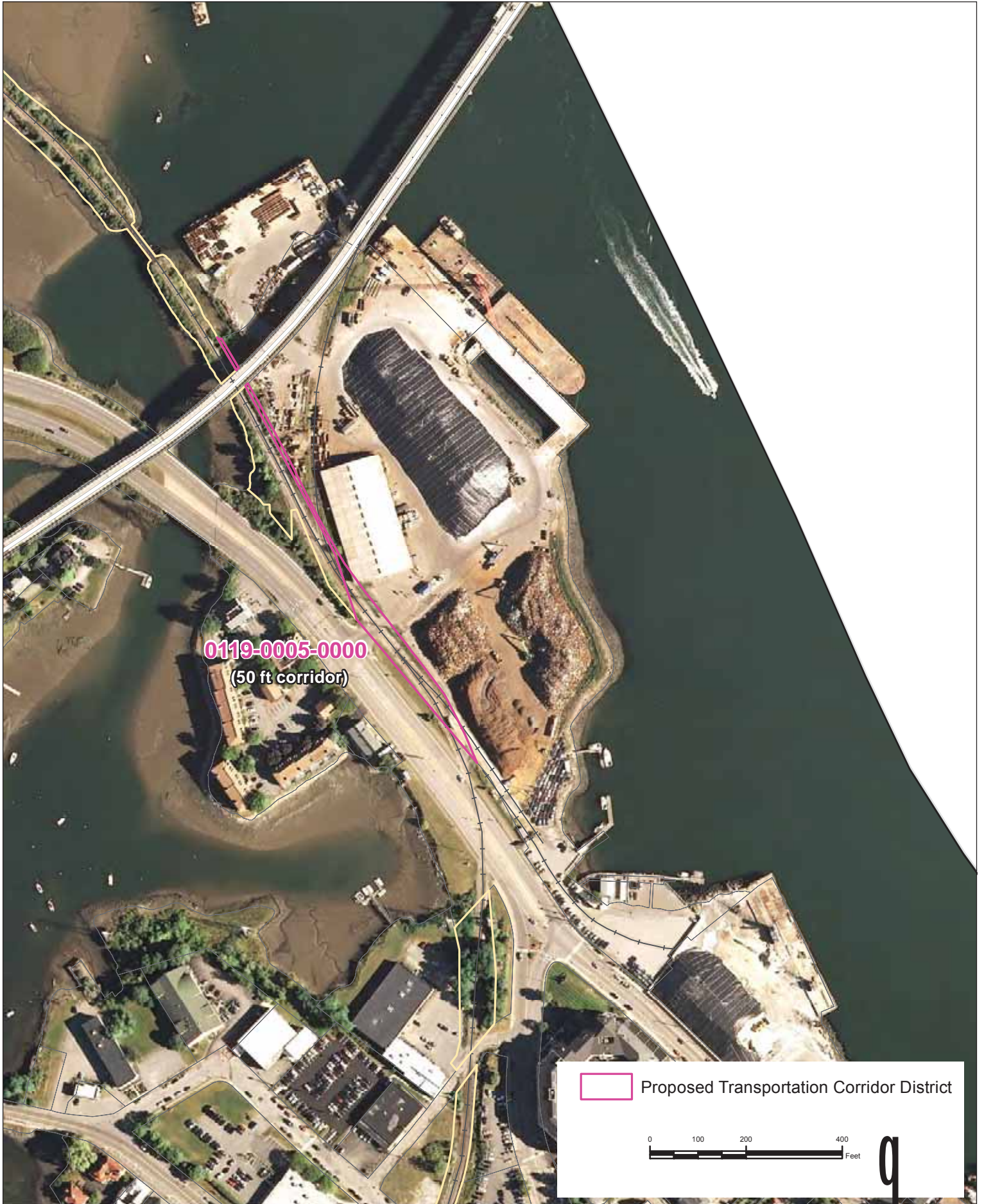
0 100 200 400 Feet

9

Proposed Transportation Corridor District

March 17, 2016

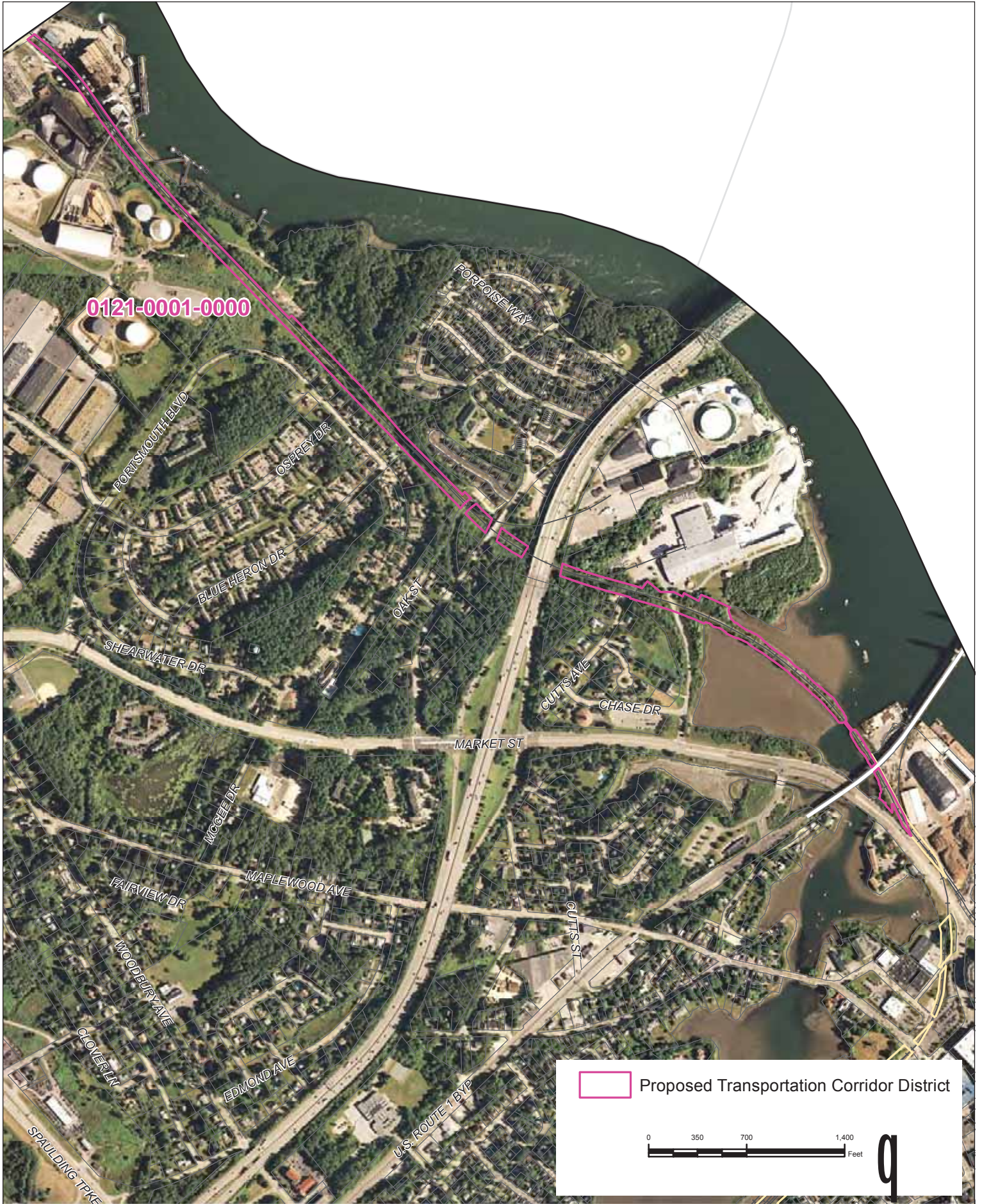
Map 8 of 9



Proposed Transportation Corridor District

March 17, 2016

Map 9 of 9



M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 25, 2016
RE: City Council Referral – Request to Rezone Land at 678 Maplewood Avenue and an adjacent parcel (Assessors Map 220, Lots 89 and 90) from Single Residence B (SRB) to Business (B)

At its meeting on March 14, 2016, the City Council voted to refer to the Planning Board a letter from Joseph R. Russell, attorney for Maplewood Ridge LLC, requesting that two parcels on Maplewood Avenue be rezoned from Single Residence B (SRB) to the Business (B) district. The stated purpose of the requested rezoning is to allow the development of the combined parcels for “affordable housing in the form of town houses and apartments, including micro-units and designated (deed restricted) workforce housing units.” These parcels were the subject of similar requests that were considered by the Planning Board in 2012 and 2013, as well as an application for several zoning variances that was considered by the Zoning Board of Adjustment in February 2016. In all three cases, these prior requests for rezoning or variances were denied.

The Planning Board considered this request at a meeting on March 17, 2016, and held a public hearing on the request at its meeting on April 21, 2016. Much of the discussion at the public hearing focused on the uncertainty of the development potential under the proposed zoning. For example, the Business district does not currently permit townhouses, and only permits multifamily residences as part of a mixed-use development in which business uses constitute at least one-third of the total floor area. Therefore, even if the parcels were rezoned as requested, the owner would need to apply to the ZBA for variances in order to achieve the stated purpose. Furthermore, since contract zoning is not allowed in New Hampshire, the City cannot ensure that the site will be developed as described in the request letter. Instead, a rezoning would open the parcels up to the full range of uses allowed in the Business district.

Thus, while the Board continues to support the objective of providing additional affordable housing in the City, there would be no guarantee that a rezoning to Business would achieve that objective. In addition, concern was expressed about the residential density allowable under the proposed Business zoning. Alternative rezoning approaches that would permit a lower density of multifamily residential development might be more acceptable.

Following extensive public comment at the April 21 public hearing, and based on the above considerations, the Board voted unanimously to recommend that the City Council not rezone the parcels as requested.

KALIL & LaCOUNT
ATTORNEYS AND COUNSELORS AT LAW

681 Wallis Road • Rye, NH 03870

Earl L. Kalil, Jr.
Michelle LaCount

Jillian E. Colby
Joseph R. Russell
Katherine E. Hedges

(603) 964-1414
(603) 964-7717 FAX
ryelaw@comcast.net

February 29, 2016

FEB 29 2016

Hand Delivered

Hon. Jack Blalock, Mayor
c/o John P. Bohenko, City Manager
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request for Zoning Amendment

Applicant: Maplewood Ridge, LLC
Parcel One: 678 Maplewood Ave (Tax Map 220 Lot 89)
Parcel Two: Tax Map 220 Lot 90

Dear Mayor Blalock:

On behalf of our client, Maplewood Ridge, LLC (the "Petitioner"), we respectfully petition the City Council to amend the Zoning Ordinance to 678 Maplewood Avenue a/k/a Tax Map 220 Lot 89 ("Parcel One") and Tax Map 220 Lot 90 ("Parcel Two" and together with Parcel One, the "Property") in the "B" zone which they each currently abut. The Petitioner is the holder of valid purchase and sale agreements for both parcels which are currently zoned "SRB". We believe that extending the boundary of the "B" zone is in the best interests of the City and is consistent with the Master Plan.

Parcel One is currently used for single family residential rental units. Both the main house and the garage apartment are rented on a month-to-month basis. Parcel One is non-conforming as it has two (2) dwelling units where only one is allowed. It is further non-conforming as the lot area is only 7,459 square feet while 15,000 square feet of lot area is required per the Zoning Ordinance. Parcel One is 0.17 acres.

Parcel Two is a vacant lot with a history of vagrancy. Like Parcel One, Parcel Two is non-conforming as it has only 49.31 feet of road frontage, while Section 10.521 of the City of Portsmouth Zoning Ordinance requires frontage of not less than 100 feet. Parcel Two is 1.44 acres.

The purpose and intent of the proposed zoning amendment is to extend the "B" zone westerly to Interstate 95. Currently the "B" zone runs along the southerly side of Maplewood Avenue from the Route 1 Bypass to the Property. The proposal extends the "B" zone a mere 133.97 feet westward to the I-95 corridor. This would allow the Property to be developed to its highest and best use. Moreover, the current proposal would consist of affordable housing in the form of town houses and apartments, including micro-units and designated (deed restricted) workforce housing units. Affordable housing, and in particular workforce housing, has been identified as a major need in the City. The Property represents one of just a handful of locations in the City able to support such a development.

Recently, the Petitioner sought relief to pursue the proposed development by variance and applied to the Board of Adjustment for relief. While the relief was not granted, the general consensus of the Board was that the proposed use was a good one and that workforce and affordable housing are sorely needed in the City. In fact, Chairman Witham spoke strongly in favor of the Property's inclusion in the "B" zone and further stated that he agreed that the Property represented both one of only a few parcels in the City on which workforce housing units could be placed.

The proposed zoning amendment is consistent with the Master Plan and would help the City achieve its housing goals identified therein by addressing the shortage of workforce and affordable housing in the City. This shortage is well documented and is also noted in the report of existing housing conditions in the City done in connection with the 2015 Master Plan, i.e. "43 percent of Portsmouth's renter households are paying more than 30 percent of their income on housing costs..." See Page 30 of the Housing Existing Conditions Report, June 2014. This development will directly address this need by providing workforce housing units, micro units and otherwise affordable housing stock close to downtown and on existing transit lines.

The effect on municipal services should be minimal. The existing traffic engineering is sufficient to support the anticipated increase in traffic from the proposed development. Similarly, the water/sewer impact of the proposed development will be nominal.

Maplewood Avenue between I-95 and the Route 1 Bypass is a busy road with a variety of residential uses on the northerly side, including single family, multifamily and condominiums. The southerly side is entirely businesses but for the subject Property. The proposed development therefore will not have an adverse impact on the character of the locality which is essentially mixed use. Moreover, the Property is surrounded by buffers on all sides. To the North is Maplewood Avenue, a major thoroughfare. To the East is the I-95 corridor. To the South is a 45' Eversource transmission line easement. To the West is the "B" Zone in which it would be included. This acts to further minimize any impact on the neighborhood.


Amending the zoning ordinance to include the Property in the "B" zone would also have a positive impact on the City's fiscal resources. Development of the Property, and in particular Parcel Two, which is now undeveloped, will result in increased tax revenues.

For these reasons, we respectfully request that the City Council amend the Zoning Ordinance to include the Property in the "B" zone.

Enclosed herewith are the following materials in support of the requested amendment:

1. Current Zoning Map showing area to be rezoned;
2. Proposed New Zoning Map showing Property;
3. Aerial Photos; and
4. Context Photos.

Respectfully submitted,



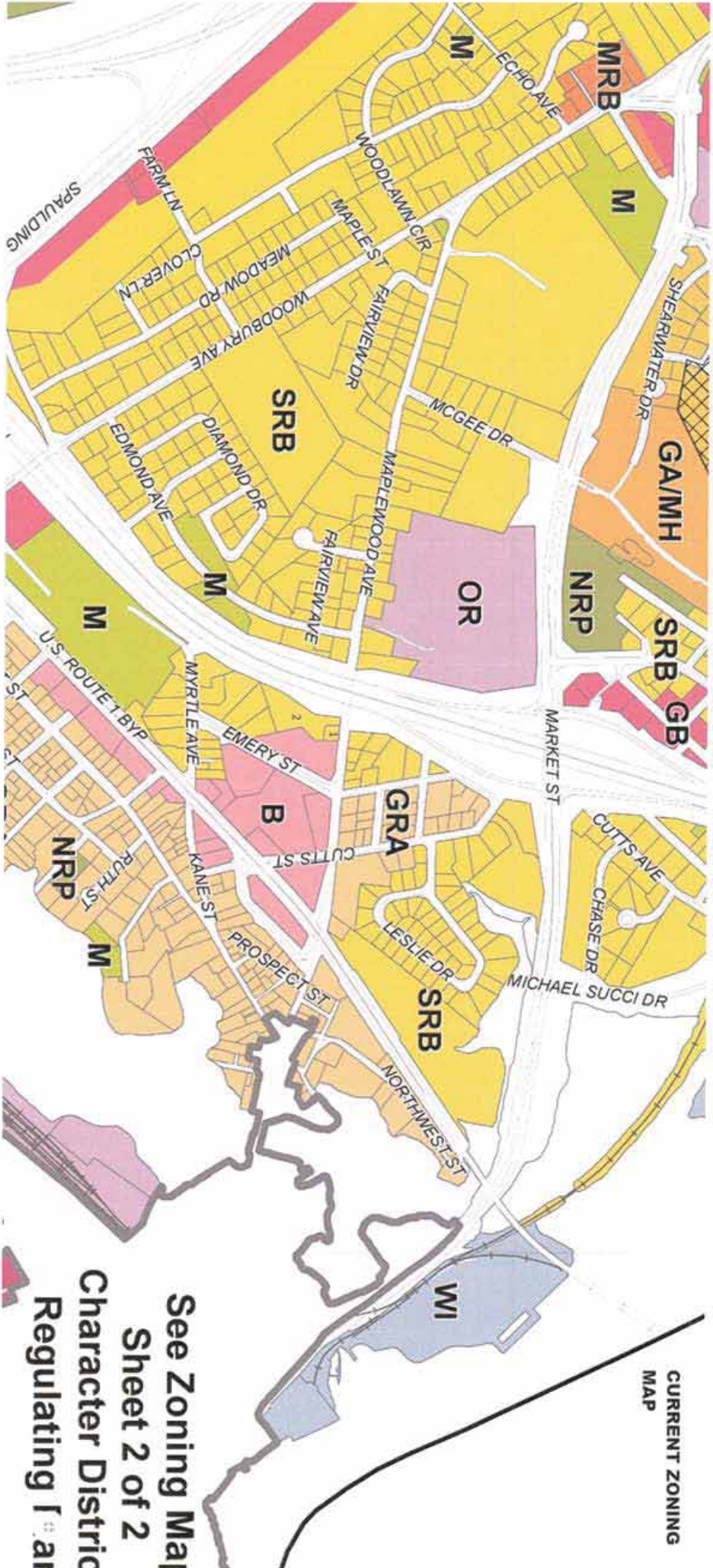
Joseph R. Russell
Attorney for Maplewood Ridge, LLC

/JRR

Enclosures

cc: Maplewood Ridge, LLC

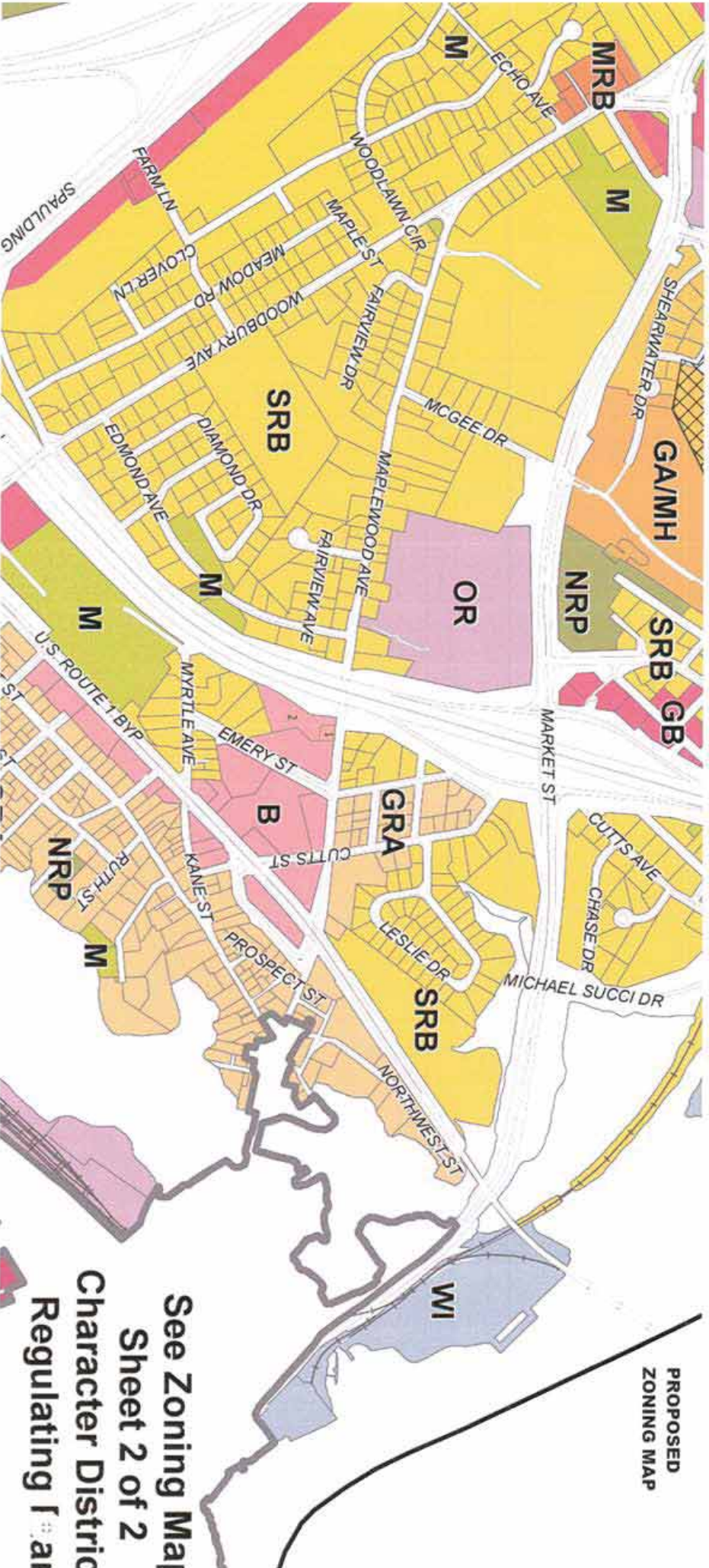
EXHIBIT 1



**See Zoning Map
Sheet 2 of 2
Character District
Regulating Framework**

**CURRENT ZONING
MAP**

EXHIBIT 2



**PROPOSED
ZONING MAP**

**See Zoning Map
Sheet 2 of 2
Character District
Regulating Plan**

EXHIBIT 3

EXHIBIT 4

Existing Conditions Photos

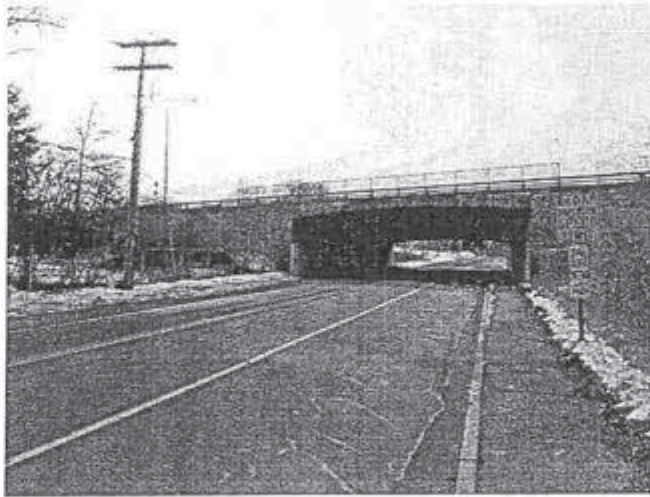
678 Maplewood Avenue, Portsmouth, NH



Existing Home and Garage with apartment above



Second lot driveway (proposed driveway location)



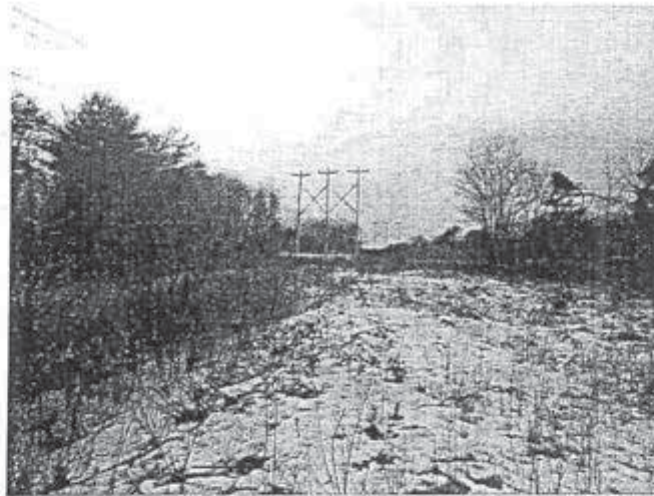
View looking West on Maplewood Ave to 95 Bridge (Bus stop at sidewalk heading west)



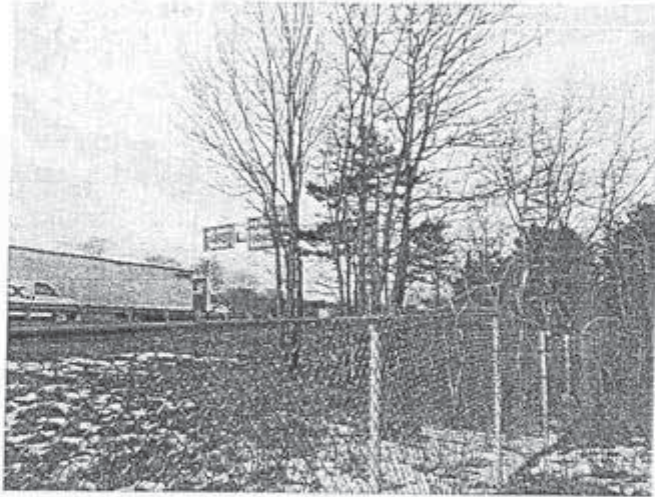
View looking east on Maplewood to downtown over new Maplewood Bridge



Existing Bus Stop at the Driveway to the Property for students and other daily riders



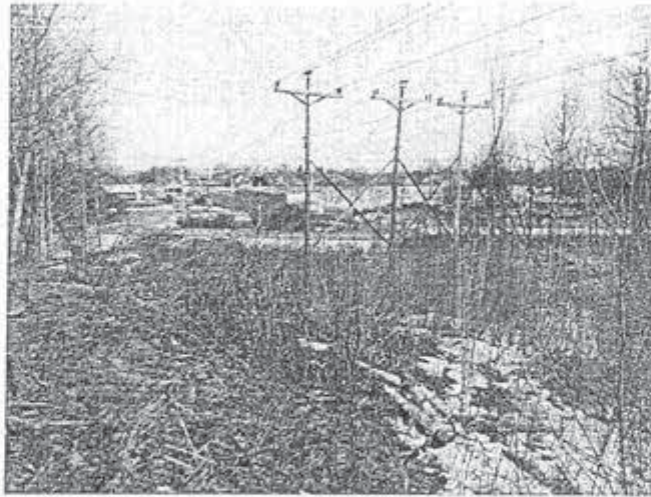
Power lines across the southern boundary of the property crossing I-95



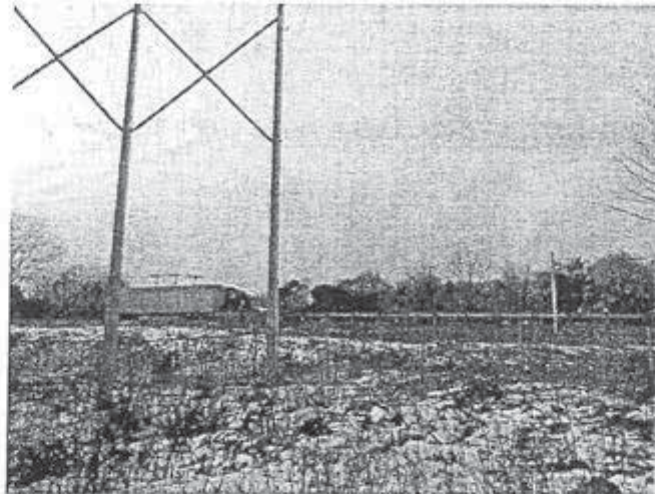
Interstate 95 frontage



View from the southerly boundary looking back north



Power lines off site in Business Zone abutting the subject parcels



Interstate 95 frontage

Lee Consavage
Birdseye Lounge, LLC
41 Vaughan Mall
Portsmouth, NH 03801
March 17, 2016

City Council
City Hall
Portsmouth, NH 03801

RE: Application for Use of City Property for Sidewalk Café's Providing Alcohol Service

Dear City Council:

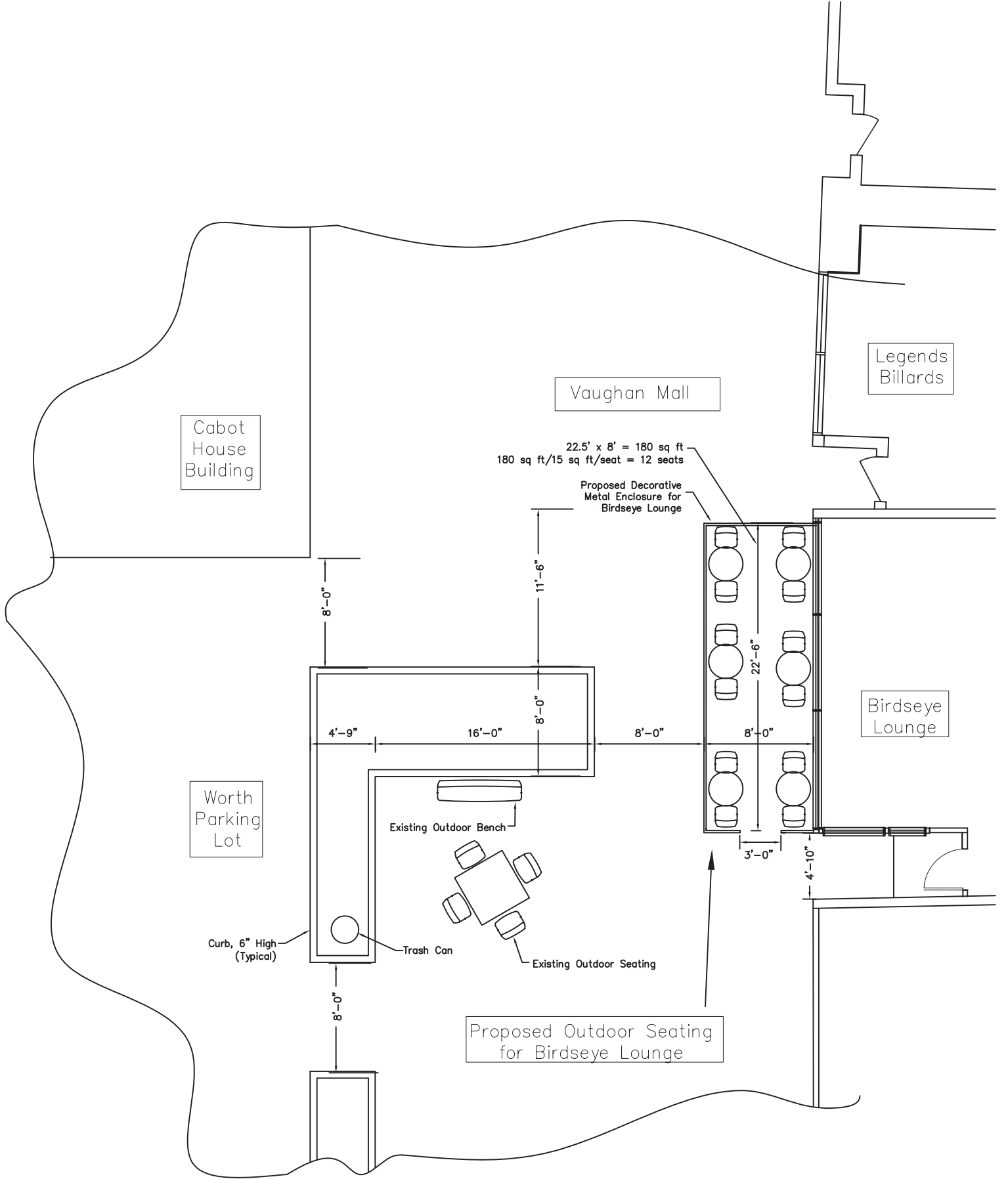
Attached please find the dimensioned outdoor seating plan for the Birdseye Lounge, located at 41 Vaughan Mall in Portsmouth. Please call if you have any questions at 207-475-7054.

Sincerely,



Lee Consavage
Birdseye Lounge, LLC
Owner

Cc: John Bohenko, City Manager



Cabot House Building

Vaughan Mall

Legends Billiards

22.5' x 8' = 180 sq ft
180 sq ft / 15 sq ft/seat = 12 seats

Proposed Decorative Metal Enclosure for Birdseye Lounge

Birdseye Lounge

Worth Parking Lot

Existing Outdoor Bench

Trash Can

Existing Outdoor Seating

Curb, 6" High (Typical)

Proposed Outdoor Seating for Birdseye Lounge

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. The City Council shall allow no more than six (6) sidewalk cafe's with alcohol service in any season.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.

6. Use of the Area subject to the Area Service Agreement (the “Area”) may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season’s end. Specifically, at season’s end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City’s Legal Department.
10. Sidewalk cafe’s shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe’s may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe’s shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on March 19, 2012.

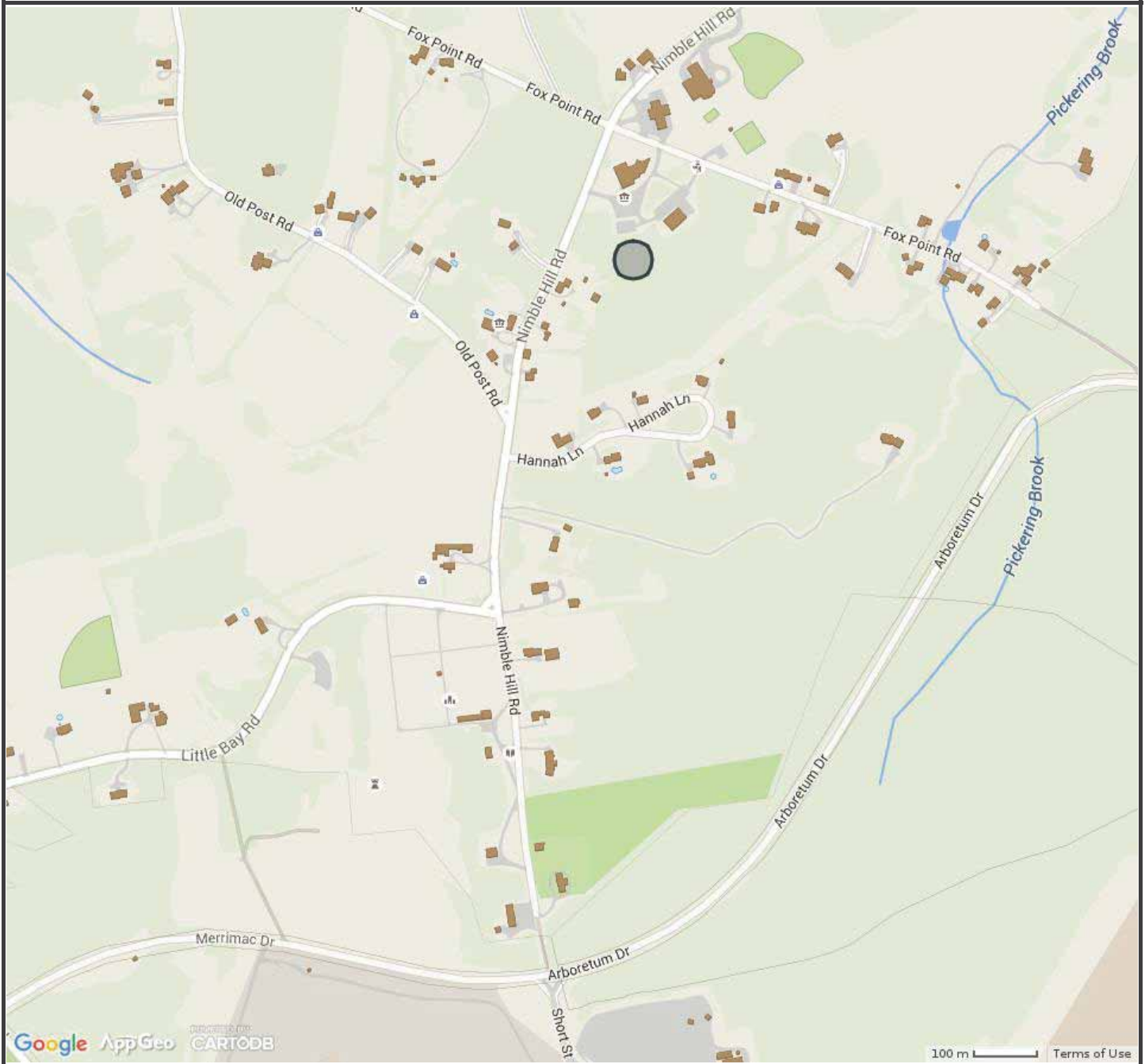
Kelli L. Barnaby, CMC/CNHMC
City Clerk

361 Islington Street
Lucky Thirteen Properties, LLC

Traffic signal easement area shown in yellow, not to scale



Nimble Hill Road minor sub-division area/Lydia Lane



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2015
Properties updated daily at 12am

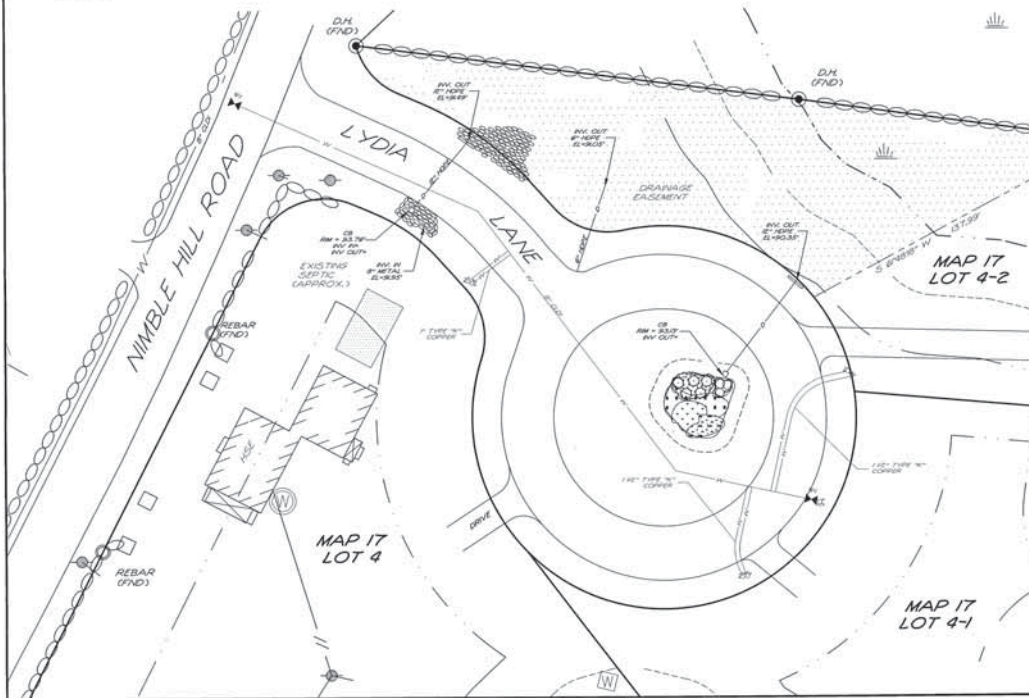
NOTES

- 1) INTENT TO SHOW AS-BUILT WATER MAIN OF THE PHIL J. BEANE ESTATE SUBDIVISION (LOT 4).
- 2) THE MAP IS LOT 4.
- 3) PROJECT PLAN REFERENCE SHOWS SUBDIVISION PLAN: PHIL J. BEANE ESTATE, 253 NIMBLE HILL ROAD, NEWINGTON, NEW HAMPSHIRE. TRITECH ENGINEERING CORPORATION, DECEMBER 30, 2013. WORD 04-194204.
- 4) ZONING: RESIDENTIAL, R-1. PER: 100-100. DATE: 04/11/11. MAP: 17-1. PER: 100-100. DATE: 04/11/11. MAP: 17-1. PER: 100-100. DATE: 04/11/11. MAP: 17-1.
- 5) THE PLAN INDICATED QUALITY OF SOIL RANDOM POINT TRAVERSE WAS 1 FOOT IN 35,000 AND WAS ACCOMPLISHED USING A LEICA TC 502 TOTAL STATION UNDER THE SUPERVISION OF AN ENGINEER.
- 6) EXISTING UTILITIES - ALL INFORMATION ON THE LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND BASED ON FIELD INFORMATION, AVAILABLE PLANS AND CONTRACTOR'S NOTES. EXACT LOCATIONS AND DEPTHS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION IN THESE AREAS. LOCATIONS OF UNDETERMINED UTILITIES HAVE NOT BEEN MARKED AND THIS PLAN DOES NOT CARRY TO THEIR LOCATION.
- 7) THE AS-BUILT CONDITIONS SHOWN ON THIS PLAN REFLECT SITE CONDITIONS AS OF MARCH 11, 2016.



TRITECH
ENGINEERING CORPORATION

253 NIMBLE HILL ROAD
NEWINGTON, NH 03801
PHONE: 603.748.8307
FAX: 603.748.8300



LEGEND

+	SURVEY POINT
---	UNDERGROUND ELECTRICAL, TELEPHONE & CABLE
---	CONDUIT
---	DRAIN LINE
---	REBAR SET
---	SHARPE BOUND SET
---	ELECTRIC, TELEPHONE & CABLE TV BOXES
---	8" CP
---	12" CP
---	WATER GATE VALVE
---	WATER SHUT-OFF
---	WATER LINE
---	SEWER BRICK
---	SEWER MANHOLE
---	SEWER PIPE
---	SHO LINE
---	STONE CHECK DAM

WATER MAIN "AS-BUILT" PLAN
LYDIA LANE
NIMBLE HILL ROAD
NEWINGTON, NEW HAMPSHIRE
MARCH 28, 2016
JOB NO. 15300
SCALE: 1" = 20'

SHEET NO. **AB-1**

Event Listing by Date

Starting Date: 4/18/2016

Ending Date: 2/28/2017

Start End	Type Description	Location	Requestor	Vote Date
4/30/2016 4/30/2016	WALK Jenelle Dolan, Community Director is the contact. jdolan@marchofdimes.com Tel. 978-729-5849 Time: 6:00 am. to 12:00 p.m.	Peirce Island	March of Dimes	10/ 5/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
5/ 7/2016 5/ 7/2016	ROAD RACE Carolyn Ostrom, NH Community Relations Specialist is the contact for this event. The event begins on Peirce Island and ends at Strawberry Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
5/14/2016 5/14/2016	WALK Deidre Reynolds is the contact for this event. Her contact information: dede40@comcast.net or 236-9616 This event gathers at Prescott Park at 11:00 a.m. then process to walk across Memorial Bridge and back. The full name of this event: Moms Demand Action Tri State Meet Up and Bridge Walk for Gun Sense.	Prescott Park	Moms Demand Action Tri State M	3/14/2016
5/29/2016 5/29/2016	RACE Jeanine Sylvester is the contact for this event. This event is at Pease Tradeport. Event begins at 11:00 a.m.	Pease Tradeport	Runner's Alley	1/25/2016
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015
6/18/2016 6/18/2016	RACE Nicole McShane is the contact for this event. Her contact number is 430-1140 ex. 2407 Raindate for this event is Sunday, June 19th.	Pleasant Street	Big Brother Big Sisters of New	10/19/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
6/25/2016 6/25/2016	PRIDE Contact: Jess Dorr, Executive Director 603-552-5824, Portsmouth Pride Community Event with Six Walks into Market Square	Market Square	Seacoast Ouright	3/21/2016

Event Listing by Date

Starting Date: 4/18/2016

Ending Date: 2/28/2017

Start End	Type Description	Location	Requestor	Vote Date
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/ 4/2016 7/ 4/2016	RACE David Hampson is the contact for this event. Telephone No. 334-3032 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Strawbery Banke, Marcy Street	Easter Seals Veteran's Count	12/ 7/2015
7/ 9/2016 7/ 9/2016	FUND Jim OBrien is the contact for this event. Tel. 603-380-5343	Market Square - Boot Drive	Portsmouth Professional Fire F	4/18/2016
7/16/2016 7/16/2016	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	1/25/2016
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	BOAT Molly Bolster is the contact for this event. This event begins at 9:00 a.m. to 3:00 p.m. Raindate: 7/31/16	Peirce Island	Round Island Regatta	3/14/2016
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
8/ 4/2016 8/ 4/2016	RACE Justin Finn is the contact for this event. Race Start: 6:00 p.m. Registration: 4:30 p.m.	Portsmouth High School Cross Country Track	Portsmouth Rotary Club	12/ 7/2015
8/20/2016 8/20/2016	FUND Jim O'Brien is the contact for this event. Tel. (603) 380-5343	Market Square - Boot Drive	Portsmouth Professional Fire F	4/18/2016
9/17/2016 9/17/2016	RACE Holly Tennent and Melissa Mikulski mmikulski@bottomline.com 501-5335 htennent@bottomline.com 501-6653 This event begins at 9:00 a.m.	Pease Tradeport	Bottomline Technologies	4/ 4/2016

Event Listing by Date

Starting Date: 4/18/2016

Ending Date: 2/28/2017

Start End	Type Description	Location	Requestor	Vote Date
9/17/2016 9/17/2016	WALK Contact: Ken La Valley, Chair - Out of Darkness Walk on Saturday, September 17, 2016 Registration: 8:30 a.m. Walk Duration 10:00 a.m. - Noon Peirce Island - Begin and end. Proposed Walk route 2.3 miles	Peirce Island	American Foundation for Suicid	1/11/2016
9/18/2016 9/18/2016	RACE Wendy McCoolle is the contact for this event. Telephone #603-759-5640 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Portsmouth Middle School	Celebrate Pink	12/ 7/2015
9/24/2016 9/25/2016	BIKE TOUR Donna Hepp is the contact for this event. Tel. 414-258-3287	Through Portsmouth	Grante State Wheelmen	12/ 7/2015
9/24/2016 9/25/2016	FESTIVAL David Hallowell is the contact for this event. This is a 2-day event starting at 8:00 a.m. to 6:00 p.m.	Pleasant Street	Portsmouth Maritime Folk Festi	1/25/2016
9/24/2016 9/25/2016	TOUR Caroline Amport Piper is the contact. Tel. (603) 686-4338 Location of this event is to be determined. This event begins each day at 11:00 a.m. to 3:00 p.m.	To Be Determined	Friends of the South End	12/ 7/2015
10/ 9/2016 10/ 9/2016	ROAD RACE Contacts: (Date changed to October 9, 2016 instead of October 8th) Ben Anderson - ben@prescottpark.org Angela Greene - angela@prescottpark.org Race Start: 10:00 a.m. Registration: 8:00 a.m.	Memorial Bridge Portsmouth	Memorial Bridge Road Race	12/ 7/2015
10/22/2016 10/22/2016	WALK Contact Susan von Hemert Annual Memorial Bridge Walk walking acorss Memorial Bridge to Prescott Park	Memorial Bridge Walk to Prescott Park	Seacoast Rotary	3/ 3/2016
11/13/2016 11/13/2016	ROAD RACE Jay Diener, Co-race Director is the contact for this event. He can be reached at (603) 758-1177 Runners start at 8:30 a.m.	Portsmouth, New Castle, Rye	Seacoast Half Marathon	4/18/2016
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015
12/11/2016 12/11/2016	ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthritis.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016

Run: 4/28/16
10:00AM

Event Listing by Date

Page: 4

Starting Date: 4/18/2016

Ending Date: 2/28/2017

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015



Department of Public Works, 680 Peverly Hill Rd, Portsmouth, NH 03801 Phone: (603) 427-1530, Fax: (603) 427-1539 | [Contact Us](#)

Household Hazardous Waste Day
Saturday, May 14th, 2016 from 8 a.m. - Noon

For residents of Portsmouth, Greenland & Newington - Proof of Residency Required.
 Department of Public Works, 680 Peverly Hill Road, Portsmouth, NH 03801

NO LATEX PAINT will be accepted at this collection event. Latex paint may be solidified with kitty litter, sawdust, speedy dry or by opening the can and allowing the paint to completely dry before it is disposed either at the Recycling Center or through regular trash pick-up.

Bring the household hazardous waste products a to the Department of Public Works facility at 680 Peverly Hill Road for safe disposal between 8 a.m. and noon. Residents must show proof of residency.

Bring your unwanted household chemicals to Portsmouth's Dept of Public Works for safe disposal including:

From the Yard:	From the Garage:	From the House:	From the Workbench:
Fertilizer with pesticides fungicides	Acids Car waxes/polish Creosote	Bathrooms cleaner Disinfectants Furniture polish	Brush cleaner Cosmetics Paint/stain/finish (lead and oil base)
Insect spray Lighter fluid Pest strips/traps Pesticides Poisons Pool chemicals	Driveway sealers/tar Flea powder Gasoline Radiator flush Roofing tar	Metal polish Mothballs Oven cleaner Photo chemicals Rug cleaner Wood strippers	(lead and oil base) Rust preventative Solvents Thinner/turpentine Wood preservatives

HOUSEHOLD HAZARDOUS WASTE AND YOUR DRINKING WATER

What Is Household Hazardous Waste?

Hazardous wastes typically found in homes include: Gasoline · Antifreeze · Photographic Chemicals · Oil-Based Paints · Drain Cleaners · Pesticides · Furniture Strippers · Oven Cleaners · Disinfectants · Kerosene · Spot Removers · Used Motor Oil · Auto Batteries



Why Should I be Concerned?

When improperly stored and disposed these products can injure you, your family, or your pets; harm the environment; and possibly contaminate drinking water supplies.

Are Some Places At Greater Risk Than Others?

The Portsmouth area is of particular concern because it has been identified as an area from which groundwater flows to a public drinking water supply. If you have a well on your property, you also need to think about protecting the groundwater that supplies **your** well.

What Should I Do?

Residents of Portsmouth, Greenland and Newington can bring their household hazardous waste to Portsmouth's Department of Public Works, 680 Peverly Hill Rd. Portsmouth.

For more information about Household Hazardous Waste Collection (HHW) call DES at 271-2047 or visit our household hazardous waste web site at: <http://des.nh.gov/organization/commissioner/p2au/pps/hhwp/index.htm>

For more information about the NH Drinking Water Source Protection Program call DES at 271-7061 or visit the web site at: <http://des.nh.gov/organization/divisions/water/dwgb/dwspp/index.htm>



[Return to Solid Waste and Recycling Info](#)

April 20, 2016

Jack Blalock
Mayor of Portsmouth

John Bohenko
City Manager

Rick Taintor
City Planner

Re: Zoning Board of Adjustment

Dear Jack, John, and Rick,

I am writing to share with you my decision to step down from Portsmouth's Zoning Board of Adjustment effective this July.

Trust that this has been a most difficult decision for me as I have developed a deep connection with this board and the entire staff of the Planning Department who often feel like family to me.

The reality for me at this time is that my new job requires a great deal of travel. I am now often out of state for two days a week. Also with my three kids getting older there are many events and sports games I would like to attend as that window with them closes in on me.

When my term last expired, the board was not in a "good place" as we were short members while others were on the fence as to whether they would stay on. After some discussion with the Planning Department, I agreed to stay on as chairman as long as possible and that I would give a three month's notice if I were to step down.

I truly appreciate the opportunity and trust the City put in me to carry out the duties as a ZBA member. It was a great experience for me personally and most importantly I will cherish the relationships I made along the way. It wasn't always easy and at times I definitely needed to develop some "thick skin" to thwart off the criticism, but overall it was a very rewarding 16 year run. You can also rest assure I leave a board that is arguably the most solid board I have been apart of.

Again, I pass along my sincere thanks for allowing me the opportunity to serve this great community of ours. It was an honor.

Sincerely,
David Witham
Chairman, Zoning Board of Appeal

Memorandum

To: Mayor Jack Blalock
Portsmouth City Council
City Manager John Bohenko

CC: Housing Committee members (Councilor Spear, Councilor Dwyer, Commissioner Kennedy, Deputy City Manager Colbert-Puff, Mr. Rick Taintor, Ms. Jessa Berna)

From: Councilor Perkins

Date: 4/27/2016

Re: **Housing Committee Overview**

Introduction

The cost of housing in Portsmouth has escalated partially due to forces well outside of the City's control: larger structural trends in the economy. Households are changing – people are having children later, having less children, seeking a carless lifestyle, seeking to retire somewhere they can maintain mobility, and above all seeking a vital and interesting place to build their lives – in whatever stage. Due to these changes, there is a greater demand for smaller units with less yard, less rooms and less driving required. Both millennials and baby boomers have moved towards this form of housing over the traditional suburban home driving distance from town.

In order for Portsmouth to see housing prices decrease, it needs to see housing stock built that meets this demand. In order for Portsmouth to see these types of housing come on the market, we must recognize that our zoning was developed with the car-based lifestyle in mind, so changes will be necessary.

Portsmouth is quickly becoming a well-known desirable community. Future economic growth benefits from a City which continues to attract a workforce due to its desirable features and reasonable cost of living. The City has spoken about affordable and workforce housing many times, as well as conducted studies and formed committees in the past. Those committees have determined that tools are available for the City to meet its goals, and the Housing Committee intends to use some of those tools to address the cost of housing in Portsmouth.

Master Plan

Our master plan shows a vision for a community with increased vibrancy, authenticity, sustainability and variety. The Housing Committee seeks to implement some of these goals by proposing zoning changes that will enable market forces to create the kind of Portsmouth the residents have chosen.

The Committee will have three objectives, through discussion and public input:

Objective #1: Identify three new areas in the City for either incentive zoning or village centers, with the goal of building authentic neighborhoods.

Objective #2: Identify the components that make a desirable neighborhood:

April 27, 2016

- Some of these components are zoning: mixed-use zoning, minimal setbacks, density incentives.
- Other components are public infrastructure, such as civic space, sidewalks, bike racks, etc.

Objective #3: Make recommendations to Staff on how to implement the components identified in Objective #2 in the areas identified in Objective #1.

The housing committee will be surveying the entirety of Portsmouth to identify areas that would benefit from either incentive zoning or a village center district. These kinds of districts in other parts of the country and other states have shown to be very beneficial at producing increased quality housing stock.

Schedule

The housing committee proposes to meet on the following dates:

- May 11th, 8:30 am – Kickoff meeting, discussion of scope of work and objectives and reading list assignment
- June 6th, 8:30 am – Review of current zoning map, areas of potential and discussion of current and potential incentives
- June 21st, 7:00 pm - Public input session
- July 15th, 8:30 am – Discussion and incorporation of public input and next steps; and
- August 10th, 8:30 am – Review of work to date; discussion of delegation of specific tasks to City Staff.

The Committee proposes to be limited in timeline and scope. Some additional ideas have arisen out of initial conversation about the Committee. As a Committee, we will raise the following ideas and discuss initiating them as actions separate from the Committee:

- Joint meeting of the Council, Planning Board, ZBA and HDC (and possibly Legislative Subcommittee) to discuss the new ADU requirement and implementation.
- Consideration of the permitting process and improvements the City is undertaking.
- Consideration of legislative policy which supports the Housing Committee outcomes.