

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10 – Article 5A – CHARACTER-BASED ZONING, Section 10.5A20, **Regulating Plan**, Subsection 10.5A21.10 Contents of Regulating Plan, Map 10.5A21B – Building Height Standards, Section 10.5A43.30 – **Building and Story Heights**, Subsection 10.5A43.33, Section 10.5A43.40 – **Maximum Building Footprint**, Subsections 10.5A43.41-44, and Section 10.5A45 – **Community Spaces**, Subsection Figures 10.5A45.10 Community Spaces, Section 10.5A46.20 – **Requirements to Receive Incentives to the Development Standards**, Subsections 10.5A46.21-22, and Article 15 – DEFINITIONS, Section 10.1530 – **Terms of General Applicability**, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE 5A: CHARACTER-BASED ZONING

Section 10.5A20: Regulating Plan

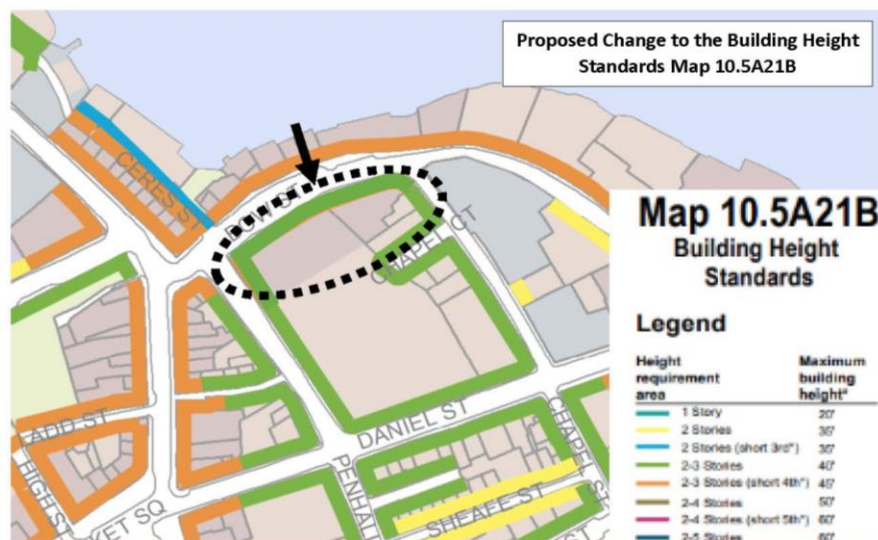
Section 10.5A21 General

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



Section 10.5A43.30: Building and Story Heights

10.5A43.33 **A-For a development** that is not located in an incentive overlay district and that contains at least one acre of **lot area** the Planning Board may grant a conditional use permit to allow ~~shall be allowed~~ an additional **story** in height (up to 150 feet) and a building footprint of up to 50,000 SF if both of the following requirements are met:

- a) **Community Space** – The development shall have at if at least 2050% of the property is assigned and improved as a community space. Given the large scale of the development Such the community space shall include a Plaza or Square of at least 5,000 SF per acre, a Pedestrian Passageway, Wide Pedestrian Sidewalk, and or a Pedestrian Arcade, and a Pocket Park or Playground or Public Observation Deck. Such community space shall count toward the required open space listed in Figures 10.5A41.10A-D (Development Standards). The size, shape, location and type of the community space shall be determined by the Planning Board and be based on the proposed land use and the size and location of the buildings within the development, and the proposed and adjacent uses and public amenities.
- b) **Workforce Housing** - The development shall have either: 1) 10% of any proposed for sale dwelling units within a development, or at least three units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household); 2) 5% of any proposed for rent dwelling units within a development, or at least two units, whichever is greater, shall be workforce housing units (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household) and any workforce housing units shall be at least 600 sq. ft. in gross floor areas and be distributed throughout the building wherever dwelling units are located.

Section 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 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow 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%~~10% 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 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
- (e) At least 10% of the **dwelling units** within a **building**, or at least two **dwelling units**, shall be **workforce housing units** for either: 1) rent (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-person household) or 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 600 sq. ft. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.
- (e)(f) 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.

Section 10.5A45: Community Spaces

Figures 10.5A45.10 Community Spaces

Pedestrian Passageway

A covered pedestrian passageway (a minimum of 8 feet in width) located on the ground floor with street level access to the storefronts and connects to community space areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Public Observation Deck

An open or covered observation deck that provides public access and amenities on either a waterfront boardwalk or deck or, on the roof of a building. The minimum size shall be 500 SF.

Permitted Districts: All Districts

Pedestrian Arcade

A covered pedestrian arcade within the ground floor or street level of a building that provides public access to the storefronts and connects to **community space** areas within the development and to adjacent public ways.

Permitted Districts: All Districts

Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, **the Planning Board may grant a conditional use permit to allow the incentive to the **development** standards listed under Section 10.5A46.20, provided the **development** shall ~~provide~~ include **community space** equal to 20% of the **lot area** that includes a continuous public **greenway** at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to abutting **street(s)** and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board. 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.**

10.5A46.22 For a **lot** that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, **the Planning Board may grant a conditional use permit to allow the incentive to the **development** standards listed under Section 10.5A46.20, provided the **development** shall include ~~either~~ both a **community space** ~~or~~ and **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%~~ **10%** 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%~~ **20%** of the **dwelling units** within a **building**, but no less than three **dwelling 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~~ **600 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 **dwelling 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~~ **600 sq. ft., whichever is greater**. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.

ARTICLE 15: DEFINITIONS

Section 10.1530: Terms of General Applicability

Building footprint

Except for areas where **community space** is uncovered and located immediately above the **story below the grade plane** The 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 only by fire walls, common walls or property lines.

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:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk