ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

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

- A. Amend Article 4 Zoning Districts and Use Regulations Section 10.440 Table of Uses Residential, Mixed Residential, Business, and Industrial Districts, as follows:
 - (1) Change Use #3.512 Indoor performance facility with occupancy more than 500 to be allowed by Special Exception (S) in the Business (B) and Character 4W (CD4-W) Districts.
 - (2) Under use category 19 (Accessory Uses) Insert new use #19.50 as follows:
 - "19.50 Outdoor dining or drinking area, as accessory to a permitted principal use" as permitted (P) in CD5,CD4, GB, G1, and G2 and allowed by conditional use permit (CUP) in CD4-L2, B, and CD4-W. In all other districts this use would be prohibited.
- B. Amend Article 5A Character Based Zoning Section 10.5A42 Building Placement by inserting a new section as follows:
 - 10.5A42.40 North Mill Pond Public View Corridors

 All new buildings or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street, Cabot Street, and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.
- C. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language striken; additions to existing language bolded; remaining language unchanged from existing):

	INC	ENTIVES
DEVELOPMENT STANDARDS	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 ¹
Maximum building block length	No Change	No Change ²

	INIC	ENTIVES					
DEVELOPMENT STANDARDS	North End Incentive Overlay District	ENTIVES West End Incentive Overlay District					
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 ^{3,1}	Plus 1 story up to 10 ft ^{3,4,1,2}					
Minimum ground story height	No Change	9 feet					
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 microunit Non-residential: 25% reduction from underlying standard					

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF

- D. Amend Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards as follows (deletions to existing language striken; additions to existing language bolded; remaining language unchanged from existing):
 - 10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include aprovide community space consisting of 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 to and located within 50 feet of the waterfront for the entire length of the rear or side lot line. Trail connections to abutting streets and sidewalks shall be provided and

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² Except for CD4-L2 where the maximum building block length shall be 100 feet.

^{4, 3} 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 listedrequired in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

^{2,4} 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 10.5A46.22 (1) and (2) are met.

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.

- E. Amend Article 15 Definitions, Section 10.1530 Terms of General Applicability, as follows:
 - (1) In the definition of building block length revised as follows (deletions to existing language striken; additions to existing language bolded; remaining language unchanged from existing):
 - Measured along a street-or, public way, or public greenway, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.
- F. Amend Map 105A21B Building Height Standards as set forth in document titled "Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street and the North Mill Pond" revised 5-29-18.

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:
ADOPTED BY COUNCIL:	Jack Blalock, Mayor
Kelli L. Barnaby, City Clerk	

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P = Permitted $S = Special Exception$	CU = Conditional Use Permit	N = Prohibited
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Use	R		GRA GRB		GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
3. Educational, Religious, Charitable, Cultural and Public Uses																		
3.10 Place of assembly																		
3.11 Religious	S	S	S	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.20 School																		
3.21 Primary or secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	P	N	N	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	N	P	P	N	
3.30 Historic preservation building	S	S	S	S	S	P	P	P	P	P	P	P	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.40 Museum	N	N	N	N	N	P	P	N	P	P	S	S	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.50 Performance facility																		
3.51 Indoor performance facility																		10.592 (location)
3.511 Occupancy up to 500 person s	N	N	N	N	N	N	N	N	P	P	S	S	<u> PS</u>	N	N	N	N	10.860 (hours of operation)
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	S	P	N	N	N	N	N	N	N	
3.52 Outdoor performance facility																		10.592 (location)
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	10.822 (yards)
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	10.860 (hours of operation)

As Amended Through-December 4, 2017
4-9

P = Permitted	S = Special Exception	CU = Conditional Use Permit	N = Prohibited
I = I climited	B = Special Exception	CO = Conditional Osc 1 clinit	14 = 1 Tomoted

	Use	R		GRA GRB		GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	Ι	WI	Supplemental Regulations
19.40	Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	CU	N	N	10.835 (accessory drive-through uses)
19.50	Outdoor dining or drinking area, as accessory to a permitted principal use	N	N	N	N	<u>N</u>	N	CU	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	N	<u>N</u>	<u>N</u>	N	
20.	Accessory Storage																		
20.10	Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.20	Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P	P	P	P	P	P	Р	P	P	P	P	P	P	P	P	P	
20.30	Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:																		
	20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

As Amended Through-December 4, 2017
4-24

10.5A42 Building Placement

10.5A42.10 Yards

- 10.5A42.11 **Yard**s 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).

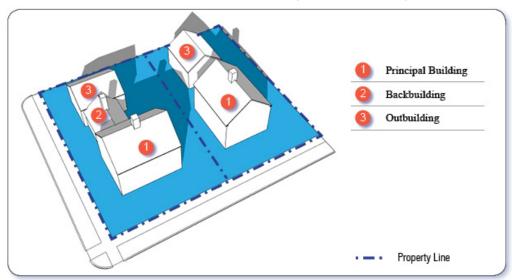


FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/OUTBUILDING

10.5A42.40 North Mill Pond Public View Corridors

All new **buildings** or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting **streets** of Dover Street, Cabot Street, and Langdon Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting **street** as listed above.

10.5A46 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 10.5A46.10 below, if the **development** provides **community space** or **workforce housing** in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT	INC	ENTIVES					
STANDARDS	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 ¹					
Maximum building block length	No Change	No Change ²					
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 ⁴ 3	Plus 1 story up to 10 ft ^{3,41,2}					
Minimum ground story height	No Change	9 feet					
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 Except for CD4-L2 where the maximum **building footprint** shall be 3,500 SF.

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 **development** shall include

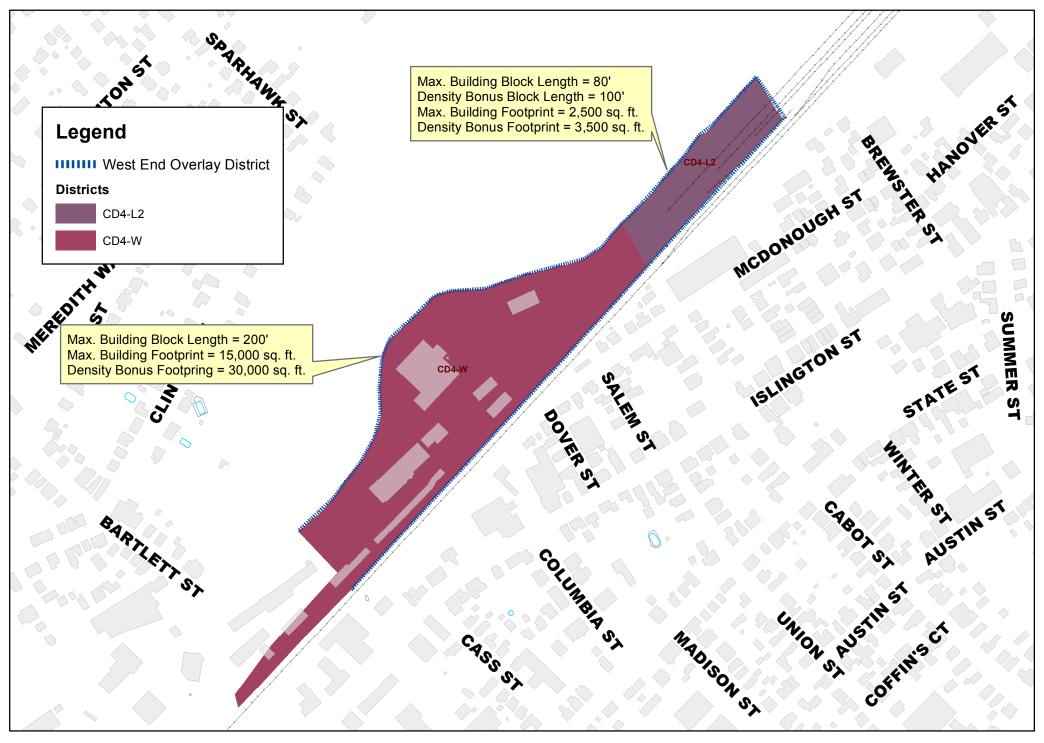
² Except for CD4-L2 where the maximum **building block length** shall be 100 feet.

⁴³ 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 <u>listed-required</u> in Figures 10.5A41.10A-D (Development Standards) <u>and</u> as **community space**; even if less than 15 feet in width.

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 10.5A46.22 (1) and (2) are met.

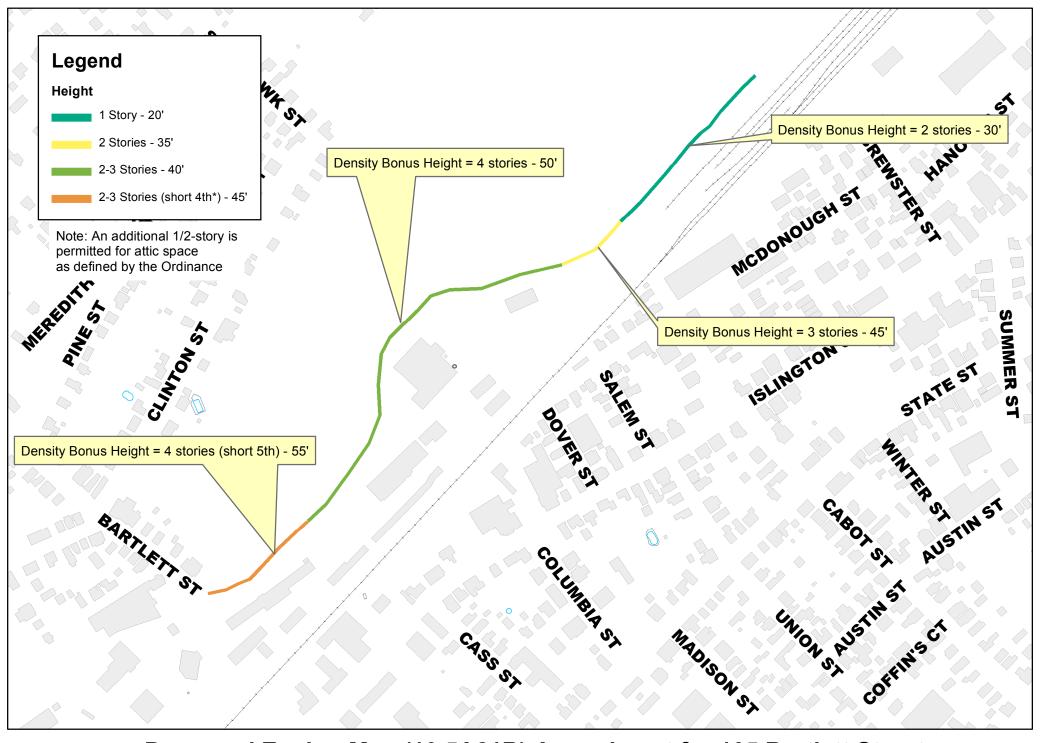
aprovide community space consisting of equal to 20% of the lot area that includes a continuous public greenway at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront for the entire length of the rear or side lot line. Trail connections to abutting street(s) and sidewalks shall be provided 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 **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, **use**s 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 Zoning Map (10.5A21B) Amendment for 105 Bartlett Street (Sheet 1)

Portsmouth Planning Department Revised 05-29-2018



Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street (Sheet 2)

Portsmouth Planning Department Revised 05-29-2018

Building

Any **structure** having a roof supported by columns or walls and intended for the shelter, housing or enclosure of **persons**, animals or chattel. Each portion of a **building** separated either horizontally or vertically from other portions by a fire wall shall be considered as a separate **structure**. (See also: **structure**.)

Building block length

Measured along a **street**-or, public way, or public greenway, the **building block length** shall be the total length of a continuous **building** façade regardless of fire separation, common walls, or property lines. Individual **building** blocks shall be separated by **open space** or **community space** areas of at least 15 feet in width.

Building Code

The International Building Code and/or the International Residential Code, as applicable to the particular structure type.

International Building Code (IBC)

The **International Building Code**, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part I, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

International Residential Code (IRC)

The **International Residential Code**, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part II, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

Building coverage

The aggregate horizontal area or percentage (depending on context) of a **lot** or **development site** covered by all **buildings** and **structures** on the **lot**, excluding

- (a) gutters, **cornice**s and eaves projecting not more than 30 inches from a vertical wall, and
- (b) **structure**s less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building** face;
- (d) fences: and
- (e) mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.

Building footprint

The total area 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 **building**s separated only by fire walls, common walls or property lines.