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 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 I TPES		
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	
Cottage	not permitted	
Paired House	permitted*	
Gateway Townhouse	not permitted	
Mixed-Use Building	permitted**	
Flex Space Building	permitted	
Community Building	permitted	
*Net constitute the Decoder of the District		

BUILDING TYPES

*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
Dooryard	permitted
Terrace	not permitted
Gallery	not permitted
Arcade	not permitted

*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	
not permitted	
not permitted	
permitted	
permitted	
permitted*	
permitted	
permitted	
not permitted	
not permitted	
not permitted	
permitted*	
permitted	
permitted	

*Residential uses are not permitted on the ground floor

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	not permitted	
Stoop	permitted	
Step	permitted	
Shopfront	permitted	
Officefront	permitted	
Forecourt	not permitted	
Recessed-entry	permitted	
Dooryard permitted		
Terrace	not permitted	
Gallery permitted		

Arcade permitted

(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		
not permitted		
not permitted		
permitted*		
permitted*		
permitted**		
permitted		
permitted		
not permitted		
not permitted		
not permitted		
permitted**		
permitted		
permitted		
	not permitted not permitted permitted* permitted** permitted permitted permitted not permitted not permitted not permitted permitted permitted permitted permitted permitted permitted permitted permitted permitted	

*Not permitted in the Downtown Overlay District

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

FAÇADE ⁻	TYPES
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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	
Dooryard	permitted	
Terrace	not permitted	
Gallery	permitted	
Arcade permitted		

(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
Cottage	not permitted
Paired House	not permitted
Gateway Townhouse	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

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

FAÇADE TYPES

FAÇADE I IFES	
Figure 10.5A43.10 for façade	e 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
Dooryard	not permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

- B. 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.
- C. 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 striken; 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 striken; 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 striken; 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 striken; 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.
- D. 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 striken; additions to existing language **bolded**; remaining language unchanged from existing):

An Ooutdoor 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".

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

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	
Minimum side yard	3 ft	в
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	CD4-L1: not permitted
building	CD4-L2: permitted
Large commercial	not normitted
building	not permitted
<u>Cottage</u>	not permitted
Paired House	permitted*
Gateway Townhouse	not permitted
Mixed-Use Building	permitted**
Flex Space Building	permitted
Community Building	Permitted
*Not permitted in the Downtown Overlay District	
**Desidential	

**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
Dooryard	permitted
<u>Terrace</u>	not permitted
<u>Gallery</u>	not permitted
<u>Arcade</u>	not permitted
*Not permitted in the Dow PARKING	vntown Overlay District

See Section 10.5A44.30 COMMUNITY SPACE

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
Minimum side yard	0 ft 🛛 🔒
Minimum rear yard	3 ft 🌀

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>	not permitted
Paired House	not permitted
Gateway Townhouses	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	Permitted
*Residential uses are not permitted on the ground	
floor 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:	

	112
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

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	
Minimum side yard	0 ft 🛛 🔒	
Minimum rear yard	3 ft 🧿	
BUILDING TYPES		
See Figure 10.5A43.60 for	r 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>	not permitted	
Paired House	not permitted	
Gateway Townhouses	not permitted	
Mixed-Use Building	permitted**	
Flex Space Building	<u>permitted</u>	
Community Building	<u>permitted</u>	
*Not permitted in the Downtown Overlay District		

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

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

FIGURE 10.5A41.10D DEVELOPMENT STANDARDS CHARACTER DISTRICT 5 (CD5)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a fa of a principal b	
Minimum side yard	0 ft	в
Minimum rear yard	3 ft	C

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	normittad
building	permitted
Large commercial	normittad
building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouses	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted
*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:	

,	eere werder de upprj.
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	not permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

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 atgrade, 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)



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 atgrade 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

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, <u>CD4-W</u>

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/<u>setbacks</u>** 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 **building**s 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.



A building <u>designed for residential use</u> that has the appearance of a **multifamily dwelling**, with **yards/<u>setbacks</u>** 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.



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 sitefront yard, and that is no more than 3 stories in height.



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

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

A small detached **single family dwelling** with narrow massing.

Permitted districts: G1, G2





A residential building designed for residential usetype with narrow massing and horizontally attached or semiattached dwelling units generally perpendicular to the front of the lot or development sitefront 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.



These small footprint attached **single family** residential **building**s 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



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<u>, CD4</u>, <u>CD4-W, CD5</u>



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



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, G2All 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 **path**s 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 **shopfront**s. The minimum width shall be 15 feet.

Permitted Districts: All Districts

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

Permitted Districts: All Districts

FIGURE 10.5A45.10

COMMUNITY SPACES (CONTINUED)





Pocket Park

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 **path**s, lawns and trees, formally disposed. The

Permitted Districts: All Districts

minimum size shall be 500 sq. ft.



Permitted Districts: All Districts

Playground



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 **street**s. The minimum size shall be 1/8 acre.

Permitted Districts: All Districts

As Amended Through December 4, 2017

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)



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, G2All Districts



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, G2All 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, G2All Districts



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.

An Ooutdoor dining cafes community space are is

or other food and drink establishment where the

permitted as an ancillary activity of any restaurant, pub,

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 <u>and landscaped park</u> area, often surrounded by a **building** or complex that is open to the sky.

Permitted districts: G1, G2All Districts