

# Proposed 105 Bartlett St Zoning Amendments

## 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 – Figure 10.5A41.10A Development Standards, as follows:

(1) Amend the table of building and facade types for Character District 4 – Limited (CD4-L1/CD4-L2) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

#### 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
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>permitted*</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted**</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Not permitted in the Downtown Overlay District

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

**FAÇADE TYPES**

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
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>not permitted</b>
<b>Arcade</b>	<b>not permitted</b>

\*Not permitted in the Downtown Overlay District

- (3) Amend the table of building and facade types for Character District 4 – West End (CD4-W) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

**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
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted*</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

\*Residential uses are not permitted on the ground floor

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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
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>permitted</b>
<b>Arcade</b>	<b>permitted</b>

- (4) Amend the table of building and facade types for Character District 4 (CD4) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

## 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
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouses</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted**</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

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Porch	not permitted
Stoop	permitted

Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<b>Dooryard</b>	<b>permitted</b>
<b>Terrace</b>	<b>not permitted</b>
<b>Gallery</b>	<b>permitted</b>
<b>Arcade</b>	<b>permitted</b>

- (5) Amend the table of building and facade types for Character District 5 (CD5) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

#### 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
<b>Cottage</b>	<b>not permitted</b>
<b>Paired House</b>	<b>not permitted</b>
<b>Gateway Townhouse</b>	<b>not permitted</b>
<b>Mixed-Use Building</b>	<b>permitted*</b>
<b>Flex Space Building</b>	<b>permitted</b>
<b>Community Building</b>	<b>permitted</b>

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#### FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
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Porch	not permitted
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Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<b>Dooryard</b>	<b>not permitted</b>
<b>Terrace</b>	<b>not permitted</b>

<b>Gallery</b>	<b>permitted</b>
<b>Arcade</b>	<b>permitted</b>

- C. 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.

- D. Amend Article 5A Character-Based Zoning – Figure 10.5A43.10 Façade Types, as follows:

- (1) In the definition of Dooryard, add the following under permitted districts:

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

- (2) In the definition of Terrace, add CD4-W to permitted districts.

- (3) In the definition of Gallery, add CD4-W to permitted districts.

- (4) In the definition of Arcade, add CD4-W, CD4, and CD5 to permitted districts.

- E. Amend Article 5A Character-Based Zoning – Figure 10.5A43.60 Building Types, as follows:

- (1) Amend the definition of Duplex as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A residential building with two vertically-separated units with separate entrances. The building may have yards/**setbacks** 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.

- (2) Amend the definition of Rowhouse as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

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~~ **yard/setback along the front of the lot or development site.**

- (3) Amend the definition of Apartment Building as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for residential use** that has the appearance of a multifamily dwelling, with yards/**setbacks** on all sides.

- (4) Amend the definition of Small Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for non-residential use** with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site ~~front yard~~, and that is no more than 3 stories in height.

- (5) Amend the definition of Large Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building with a shopfront or officefront façade type and minimal or no **yard/setback along the front of the lot or development site** ~~front yard~~, and that is 4 or more stories in height.

- (6) Amend the definition of Paired House as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A ~~residential~~ building **designed for residential use type** with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the **front of the lot or development site** ~~front lot line~~. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

Permitted districts: G1, G2, **CD4-L1, CD4-L2**

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

- (7) In the definition of Mixed Use Building, add CD4, CD4-W, and CD5.

- (8) In the definition of Flex Space / Fabrication Building, add CD4-W.

- (9) In the definition of Community Building, delete G1, G2 under permitted districts and add All Districts.

F. Amend Article 5A Character-Based Zoning – Figure 10.5A45.10 Community Spaces, as follows:

- (1) Add Permitted Districts: All Districts to the definitions of all community space types except Outdoor Dining Café.
- (2) Amend the definition of Wide Pedestrian Sidewalk by inserting “a minimum of 10’ in width unless otherwise defined by the Ordinance” after sidewalk in the first sentence.
- (3) Amend the definition of Outdoor Dining Café as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):  
**An Outdoor dining cafes community space are is permitted as an ancillary activity of a any restaurant, pub, or other food and drink establishment where the principal use is otherwise allowed in the district. The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk. The area must provide deeded public access to qualify as Community Space in the Character Districts.**
- (4) Amend Permitted Districts for Outdoor Dining Café to include CD4-L2, CD4, CD4-W, CD-5.
- (5) Amend the definition of Courtyard by inserting “a landscaped park” after “enclosed”.

G. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

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 <sup>1</sup>
<b>Maximum building block length</b>	<b>No Change</b>	<b>No Change<sup>2</sup></b>
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 <sup>3,4</sup>	Plus 1 story up to 10 ft <sup>3,4,1,2</sup>

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
<b>Minimum ground story height</b>	<b>No Change</b>	<b>9 feet</b>
<b>Ground story parking</b>	<b>Permitted with a liner building<sup>5</sup></b>	<b>Permitted with a liner building<sup>5</sup></b>
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

<sup>1</sup> Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

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

<sup>4,3</sup> 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~~**required** in Figures 10.5A41.10A-D (Development Standards) **and** as community space; even if less than 15 feet in width.

<sup>2,4</sup> 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.

<sup>5</sup> **If ground floor parking is proposed, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront for commercial space.**

G. Amend Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards as follows (deletions to existing language ~~stricken~~; 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~~ **provide** 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 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.

H. 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 ~~stricken~~; 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.

I. 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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

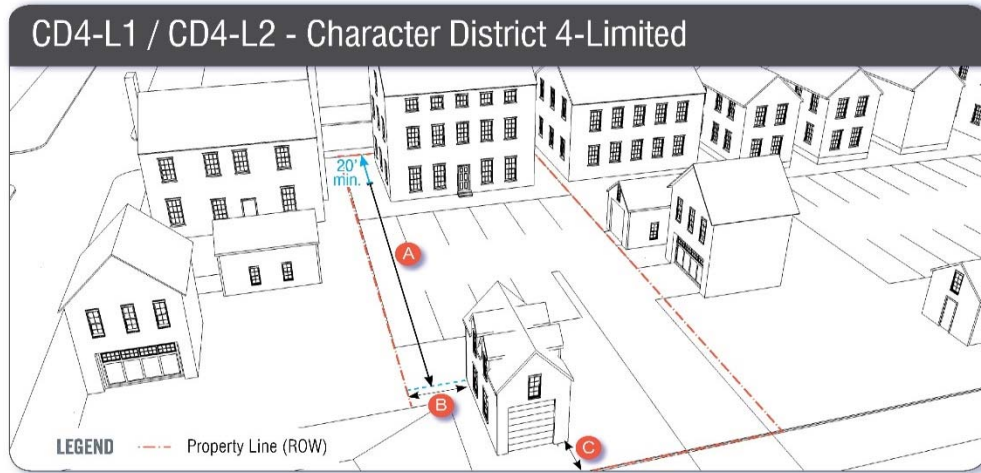
P = Permitted   S = Special Exception   CU = Conditional Use Permit   N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>																		
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																		
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	P	P	S	S	<del>PS</del>	N	N	N	N	10.592 (location) 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																		
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	10.592 (location) 10.822 (yards) 10.860 (hours of operation)
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	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)
<u>19.50 Outdoor dining or drinking area, as accessory to a permitted principal use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<b>20. Accessory Storage</b>																		
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	P	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	

**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
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>permitted*</u>
<u>Gateway Townhouse</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted**</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

\*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
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>not permitted</u>
<u>Arcade</u>	<u>not permitted</u>

\*Not permitted in the Downtown Overlay District

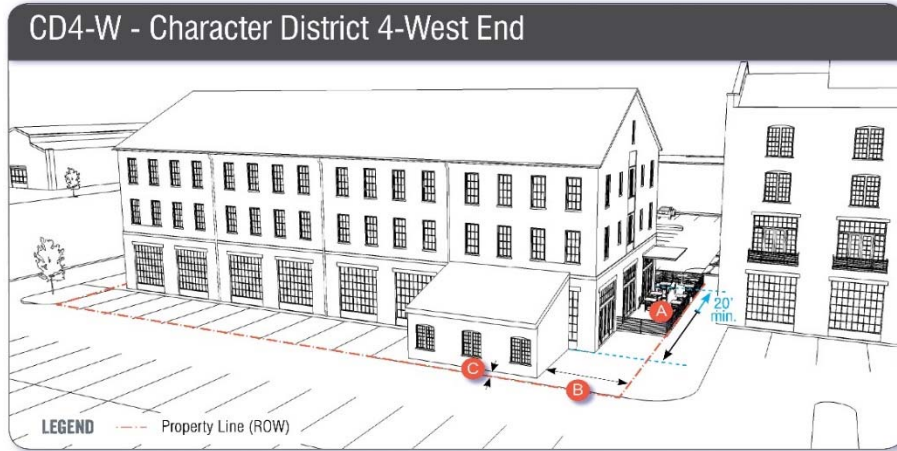
**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45

**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	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**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
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

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**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440

**FAÇADE TYPES**

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Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

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Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

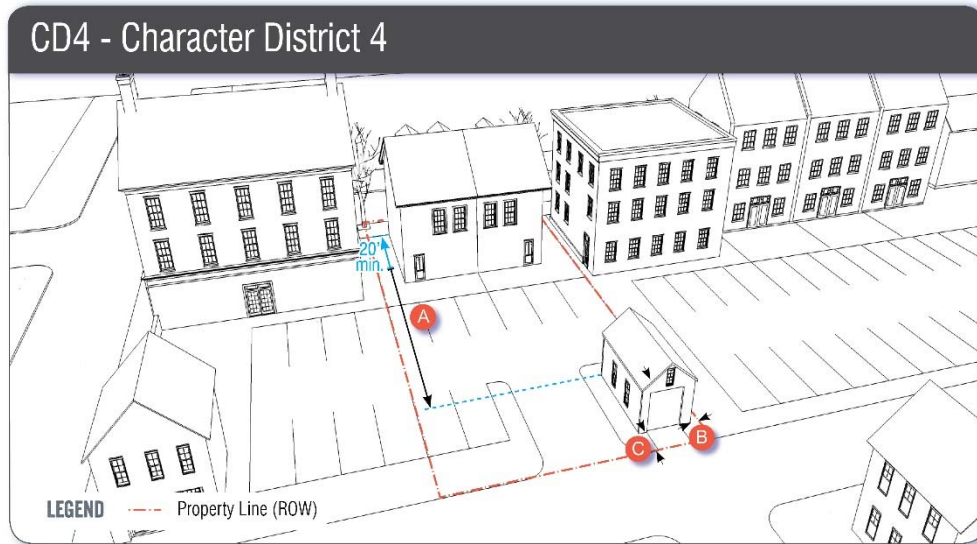
**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45

**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	
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Live/work building	permitted**	
Small commercial building	permitted	
Large commercial building	permitted	
<u>Cottage</u>	<u>not permitted</u>	
<u>Paired House</u>	<u>not permitted</u>	
<u>Gateway Townhouses</u>	<u>not permitted</u>	
<u>Mixed-Use Building</u>	<u>permitted**</u>	
<u>Flex Space Building</u>	<u>permitted</u>	
<u>Community Building</u>	<u>permitted</u>	

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

**BUILDING & LOT USE**

See Sections 10.5A30 and 10.440
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**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
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

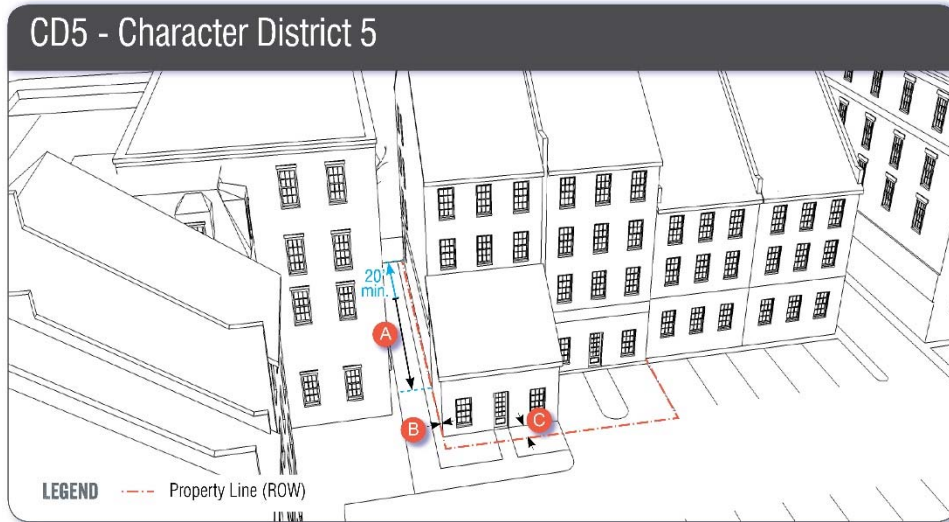
**PARKING**

See Section 10.5A44.30
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**COMMUNITY SPACE**

See Section 10.5A45
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**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	<b>A</b>
Minimum side yard	0 ft	<b>B</b>
Minimum rear yard	3 ft	<b>C</b>

**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
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>permitted</u>

\*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
<u>Dooryard</u>	<u>not permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

**PARKING**

See Section 10.5A44.30

**COMMUNITY SPACE**

See Section 10.5A45



## 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.

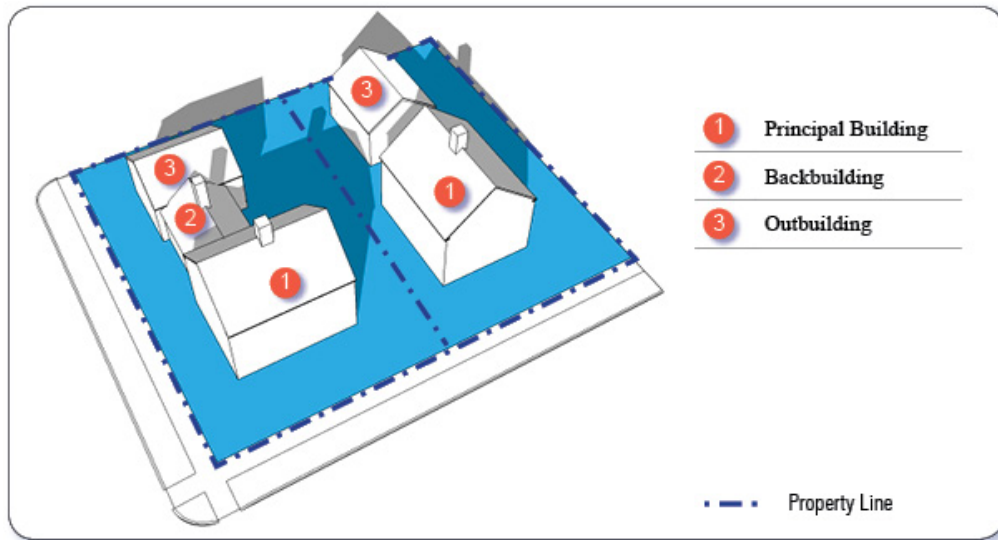
### 10.5A42.20 Façade Alignment

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**

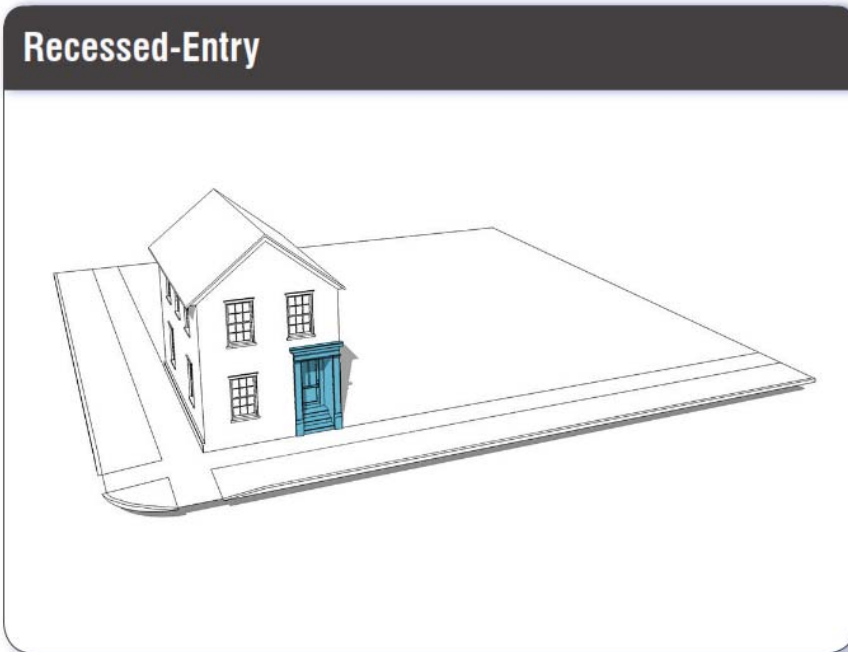


### **10.5A42.40 North Mill Pond Public View Corridors**

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.



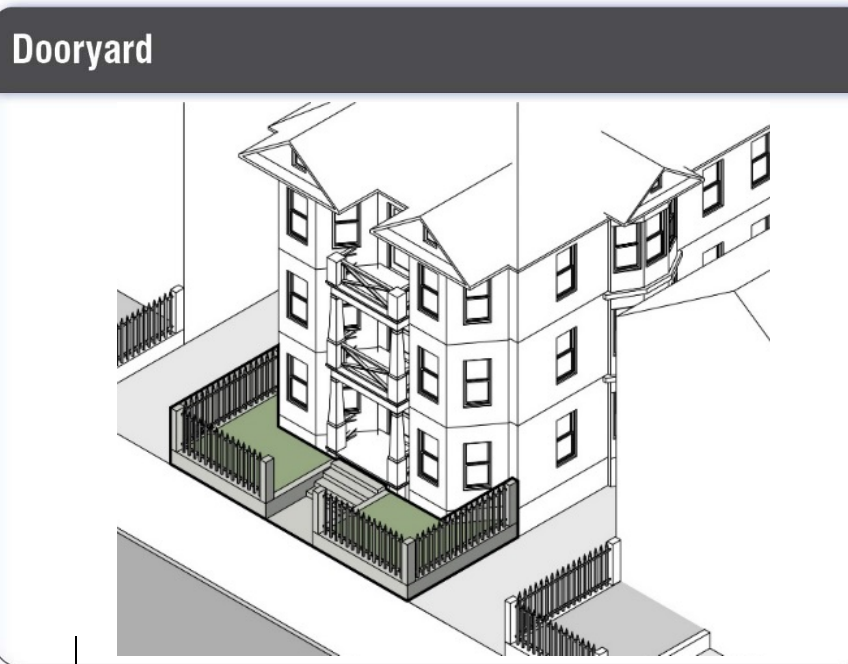
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



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, G1, G2



The building facade is aligned close to the street line, and the frontage is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private yard containing the principal entrance. The yard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground floor residential use.

**Permitted districts:** G1, G2,  
CD4-L1, CD4-L2, CD4-W,  
CD4.

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

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

**Terrace**



Building facade is at or near the street line with an elevated terrace that may encroach into the front yard or setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a street line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type is required to be used in conjunction with other facade types to define individual or shared entries facing the street.

**Permitted districts:** G1, G2, CD4-W

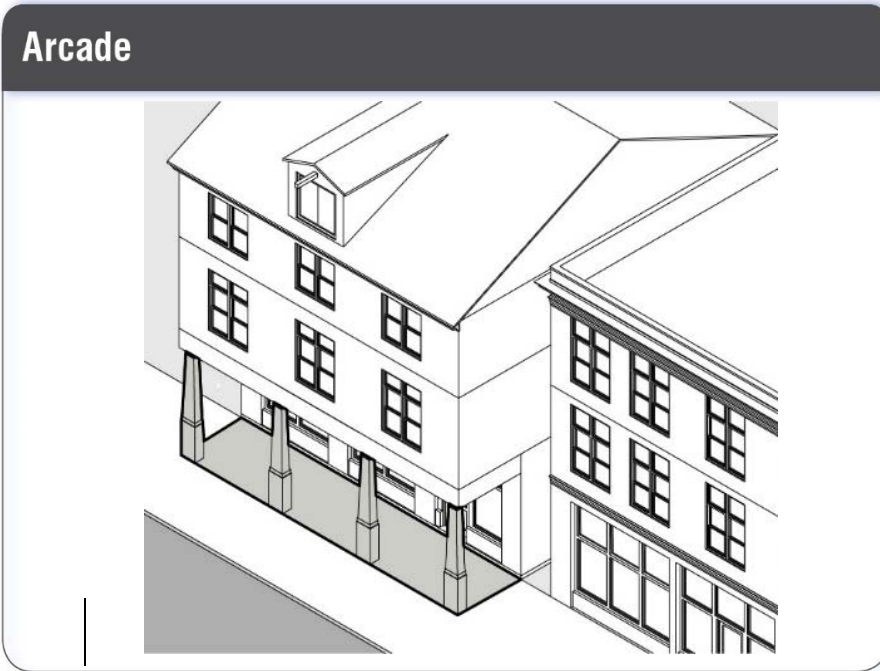
**Gallery**



The building facade is set back from the street line with an attached one or two story cantilevered shed or a lightweight colonnade that is built to the street line. This type is intended for buildings with ground floor commercial, hospitality or retail uses. This facade type is required to be used in conjunction with other types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2, CD4-W

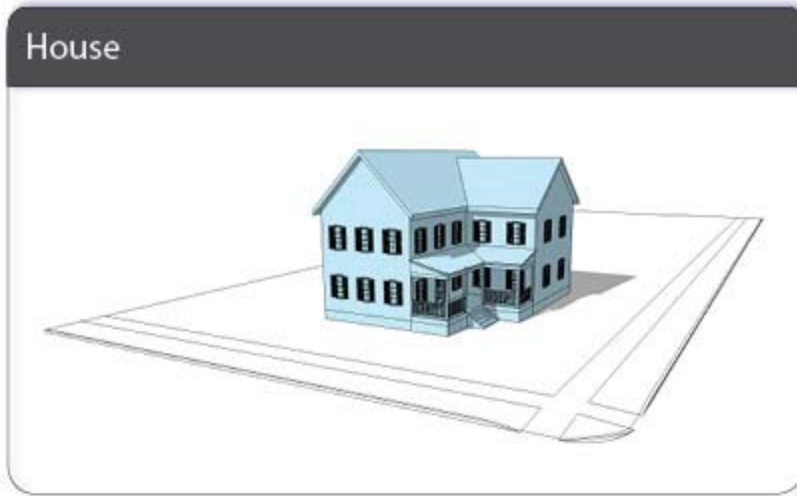
**FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)**



Only the ground floor level of the building facade is set back from the street line. The building facade for the upper floors is at the street line and is supported by a colonnade with habitable space above. This façade type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other facade types to define individual or shared first floor entries facing the street.

**Permitted districts:** G1, G2, CD4-W, CD4, CD5

FIGURE 10.5A43.60 BUILDING TYPES

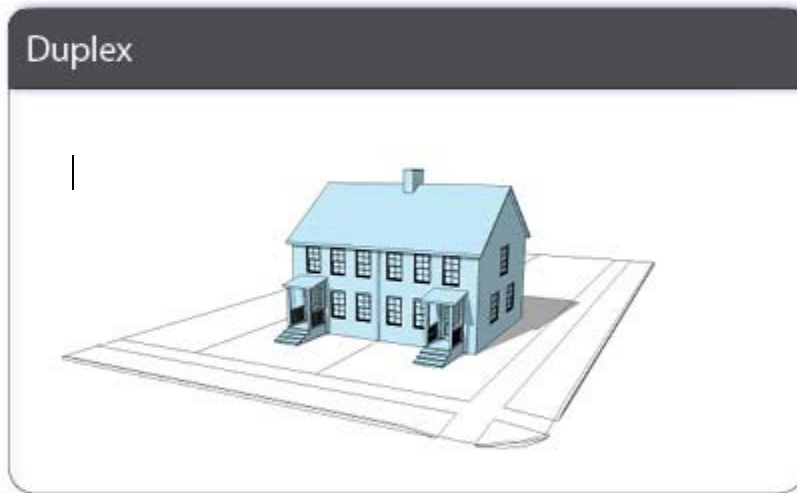


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

**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/setbacks 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 yard/setback along the front of the lot or development site.

**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 designed for residential use that has the appearance of a multifamily dwelling, with yards/setbacks on all sides.

**Permitted districts:**

CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

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, G1, G2

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

**Small Commercial Building**



A building designed for non-residential use with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is no more than 3 stories in height.



**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**

**Large Commercial Building**



A building with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is 4 or more stories in height.

**Permitted districts:**  
CD5, CD4, CD4-W, G1, G2

**Cottage**



A small detached single family dwelling with narrow massing.

**Permitted districts:** G1, G2

**Paired House**



A ~~residential~~ building designed for residential use with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front of the lot or development site~~front lot line~~. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

**Permitted districts:** G1, G2, CD4-L1, CD4-L2

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

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**

### Gateway Townhouse



These small footprint attached single family residential buildings have narrow massing and may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.

**Permitted districts:** G1, G2

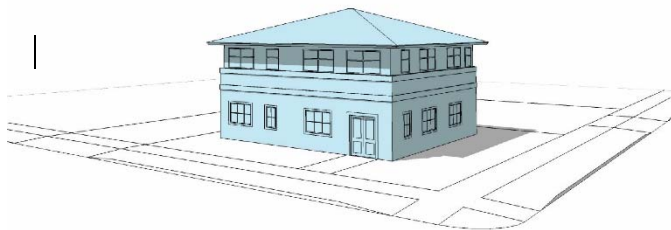
### Mixed Use Building



A variable footprint building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.

**Permitted districts:** G1, G2, CD4, CD4-W, CD5

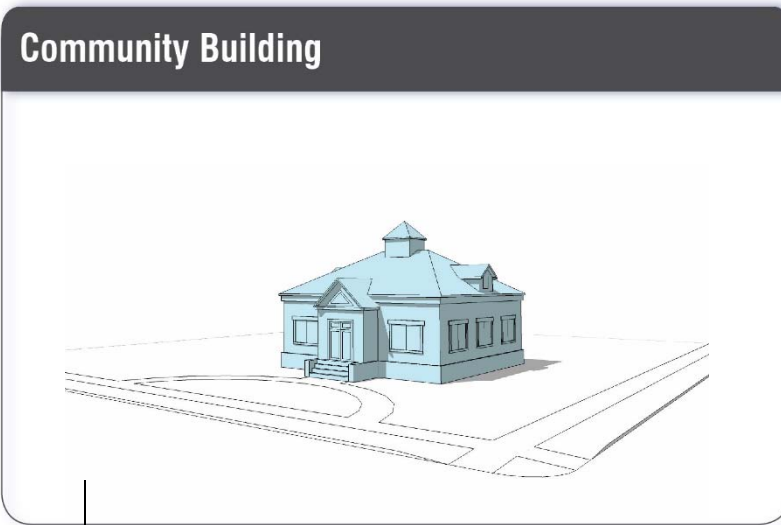
### Flex Space / Fabrication Building



A building located and designed to accommodate a small footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

**Permitted districts:** G1, G2, CD-4W

**FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)**



A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for a residential and mixed use developments.

**Permitted districts:** ~~G1~~,  
G2 All Districts

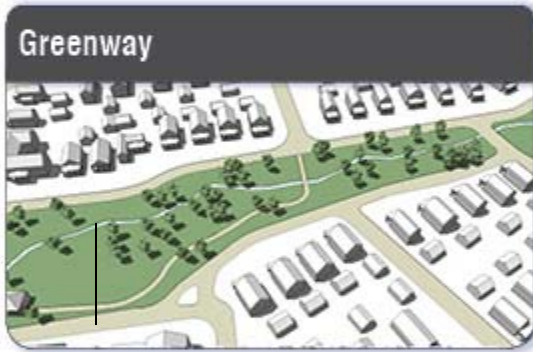


**FIGURE 10.5A45.10 COMMUNITY SPACES**



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.

**Permitted Districts: All Districts**



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: All Districts**



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. The minimum width shall be 15 feet.

**Permitted Districts: All Districts**



A wide pedestrian sidewalk (a minimum of 10' in width unless otherwise defined by the Ordinance) located between the building façade and the public right of way. Wide pedestrian sidewalks provide space between the façade and the curblane for comfortable pedestrian movement, street trees and street furniture.

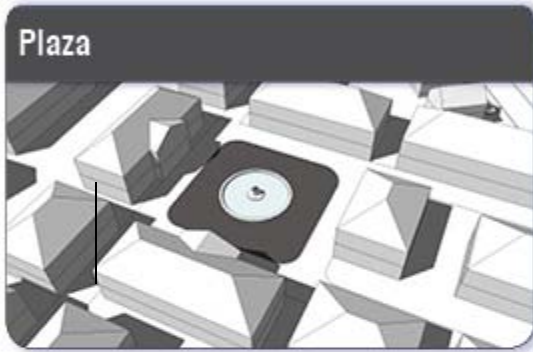
**Permitted Districts: All Districts**

**FIGURE 10.5A45.10 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, ground cover and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

**Permitted Districts: All Districts**



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: All Districts**



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. The minimum size shall be 500 sq. ft.

**Permitted Districts: All Districts**



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. The minimum size shall be 500 sq. ft.

**Permitted Districts: All Districts**

**FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)**

**Recreation Field or Court**



A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting events.

**Permitted districts:** ~~G1, G2~~ All Districts

**Common or Green**



A space for active and passive recreation and gathering purposes. A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees.

**Permitted districts:** ~~G1, G2~~ All Districts

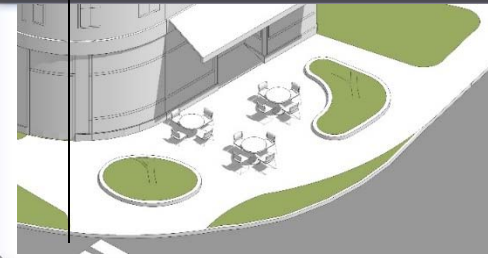
**Community Garden or Farm**



A space designed as individual garden plots available to residents for urban agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood park, or pocket park.

**Permitted districts:** ~~G1, G2~~ All Districts

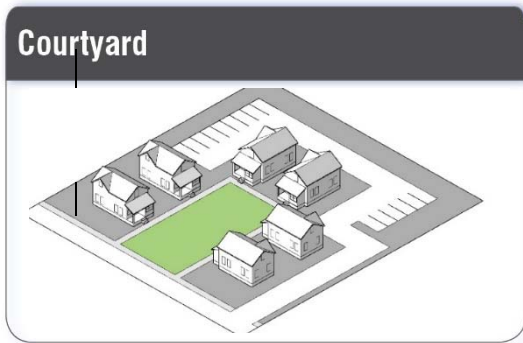
**Outdoor Dining Cafe**



~~An Outdoor dining cafes community space are is~~ permitted as an ancillary activity of ~~any restaurant, pub, or other~~ food and drink establishment where the principal use is otherwise allowed in the district. The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk. The area must provide deeded public access to qualify as Community Space in the Character Districts.

**Permitted districts:** G1, G2, CD4-L2, CD4, CD4-W, CD-5.

**FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)**



A courtyard or court is an enclosed and landscaped park area, often surrounded by a building or complex that is open to the sky.

**Permitted districts:** ~~G1, G2~~ All Districts

## 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 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 <sup>1</sup>
<u>Maximum building block length</u>	<u>No Change</u>	<u>No Change</u> <sup>2</sup>
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 <sup>+3</sup>	Plus 1 story up to 10 ft <sup>3,4+2</sup>
<u>Minimum ground story height</u>	<u>No Change</u>	<u>9 feet</u>
<u>Ground story parking</u>	<u>Permitted with a liner building</u> <sup>5</sup>	<u>Permitted with a liner building</u> <sup>5</sup>
Minimum off-street parking	<del>Residential: 1 space per dwelling unit 0.5 space per micro-unit</del>	<del>Residential: 1 space per dwelling unit 0.5 space per micro-unit</del> Non-residential: 25% reduction from underlying standard

<sup>1</sup> Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

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

<sup>+3</sup> 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~~required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

<sup>42</sup> 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.

<sup>5</sup> If ground floor parking is proposed in the CD4-W, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront ~~shopfront~~ for commercial space.

### **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~~ provide 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~~ 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 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

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.

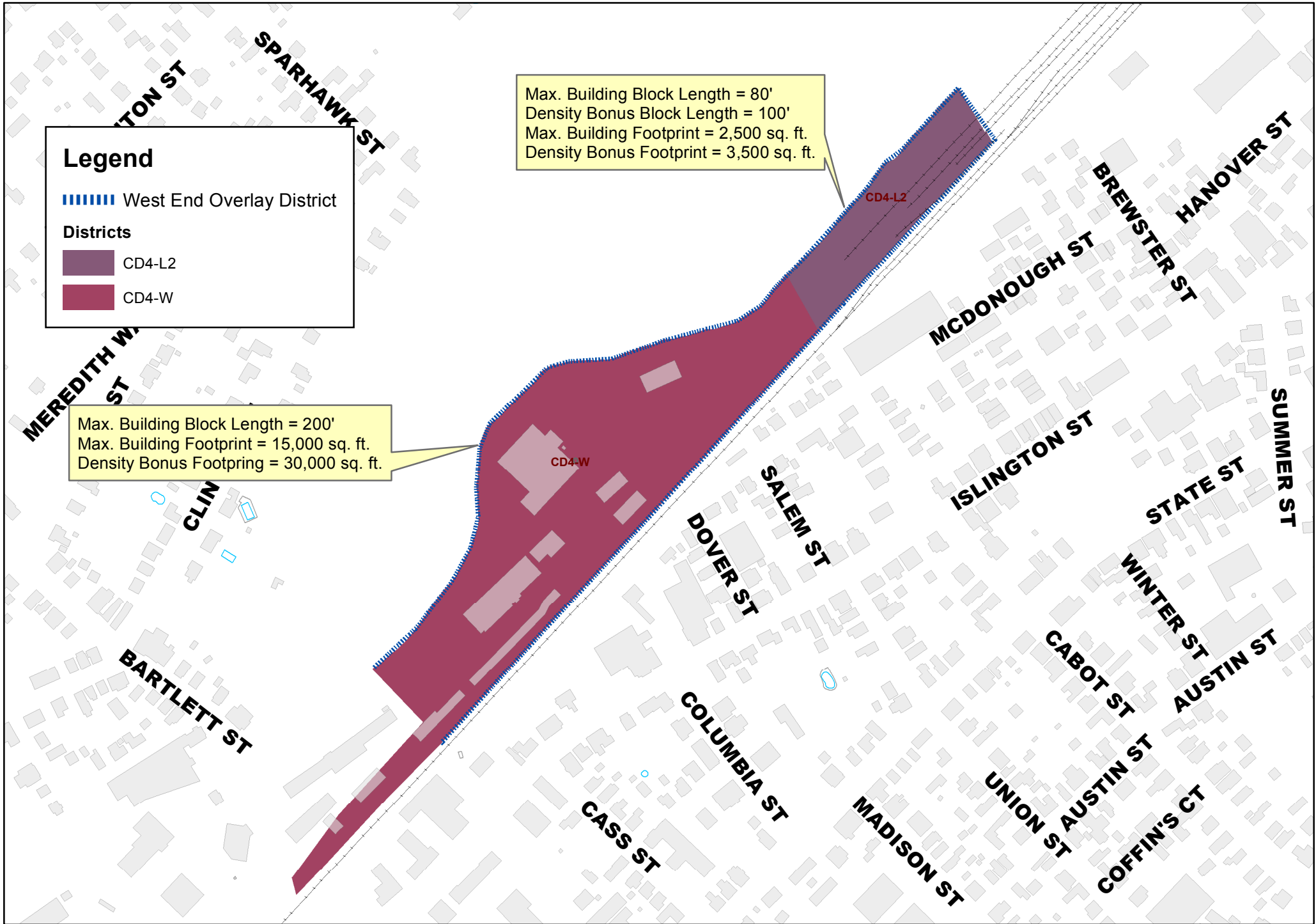
Building coverage

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, cornices and eaves projecting not more than 30 inches from a vertical wall, and
- (b) structures 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 buildings separated only by fire walls, common walls or property lines.



**Proposed Zoning Map (10.5A21B) Amendment for 105 Bartlett Street  
 (Sheet 1)**

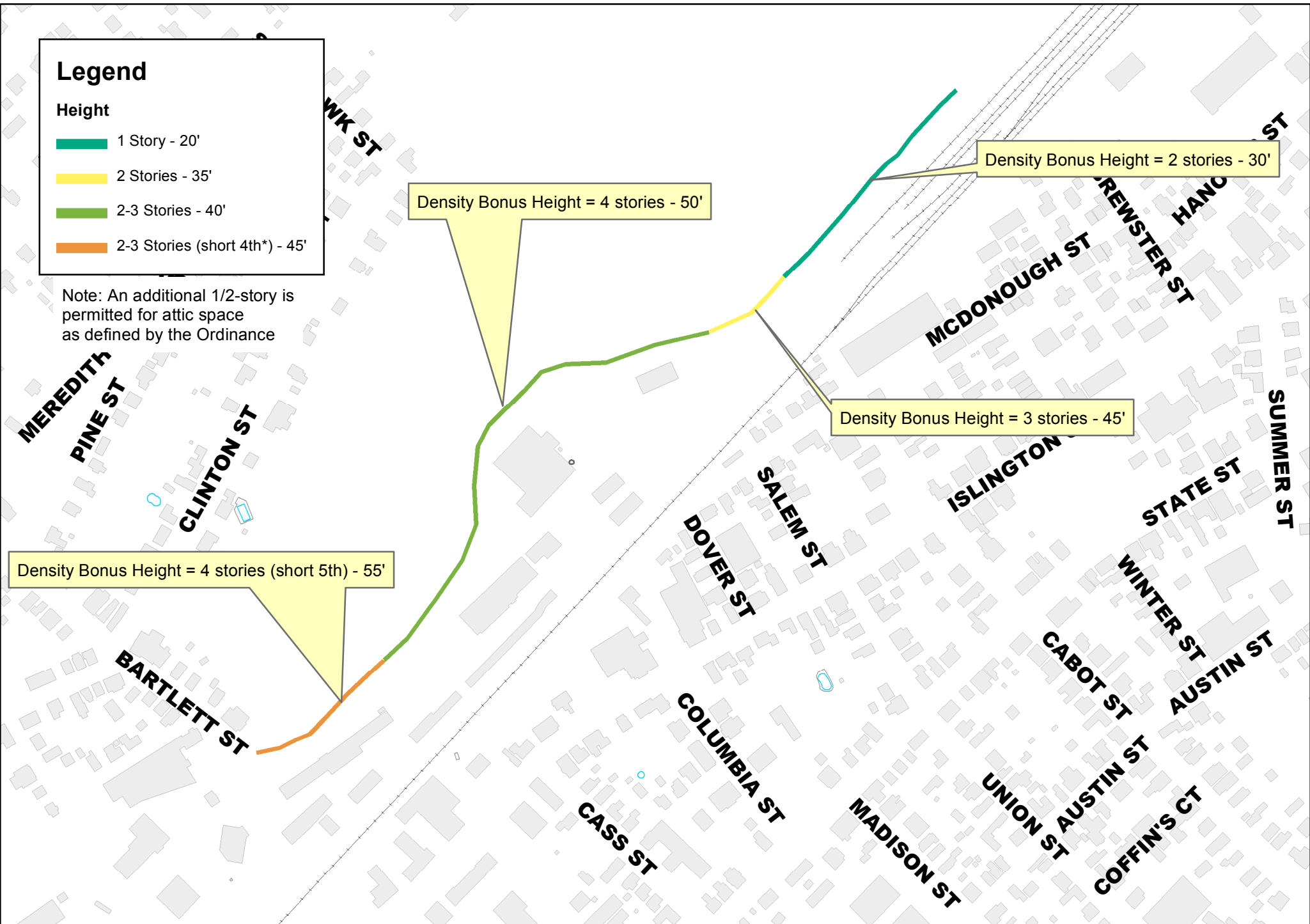


# Legend

## Height

- 1 Story - 20'
- 2 Stories - 35'
- 2-3 Stories - 40'
- 2-3 Stories (short 4th\*) - 45'

Note: An additional 1/2-story is permitted for attic space as defined by the Ordinance



Density Bonus Height = 4 stories (short 5th) - 55'

Density Bonus Height = 4 stories - 50'

Density Bonus Height = 3 stories - 45'

Density Bonus Height = 2 stories - 30'

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