

**PLANNING BOARD WORK SESSION
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:00 PM Work Session

May 5, 2022

AGENDA

- I. Receive and discuss the Land Use Committee Existing Conditions and Strategy Report.
Planning Board**

- II. Review and discuss the following amendments to the zoning ordinance.**
 - A. Building Height Map. Section 10.5A21B: Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.*

 - B. Building Height Standards. Section 10.5A21B: Clarify the standards for corner, through or waterfront lots.*

 - C. Civic Districts. Section 10.5A52.40: Apply the CD4 development standards to civic properties.*

 - D. Definitions. Section 10.153: Add definitions for public places and modify building height to be based on existing versus finished grade.*

- III. ADJOURNMENT**

https://us06web.zoom.us/webinar/register/WN_wHsuaM0rRGGU2hFhWWDAwg



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Beverly Mesa-Zendt, Planning Director
Stefanie L. Casella, Planner
Date: April 29, 2022
Re: Zoning Ordinance Amendment Work Session – May 5, 2022

I. REVIEW AND DISCUSS THE LAND USE COMMITTEE EXISTING CONDITIONS AND STRATEGY REPORT.

Background

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. The purpose of the Committee is to review all current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi model transportation. The Land Use Committee is charged with reporting back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City's Goals. Members include:

- City Councilor/Chair Beth Moreau,
- City Councilor Rich Blalock,
- Rick Chellman, Planning Board Chair
- Corey Clark, Planning Board Vice Chair
- Beverly M. Zendt, Planning Director
- Nick Cracknell, Principal Planner
- Craig Welch, Executive Director, Portsmouth Housing Authority
- Economic Development Commissioner, Sarah LaChance

As part of the first package of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on February 27, 2022 and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUS) – context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Existing Conditions and Strategy Report

The Existing Conditions and Strategy Report (**Attachment A**) will be used to inform regulatory amendments that will be developed and recommended for adoption by Land Use Committee and

May 5, 2022 Planning Board Work Session

the Planning Board, consistent with the City Council adopted goals of diversifying and enhancing the supply of housing choices in Portsmouth. The report includes the following:

- Summary of adopted Master Plan goals and City Council adopted policies related to housing;
- State requirements for workforce housing;
- Data regarding city approvals over the past seven years related to housing;
- Summary of existing housing types; and
- Summary of city cost burden for renters and owners.

II. REVIEW AND DISCUSS AMENDMENTS TO THE ZONING ORDINANCE.

Regulatory Amendment Work Plan

On April 8, 2022, the Land Use Committee approved transmittal of the draft 2021 Regulatory Amendment Work Plan to City Council (**Attachment B**). The work plan consists of three phases:

1. Phase 1: Code Clean-Up
Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.
2. Phase 2: Accessory Dwelling Unit Amendments
Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.
3. Phase 3: Incentive Amendments
Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.

The work plan includes evaluation of proposed amendments for alignment with existing Master Plan goals, City Council adopted goals (2022-2023) and City Council adopted policies (Housing Policy). The work plan further identifies stakeholders and focus group members to be included in public outreach. Both Phase 2 and Phase 3 will include a public input summary which will identify key themes and concerns articulated and captured as part of the public involvement plan. Public involvement strategies will target those most impacted by regulatory changes and subject matter experts.

Land Use Committee Recommendation and Council Action April 18, 2022

On April 13, the Land Use Committee transmitted the 2022 Regulatory Work Plan and the Phase 1 amendments to City Council for approval. At their April 18, 2022 regular meeting, the City Council approved the 2022 regulatory work plan and to send Phase One draft regulation amendments to the Planning Board for review and recommendation back to City Council at which point the first reading will be scheduled.

Phase 1 Amendments include the following:

1. **Building Height Map.** Section 10.5A21B: Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.
2. **Building Height Standards.** Section 10.5A21B: Clarify the standards for corner, through or waterfront lots
3. **Civic Districts.** Section 10.5A52.40: Apply the CD4 development standards to civic properties
4. **Definitions.** Section 10.153: Add definitions for public places and modify building height to be based on existing versus finished grade.

Full proposed amendments are provided in **Attachment C**.

III. ADJOURNMENT

I. Introduction

The City Council adopted the following goals and objectives for work of the Land Use Committee on February 27, 2022.

- A. Increase diversity of housing types and price points
- B. Remove regulatory barriers for housing diversification in neighborhoods (ADUS) – context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts
- C. Restructure incentives to deliver greater public benefit in workforce housing construction
- D. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

This report provides key information that will inform the work of the first round of regulatory amendments supported and guided by the Land Use Committee.

II. Local Planning Context

A. City Council Adopted Goals 2022-2023

1. Diversify and Enhance the Supply of Housing Choices
2. Leverage Local Resources and Partnerships to Improve and Support Needs of Residents, Nonprofits, Arts and Culture Community
3. Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process
4. Consistently Communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed

B. Housing Policy – 2016-03. In 2016, the City Council adopted a Housing Policy that was readopted annually and most recently in 2022.

The Policy identifies the following key guiding principles:

1. **HOUSING CHOICE AND AFFORDABILITY:** Residential growth in the City should include a range of housing types to address the needs of different household types, lifestyles and income levels.
2. **CHARACTER AND HERITAGE:** New residential development should be sympathetic to the local heritage and character of each area, and should incorporate quality built form and streetscapes, including pedestrian-friendly environments.
3. **HOUSING TARGET AREAS:** The City will identify housing target areas that are suitable for more residential development and will focus studies, detailed zoning changes and development controls to guide future development in each of these areas. Context-sensitive standards which address design will accompany each target area.
4. **INFILL DEVELOPMENT:** Outside housing target areas, the City will promote infill development of residences (and, where appropriate, mixed-uses) within existing neighborhoods by rezoning to promote and allow established, traditional development patterns.

Key Principles should be applied to focus areas including the Urban Core, Corridors, Urban Neighborhoods, and Suburban Neighborhoods. Regulations and process changes should be informed by the principals and address:

1. **DENSITY:** The City will incorporate historical land use patterns and human-scale development principles into local land use regulations (Zoning Ordinance, Site Plan Review Regulation Subdivision Rules and Regulations) and permitting processes, as well as other standards, plans, rules, regulations and programs as appropriate.
2. **PARKING:** The City will review parking requirements in housing target areas and specific neighborhoods, revise land use regulations as appropriate to reduce housing development costs while preventing street congestion, and proactively seek parking infrastructure solutions or shared parking arrangements that can be substituted for individual unit parking requirements.
3. **IMPACT ON AFFORDABILITY:** Recognizing that local land use regulations can have a direct impact on housing development costs, all Boards, Committees, Commissions and Departments should consider the impacts of

their actions on housing affordability within legal guidelines, and should coordinate with each other to the extent possible to provide advice consistent with this Policy.

4. **PERMIT STREAMLINING:** Private investment in the City’s housing stock should be encouraged and the development process be minimally burdensome on individual property owners to comply with City regulations. Minor site or building changes should not necessarily trigger requirements for review by City Boards or Commissions. All Boards, Committees, Commissions and Departments should review local land use regulations and other requirements so that de minimis changes may be approved administratively.

C. 2025 Master Plan | Theme - Diversity

The Master Plan identifies the following housing goals:

Goal 3.1 Adapt housing stock to accommodate changing demographics.

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.3 Expand opportunities for home based businesses.

Goal 3.2 Accommodate the Housing Needs of Low and Moderate Income Residents.

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirement and increased maximum heights.
- 3.2.3 Seek targeted funding to provide for the needs of special populations, including elderly, disabled, and homeless.
- 3.2.4 Provide education and incentives for low to moderate income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed use redevelopment of suitable Portsmouth Housing Authority properties.

D. State Regulatory Context

In New Hampshire, Workforce Housing is described defined in state statutes.

RSA 674:58, IV defines the term “workforce housing” under two different categories: housing for sale and housing for rent. Housing for sale qualifies as “workforce housing” if it is “affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.” Rentals, in contrast, qualify as “workforce housing” if they are “affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.”

<https://www.nhmunipal.org/town-city-article/legal-qa-what-municipalities-need-know-about-%E2%80%9Cworkforce-housing%E2%80%9D>

In Portsmouth, (the Portsmouth-Rochester HUD Metro Fair Market Area), this translates to renters making up to \$57,600 and homeowners making up to \$99,875 (see more info about HUD Fair Market Rents in NH

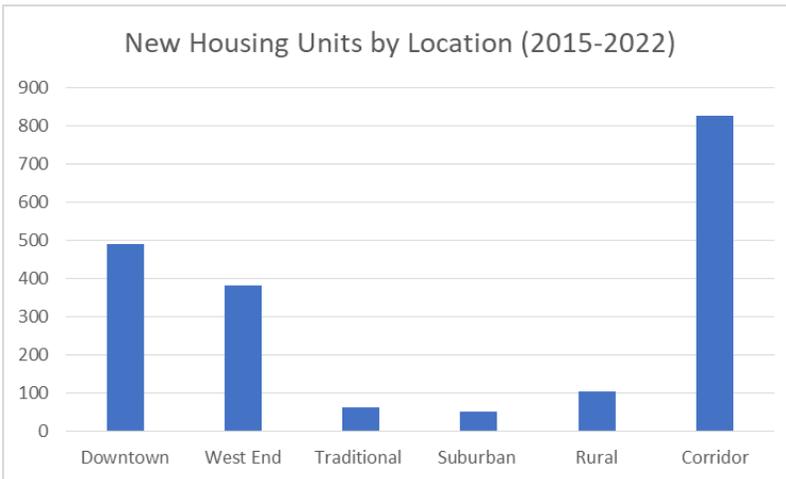
<https://www.nhhfa.org/wp-content/uploads/2021/06/HUD-incomelimits-effective-6.1.2021-1.pdf>).

III. Trends and Existing Conditions (Where are we now)

A. Development Trends

New Growth and Density

- Over the past 71/2 years, the city has approved an average of nearly 250 new housing units.
- After the adoption of Character-Based and Gateway Zoning in 2013-2015 the average number of approved new housing units increased from just over 60 units per year to over 300.
- Predictable application of standards and increased allowed density may account for the rapid increase.
- **Between 2015-2022 nearly 85% (or 1,631) of the approved new housing units were located within moderate- to high-density multi-family housing developments.**



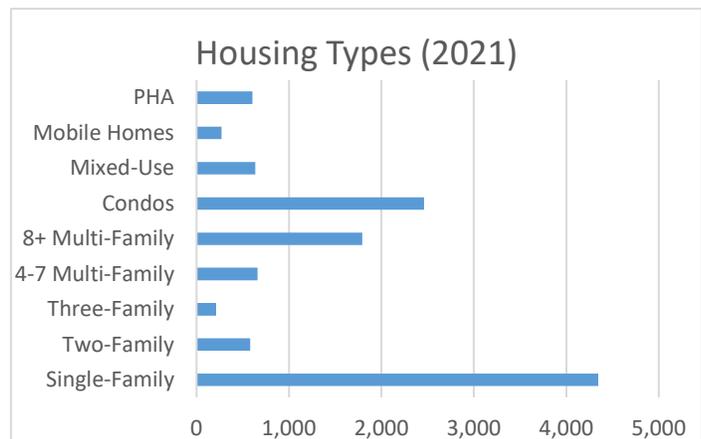
Location of New Housing Units

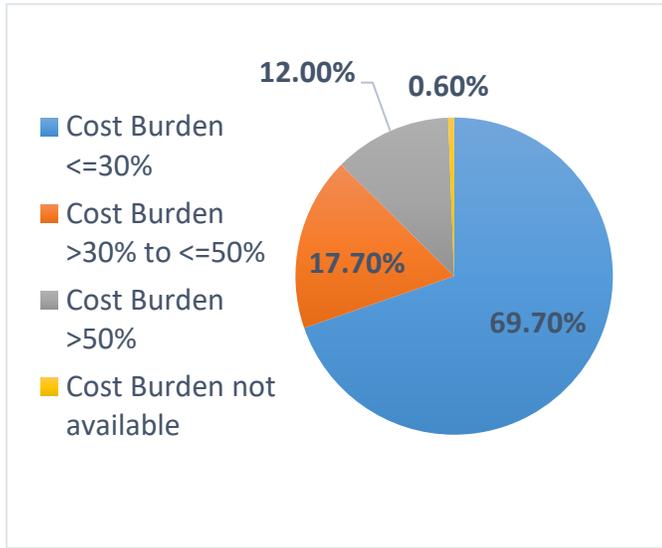
- 85% of all new approved housing units are located within the city’s urban zoning districts where infrastructure and utilities already exist.
- Over 40% (827 units) of the approved new housing units were located along the commercial corridors in the Gateway Zoning Districts.
- The Downtown accounted for just over 25%
- West End included 20% of the approved new housing units
- Only 3% of all new housing units were located within traditional neighborhoods.
- It is important to note that 23% of all new

units were located on previously undeveloped open space within rural areas. These “Greenfield” developments permanently change the land use from undeveloped open space to residential use.

2021 Housing Unit Counts and Types

- Single Family residences and condos comprise 62% of all housing in Portsmouth.
- Multi-family units (3+ units and mixed use) comprise 30% of all housing in Portsmouth.
- Since adoption of the Accessory Dwelling Unit (ADU) Ordinance in 2017, the city has approved 32 accessory dwelling units.
- 44% of all approved ADUs were attached and 41% were garden cottages.





Cost Burdened Community Summary

A household is said to be cost-burdened when it pays more than 30 percent of its income toward housing expenses. As a more extreme measure, a household is said to be severely cost-burdened when it pay at least 50 percent of its income toward housing expenses.

- Nearly one-third of Portsmouth residents are cost burdened.
- 12% of the residents are paying 50% or more of their income for housing costs.
- The most heavily cost burdened members of the community are renters. 36% of renters pay more 30% or more of their total income for housing compared to 23% of homeowners.
- While the number of cost burdened homeowners has gone down over the past eight years (22% to 14%), the number of cost burdened renters has remained steady at about 21%

IV. Proposed Amendment Work Plan | Will be Considered for Approval by City Council on April 18, 2022

PHASE 1	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
Phase 1 Amendments- JUNE 2022	Building Height		Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.			
1	Building Height Map	10.5A21B	Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.3
2	Building Height Standards	10.5A21B	Clarify the standards for corner, through or waterfront lots	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.4
3	Civic Districts	10.5A52.40	Apply the CD4 development standards to civic properties	NA	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.5
4	Definitions	10.153	Add definitions for public places and modify building height to be based on existing versus finished grade.	All types in all locations.	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.6

Land Use Committee Existing Conditions and Strategy Report
Land Use Committee 4-8-2022 and City Council 4-18-22

PHASE 2	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
Phase 2 Amendments SEPTEMBER 2022	ADUs and Senior Housing Facilities		Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.			
1	Accessory Dwelling Units/ Garden Cottages	10.814 & 10.815	Remove regulatory barriers to ADU development through inclusion of context-sensitive design standards. Develop criteria allowing ADUs/Garden Cottages as-of-right.	Accessory Dwelling Units/Garden Cottages	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1
2	Assisted Living Facilities	10.44	Allow for Assisted Living Centers in outlying Zoning Districts and allow for Cooperative Housing.	Cooperative / Shared Housing, Congregate Care, Assisted Living, Independent Living, Senior Housing	HOUSING CHOICE AND AFFORDABILITY	Goal 3.1 , Actions 3.1.1; Goal 3.2 ,

PHASE 3	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
Phase 3 Amendments DECEMBER 2022	Incentives for Workforce Housing		Adjust incentives to place a higher emphasis on Workforce Housing.			
1	Character District Zoning - Large Properties	10.5A43.33	Adjust incentive to include Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5
2	Character District Zoning - Large Building Footprints	10.5A46	Modify Building Footprint Allowance to incentivize Workforce housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5
3	Character District Zoning - Incentive Overlay Districts	10.5A43.46	Modify the Incentive Overlay Districts to incentivize Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5
4	Character District Zoning - Gateway Districts	10.5B	Modify the Gateway Districts to include Workforce Housing	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5
5	Planned Unit Developments	10.72	Modify CUP to improve outcomes for Workforce Housing	Single, Two- and Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5
6	Off-Street Parking	10.11.110	Modify the off-street parking regulations to improve the balance and equity between the high cost of private and public parking.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS: Parking	Goal 3.1 , Actions 3.1.1; Goal 3.2 , Actions 3.2.1, 3.2.2, 3.2.5

Attachment B- Regulatory Amendment Work Plan - City Council Approved 4-18-22

PHASE	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal	Policy Alignment	Difficulty (High 1, Med 2, Low 3)	Impact (High 3, Med 2, Low 1)	Timeline (Short, Medium, Long term)	Stakeholders	Staff
	Accessory Dwelling Units/ Garden Cottages	10.814 & 10.815	Remove regulatory barriers to ADU development through inclusion of context-sensitive design standards. Develop criteria allowing ADUs/Garden Cottages as-of-right.	Accessory Dwelling Units/Garden Cottages	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1		3	2	2 Medium Term	Homeowners Association, Previous ADU applicants, Residential neighborhood residents most likely to accommodate ADUs/Garden Cottages (GIS informed)	Building and Inspections, Planning, Legal
	Assisted Living Facilities	10.44	Allow for Assisted Living Centers in outlying Zoning Districts and allow for Cooperative Housing.	Cooperative / Shared Housing, Congregate Care, Assisted Living, Independent Living, Senior Housing	HOUSING CHOICE AND AFFORDABILITY	Goal 3.1, Actions 3.1.1; Goal 3.2,		3	2	1 Medium Term	Assisted Living Facility Owners, Senior Housing and Cooperative Housing Operators	Planning, Legal
Phase 3 Amendments DECEMBER 2022	Incentives for Workforce Housing		Adjust incentives to place a higher emphasis on Workforce Housing.									
	Character District Zoning -Large Properties	10.5A43.33	Adjust incentive to include Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2, 3.2.5		3	1	3 Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaborative	Planning, Legal, Economic Development

Attachment B- Regulatory Amendment Work Plan - City Council Approved 4-18-22

Character District Zoning - Large	2	10.5A46	Modify Building Footprint Allowance to incentivize Workforce housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaborative	Planning, Legal, Economic Development
Character District Zoning - Incentive	3	10.5A43.46	Modify the Incentive Overlay Districts to incentivize Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals	Planning, Legal, Economic Development
Character District Zoning - Gateway	4	10.5B	Modify the Gateway Districts to include Workforce Housing	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaborative	Planning, Legal, Economic Development
Planned Unit Developments	5	10.72	Modify CUP to improve outcomes for Workforce Housing	Single, Two- and Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2 ,3.2.5	3	1	2	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber	Planning, Legal, Economic Development
Off-Street Parking	6	10.11.110	Modify the off-street parking regulations to improve the balance and equity between the high cost of private and public parking.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS: Parking	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Traffic and Safety	Planning, PW

Attachment B- Regulatory Amendment Work Plan - City Council Approved 4-18-22

Master Plan Goals	High-3	Strong Alignment – Meets Goals and Actions
	Medium -2	Moderate Alignment – Meets Goals
	Low -1	Low Alignment – No Discernable Goals
City Council Goals/Policies	High-3	Strong Alignment – Meets Goals and Policies
	Medium -2	Moderate Alignment – Meets Goals or Policies
	Low -1	Low Alignment – No Discernable Goals or Policies
Difficulty	High-1	New code implementation strategy and affects multiple sections
	Medium -2	Code Interpretation clarification/one or two sections
	Low -3	Cleans up problematic language, errors or inconsistent language- one section
Impact	High-3	Significantly changes development outcomes
	Medium -2	Moderate impacts to development outcomes
	Low -1	Low impact to development outcomes

C. 2025 Master Plan | Theme - Diversity

The Master Plan identifies the following housing goals:

Goal 3.1 Adapt housing stock to accommodate changing demographics.

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.3 Expand opportunities for home based businesses.

Goal 3.2 Accommodate the Housing Needs of Low and Moderate Income Residents.

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirement and increased maximum heights.
- 3.2.3 Seek targeted funding to provide for the needs of special populations, including elderly, disabled, and homeless.
- 3.2.4 Provide education and incentives for low to moderate income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed use redevelopment of suitable Portsmouth Housing Authority properties.

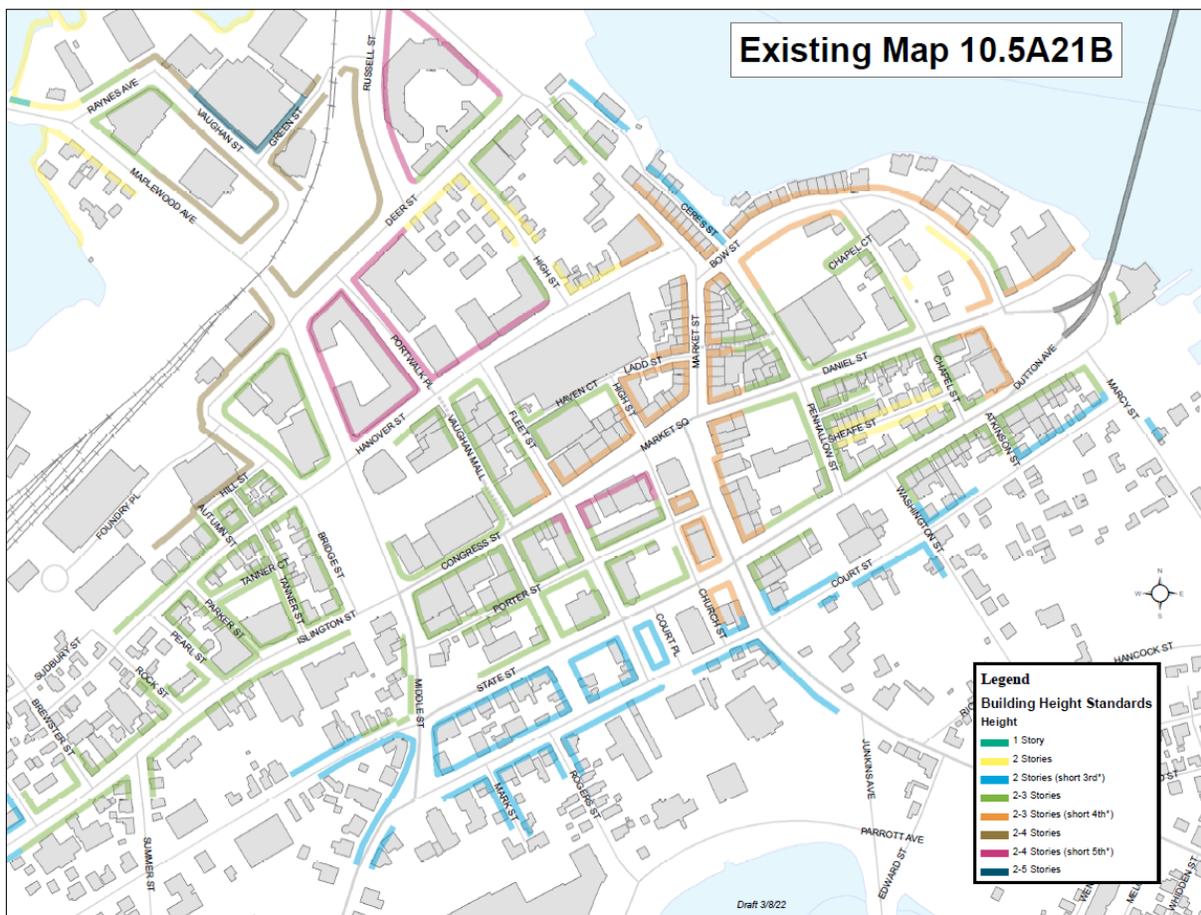
Attachment B- Regulatory Amendment Work Plan - City Council Approved 4-18-22

RE: Draft Zoning Amendments – Building Height Standards

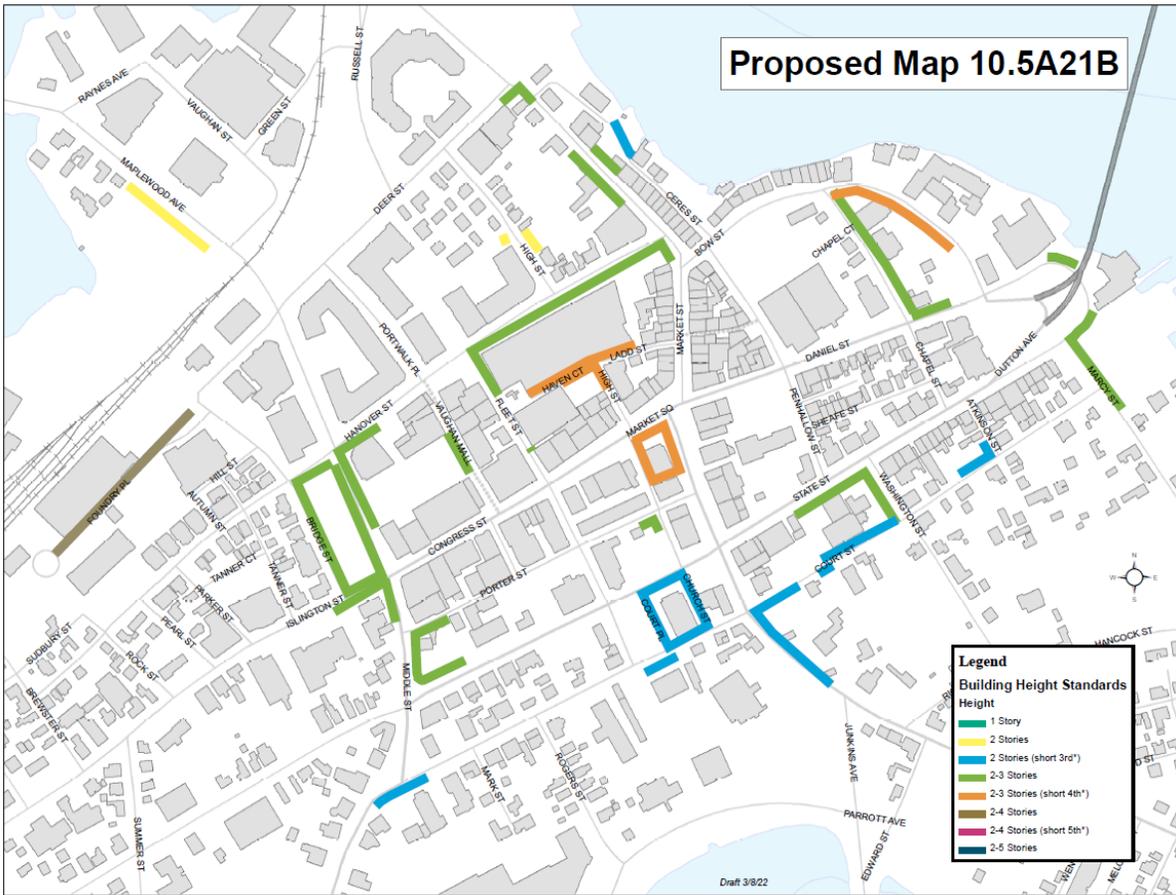
1. Map 10.5A21B Building Height Standards

a) Amend Map 10.5A21B to add Building Height Standards for Municipal and Civic Districts and modify or add Building Height Standards for:

1. High Street and Haven Court from 2-3 Stories or 40' to 2-3 Stories (short 4th) or 45 feet;
2. Foundry Place to 2 – 4 stories or 50 feet; and
3. All civic and municipal properties to match the adjacent maximum building heights.



Existing Building Height Map



Proposed Amendments to the Building Height Map

- b) Amend Map 10.5A21B to correct the reference to the North End and West End Incentive Overlay Districts as follows:

The maximum building height within the North End and West End Overlay Districts may be increased pursuant to Section 10.5A476.

2. Building Height Standards

Amend Section 10.5A21.21 as follows:

10.5A21.21 Assignments for specific **building height** 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**.- Subject to review under Section 10.630, within the Historic District, the specific **building height** may be lower than the maximum designated number of **stories** or the maximum height in feet.

Amend Section 10.5A21.21 as follows:

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 either a~~ **front lot line** or **a 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 ~~50-25~~ feet from ~~either~~ **a front lot line** or **a 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.

3. Civic Districts

Amend Section 10.5A52.40 as follows:

10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district shall conform to the Development Standards for the CD4 District and are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.

4. Definitions

Amend Section 10.1530 as follows:

Lot line, front

A boundary of **a lot** that separates the **lot** from ~~either~~ **a street** or **a** public place. In the case of a **corner lot** or a through lot or **a waterfront lot**, the ~~front lot line~~**principal front yard** shall be the line bordering ~~the a~~ **street** on which the **lot** has its address. A **corner lot** or a **through lot** or a waterfront lot shall have ~~two~~**multiple front lot lines**.

Public Place

A street, way, park, pedestrian alleyway or other community space type that provides deeded public access.

Existing Grade Plane

A reference plane representing the average existing ground level within 6 feet of the existing or proposed building. The existing grade plane shall be used to calculate the Building height.

Building height

The greatest vertical measurement between two reference points defined as follows:

- (a) The lower reference point shall be the **existing grade plane** as defined herein.
- (b) The upper reference point shall be any of the following:
 - (1) For a flat or **mansard roof**, the highest point of the roof surface;
 - (2) For a pitched, hip, or gambrel roof, the elevation midway between the level of the eaves and highest point of the roof. For this purpose, the “level of the eaves” shall mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves, but at no time shall this level be lower than the floor level of the uppermost **story** or **attic**.
- (c) A **parapet wall**, fence, railing or similar **structure** that extends more than two feet above the roof surface shall be included in the determination of **building height**, but shall not be included if it does not extend more than two feet above the roof surface.
- (d) To determine **building height**, measurements shall be taken at least every 5 feet around the entire perimeter of an **existing or proposed building**. An average is calculated from these figures and that figure shall be the **building**’s height for purposes of this Ordinance.

(See also: **existing grade plane, parapet wall.**)