

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 less 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 and Cabot 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 ~~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
Minimum lot area	No Change	2,000 sf

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ^{3,+}	Plus 1 story up to 10 ft ^{1,2}
Minimum ground story height	No Change	9 feet
Minimum off-street parking	No Change 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 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.

² 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.

D. 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.

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 ~~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.

F. Amend Map 10.5A21A Character Districts and Civic Districts as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21A Character Districts and Civic Districts” revised 6-26-18.

G. Amend Map 10.5A21B Building Height Standards as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21B Building Height Standards” revised 6-26-18

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
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																		
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	P	P	S	S	PS	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>	
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	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	

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.

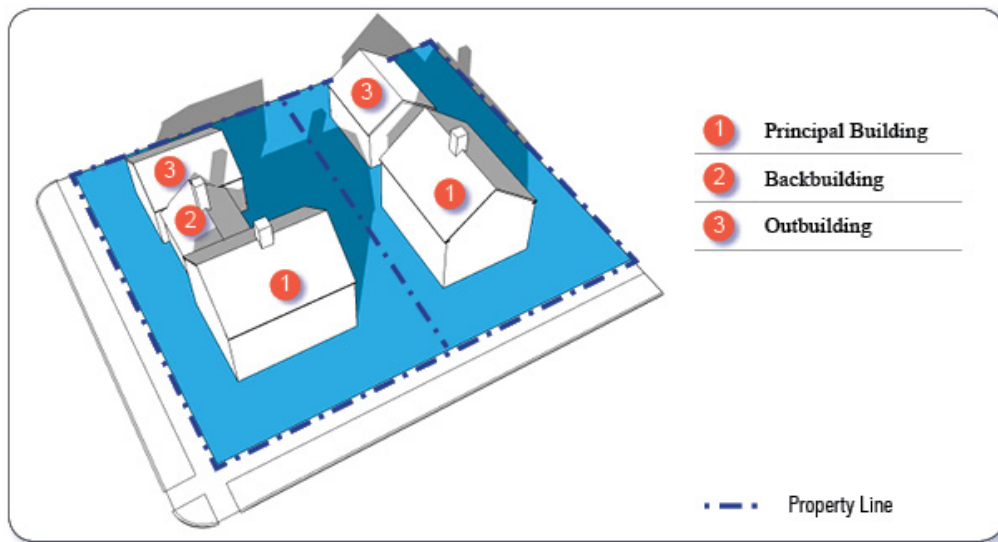
10.5A42.20 Façade Alignment

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 and Cabot 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 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
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 ¹	Plus 1 story up to 10 ft ^{1,2}
<u>Minimum ground story height</u>	<u>No Change</u>	<u>9 feet</u>
Minimum off-street parking	No Change 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 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.

² 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.

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 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% 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 units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or

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.

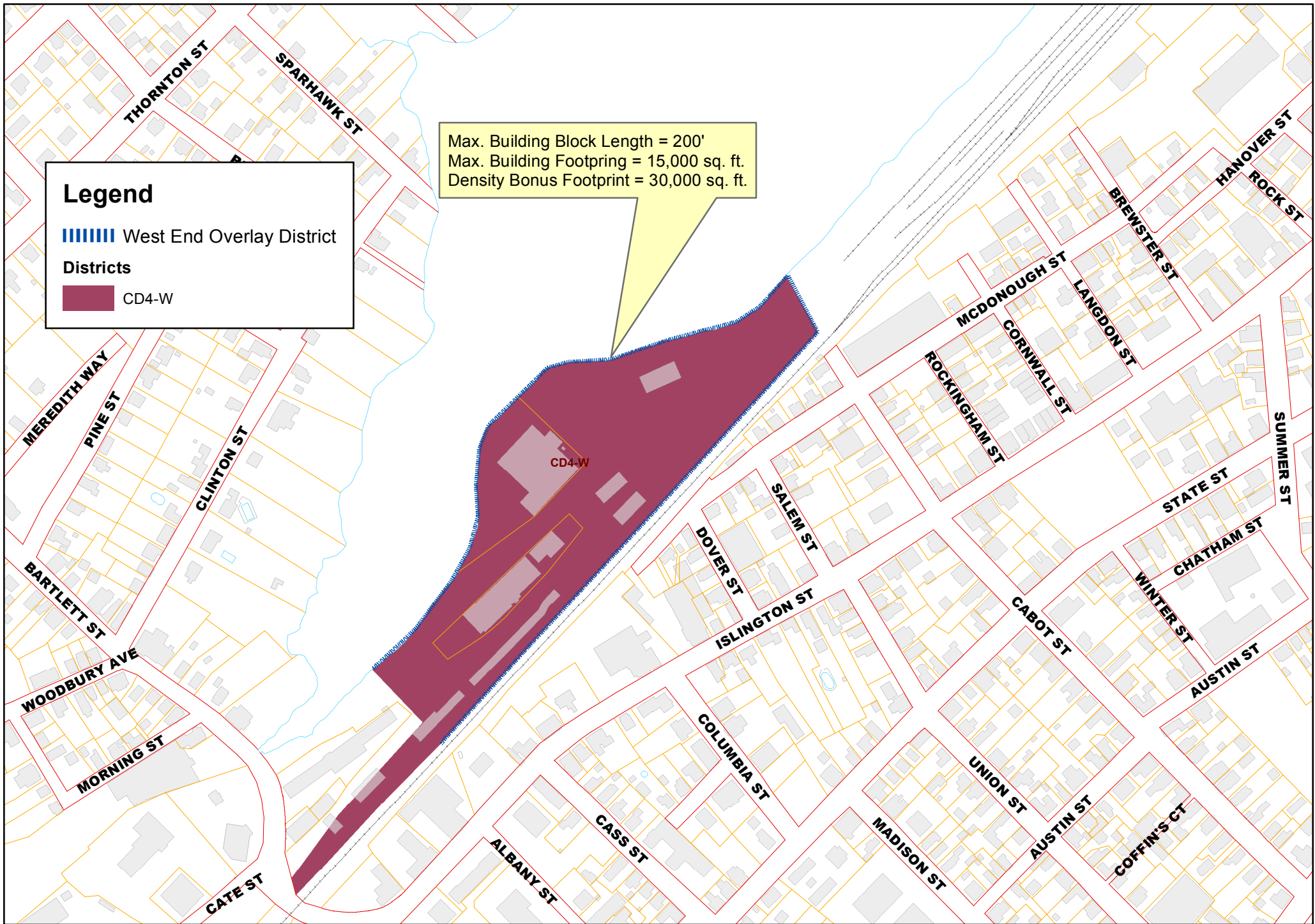
Building coverage

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

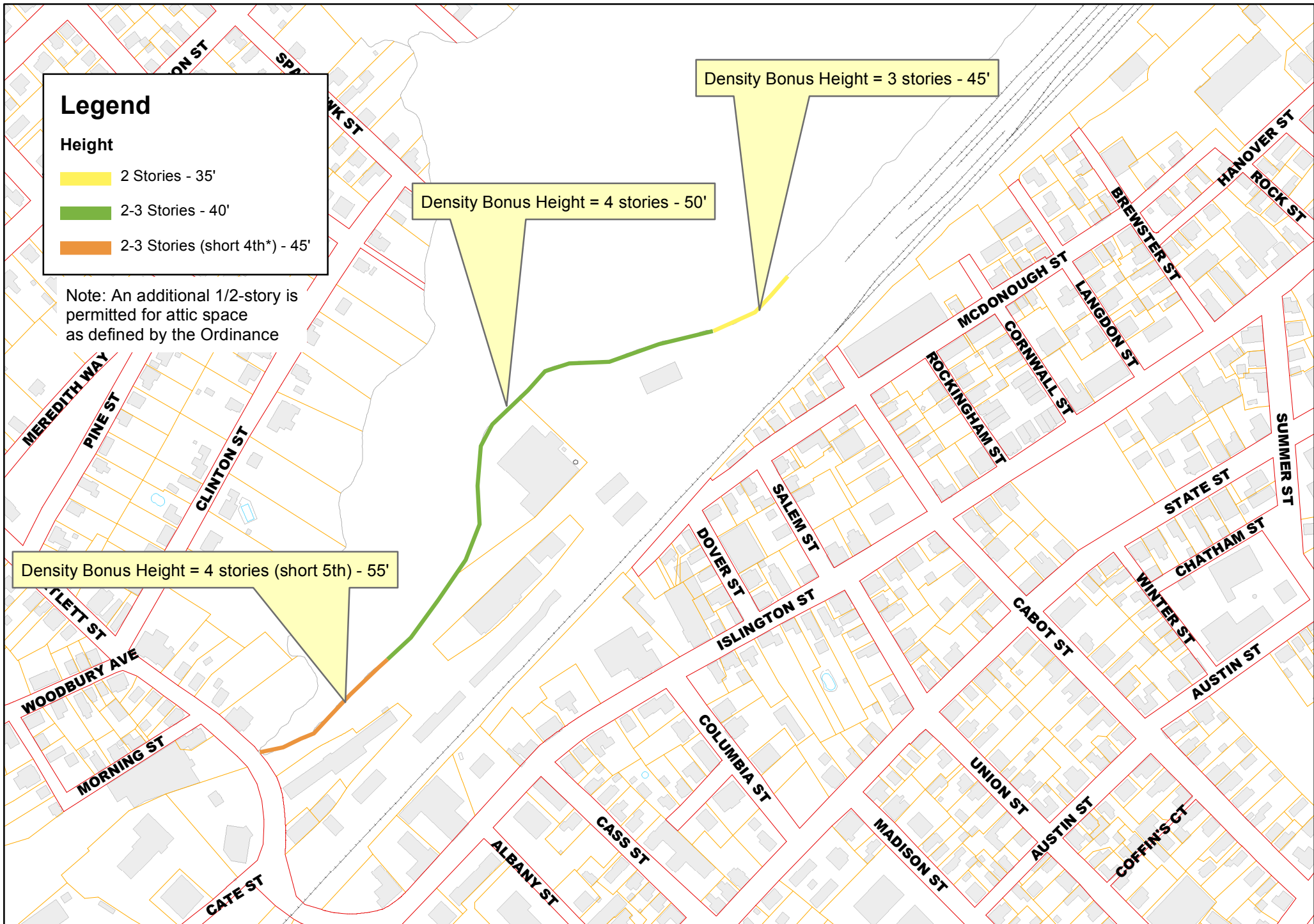
- (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and
- (b) structures less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, 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 Amendment for 105 Bartlett Street Part 1A
Zoning Map 10.5A21A Character Districts and Civic Districts



Legend

Height

- 2 Stories - 35'
- 2-3 Stories - 40'
- 2-3 Stories (short 4th*) - 45'

Density Bonus Height = 3 stories - 45'

Density Bonus Height = 4 stories - 50'

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

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

**Proposed Amendment for 105 Bartlett Street Part 1A
Zoning Map 10.5A21B Building Height Standards**