

ADJUSTING THE DENSITY INCENTIVES IN THE CHARACTER DISTRICTS IN PORTSMOUTH, NH

1. Density Incentive for Building Footprint if Underground Parking
2. Density Incentive within the Overlay Incentive Districts
3. Density Incentive for Parcels Over 1 Acre in Lot Area

- UPDATED DRAFT AMENDMENT -

PORTSMOUTH PLANNING BOARD

JUNE 22nd 2023

Revisions:

- City Council Amendments – blue underlined text & ~~red~~ strikeouts for deleted text
- Legal Department Amendments – blue underlined text with yellow highlight
- Draft Planning Board Amendments – blue underlined text with gray highlight

10.433 **Buildings, structures** and land owned or leased by the City of Portsmouth when used for “governmental use” as defined by statute (RSA 674:54 I), shall be exempt from all provisions of this Ordinance except Article 10, Environmental Protection Standards. Nevertheless, the City is urged to comply with all relevant land **use** controls whenever possible and feasible.

1. Density Incentive for Building Footprint if Underground Parking

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 and Community Space**, by a **liner building**.

(c) At least 50% of **the gross floor area** of the **ground floor** shall be dedicated to parking.

(d) For **development** with **more than five (5) dwelling units** at least 10% of the property shall be assigned and improved as **Community space** and comply with the **workforce housing** requirements listed in (e). **For development without dwelling units, 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 10.5A46.20. 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) For projects with over five (5) dwelling units, at least 10% of the dwelling units within a building, shall be workforce housing units in compliance with state law 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.

The **development** **complies** with all applicable standards of the ordinance and the City's land use regulations.

(f) Calculations for workforce Housing unit requirements shall be rounded to the nearest whole number, with 0.5 and below being rounded down.

(g) The proposal is consistent with the findings, goals and objectives of the current Portsmouth Master Plan.

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.

2. Density Incentive within the Overlay Incentive Districts

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 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 both a **community space** 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 10% of the gross area of the **lot** and shall not have any dimension less than 15 feet. For a **development** with less than five (5) **dwelling units**, 20% of the property shall be assigned **community space**.
- (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 proposal is consistent with the findings, goals and objectives of the current Portsmouth Master Plan.

(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.
- (iv) The proposal is consistent with the findings, goals and objectives of the current Portsmouth Master Plan.

(2) **Workforce housing**— One of the following criteria shall be met:

- (a) For a **development** with less than five (5) **dwelling units**, no **workforce housing units** are required. For **development** with more than five (5) **workforce housing units** at least 20% 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 600 sq. ft . 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 600 sq. ft.,. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.
- (c) Calculations for workforce Housing unit requirements shall be rounded to the nearest whole number, with 0.5 and below being rounded down.

3. Density Incentive for Parcels over 1 Acre in Lot Area

1. Amend Section 10.5A43.33 to modify the text as follows:

10.5A43.33 For a **development** located within a CD4, CD4W, or CD5 Character District 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 any of the following: an additional **story** in height (up to 15 feet); a house or duplex building type; for a mixed-use building, if both of the following requirements are met:

- a) **Community Space** – The **development** shall have at least 50% of the property assigned and improved as a **community space**. Given the large scale of the **development** 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 **adjacent uses** and public amenities.

Workforce Housing – If multi-family dwelling units are proposed, 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)**. Any **workforce housing units** shall be at least 600 sq. ft. in gross floor areas and be distributed throughout the **development** wherever **dwelling units** are located. Calculations for workforce Housing unit requirements shall be rounded to the nearest whole number, with 0.5 and below being rounded down.

b)

2. Amend Section 10.1530 to modify the text 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 only by fire walls, common walls or property lines.

Uncovered Community Space located immediately above a building's story below the grade plane shall not constitute Building Footprint, provided it is not more than 10 feet above the adjacent street grade.

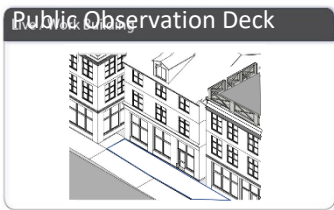
3. Amend Section 10.5A45.10 to modify the text as follows:



Public Pedestrian Passageway

A pedestrian passage (a minimum of 8 feet in width if less than 75 feet in length and a minimum of 12 feet in width if longer than 75 feet in length), covered by and through a building or buildings, located on the same level as, and open to, the adjacent sidewalk and any Community Spaces interior to the block. Public Pedestrian Passageways shall connect **community space** and public areas within the development with adjacent public ways. Public Pedestrian Passageways shall not exceed 125 feet in length.

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



Public Pedestrian Arcade

A covered pedestrian arcade, a minimum of 10 feet in width, within the ground floor or street level of a building that is otherwise generally open to the adjacent sidewalks and storefronts and that provides public access to the storefronts and connections to community space areas within the development and to adjacent public ways.

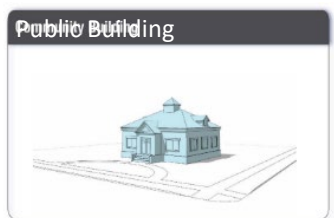
Permitted Districts: All Districts



Shared Public Streetspace

A pedestrian-priority area where pedestrians, cyclists and motorists all share the streetspace, that shall be designed to promote vehicle travel speeds of less than 20 mph, through the use of decorative pavers, street furniture, signage and plantings commensurate to allow the entire street to function effectively as shared public space.

Permitted Districts: All Districts



Public Community Building

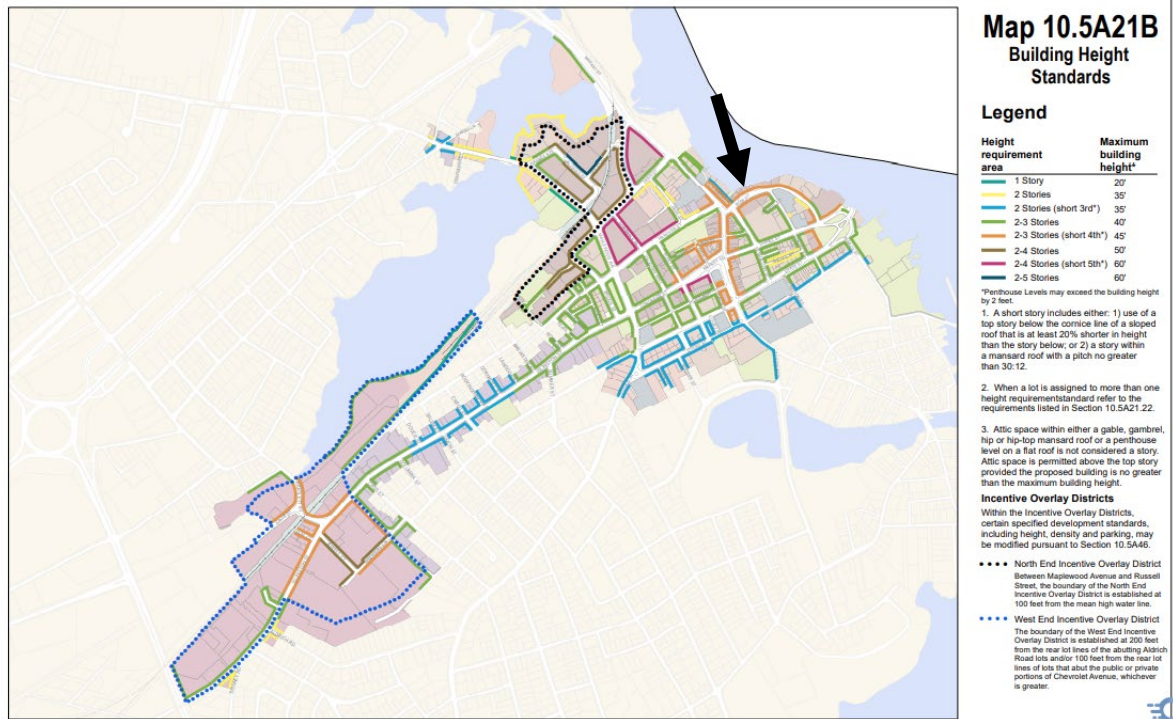
Public buildings that provide public services and gathering locations for people, such as a full service United States Postal Service post office, provided nevertheless that such a facilities shall

not exceed 20,000 sq. ft. of ground floor area. A full service United States Postal Service post office shall qualify as satisfying 60% of the otherwise required Community Space.

Other Public Community Buildings shall be considered based on their own merit by the Planning Board as a part of the conditional use permit process. Such other Public Community Buildings may qualify as satisfying up to 40% of the otherwise required Community Space.

Permitted Districts: All Districts

4. Amend Section 10.5A21.B Building height Standards Map as follows:



Existing Building Height: 2-3 stories (short 4th) / 45'



Proposed Building Height: 2-3 stories / 40'