



CITY OF PORTSMOUTH  
PLANNING DEPARTMENT

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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** 15 MIDDLE ST RE-ZONING REQUEST  
**DATE:** 4/8/19

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**Recommended Action**

*Vote to pass first reading and schedule second reading and a public hearing for the May 6, 2019 City Council meeting.*

**Background**

On February 4, 2019, Attorney Phoenix submitted a letter to the City Council on behalf of his client, James McSharry, requesting that this property be re-zoned from CIVIC to Character District 4 (CD-4). At the February 19, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

Since the Character District Zoning was adopted in April 2014, this property has been zoned Civic District. Portsmouth has six main Character Districts in the Zoning Ordinance. Except for the Civic District, all the Districts pertain to private properties and uses in the Downtown, North End, and West End. In contrast, Civic Districts contain properties that are designated to preserve the existing buildings and uses which are open to and primarily serve the general public (i.e. religious facilities, historical societies and other non-profit establishments). Properties in the Civic District are owned by a non-profit entity (other than the City) and are generally open to the general public and dedicated to the arts, culture, education, religion, or other public uses. Properties in the Civic District may be converted to other civic uses permitted under the ordinance, however new structures, alterations or expansions of the existing structures that propose non-civic uses require a change to the Zoning Map (or Regulating Plan) as set forth in Section 10.5A22 of the Zoning Ordinance.

At the April 8<sup>th</sup> City Council meeting, there was question about whether the Civic District is one and the same as the Municipal District. Civic District is different from Municipal District (although these have a similar purpose statements in the Zoning Ordinance). The primary distinction between these two is that Municipal District properties are owned by the City whereas Civic District properties are owned by not-for-profit entities other than the City.

Being a religious use for more than a century, the structure at 15 Middle Street was designated as a civic use upon adoption of the Character District Zoning in 2014. Since that time, the current property owner (the Salvation Army) has marketed the property for

other uses and recently signed a purchase and sale agreement to convert the use of the building to a non-civic use -- hotel. Thus, the conversion of the use requires a change to the Zoning Map as well as land use approvals from the Historic District Commission and the Planning Board.

This property abuts both the higher-density CD5 District along Congress Street – the heart of the downtown commercial district – and the medium-density CD4 District located along Porter Street. Due to the orientation, setback, and the fact that the primary entrance to the building is located along Porter Street, City Planning Department staff recommended re-zoning to CD4. Note that the permitted land uses are exactly the same for CD4 and CD5. The only discernible difference between the districts are the building placement characteristics and its occupation on the lot. Understanding the current reuse proposal is to make relatively minor alterations to the existing structure, the CD4 District will permit such changes without the need for additional zoning relief.

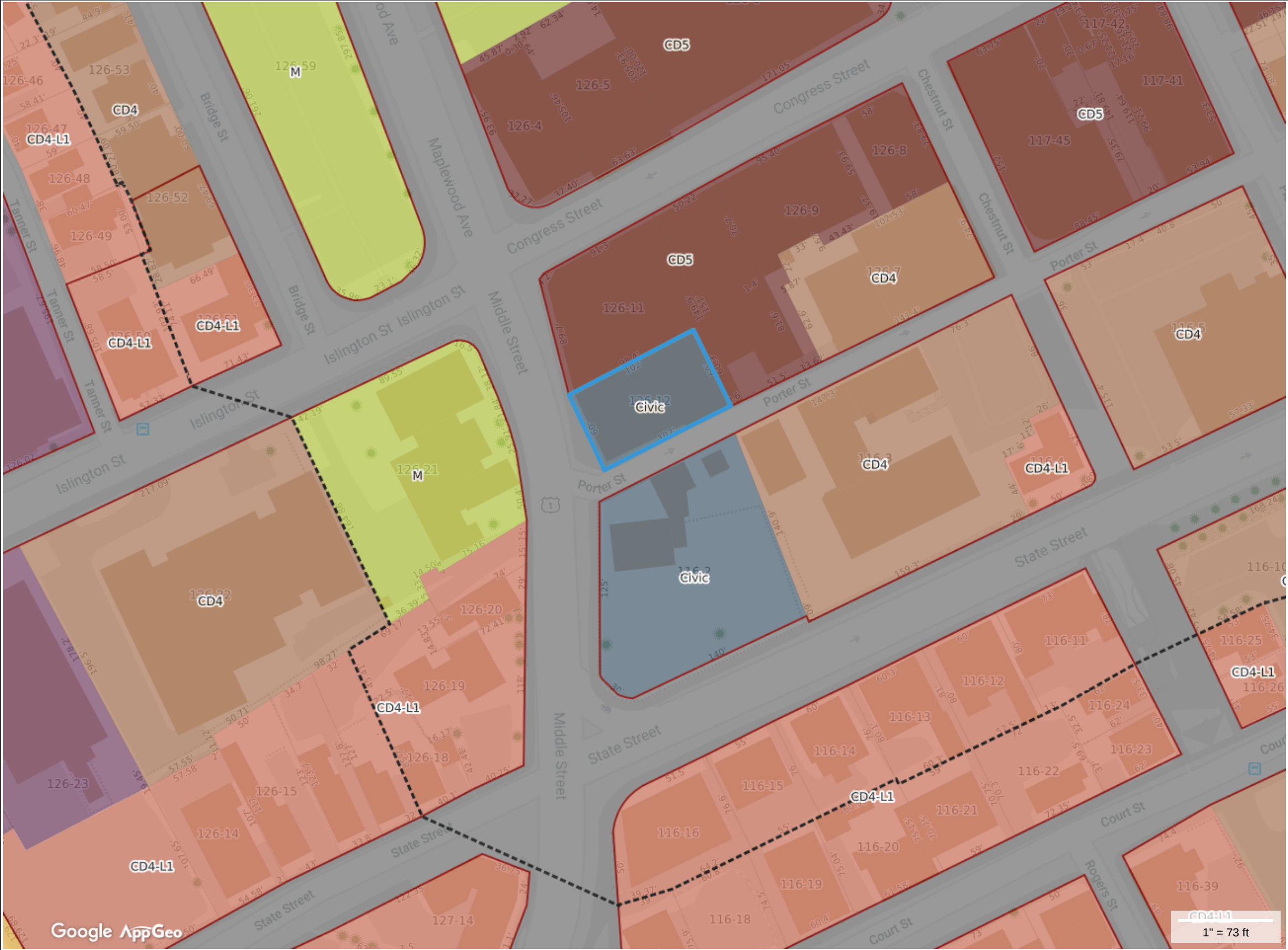
In addition to the base zoning districts, the Character District properties are also subject to separate requirements for building height standards. These are regulated by Zoning Maps 10.5A21B. These standards follow street frontages and not property lines (e.g. a property that fronts on more than one street may be subject to different height standards on each street). The height standards for each of the abutting street frontages are 2 to 3 stories or 40 feet maximum. Planning Department staff recommends amending the standards for this property to match the standards as listed above.

Properties in the Civic District are exempt from dimensional standards. A comparison of the primary dimensional standards for the CD4 and CD5 zoning districts is provided below:

<b>Dimensional Standards</b>	<b>CD4</b>	<b>CD5</b>
Principal front yard (max)	10 ft	5 ft
Secondary front yard (max)	15 ft	5 ft
Side yard	NR	NR
Rear yard (min)	5 ft	5 ft
Front lot line buildout (min)	50%	80%
Building block length (max)	200 ft	225 ft
Façade modulation length (max)	80 ft	100 ft
Entrance spacing (max)	50 ft	50 ft
Building coverage (max)	90%	95%
Building footprint (max)	15,000 sf	20,000 sf
Lot area (min)	NR	NR
Lot area per dwelling unit (min)	NR	NR
Open Space (min)	10%	5%
Ground floor gross floor area per use (max)	15,000 sf	15,000 sf
Building height (max)	see Map 10.5A21B	see Map 10.5A21B
Finished floor surface of ground floor above sidewalk grade (max)	36"	36"
Ground story height (min)	12 ft	12 ft
Second story height (min)	10 ft	10 ft
Façade glazing	70% min for shopfront façade	70% min for shopfront façade

Permitted uses in the Civic District are uses open to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly, or meeting. The primary land uses allowed in CD4 and CD5 are listed provided below.

<b>Land Uses</b>	<b>CD4/CD5</b>
Single family dwelling	P
Attached ADU	CU
Garden Cottage	CU
Two-family dwelling	P
Townhouse	P
Multifamily dwelling	P
Live/Work unit	P
Assisted Living Center	P
Residential Care Facility	P
Place of Assembly	S
School	P
Museum	P
Performance Facility	P/S (depending on size)
Club / fraternal organization	P
Indoor amusement facility	P
Health club, etc	P/S (depending on size)
Office	P
Financial institution	P
Group daycare	P
Personal and consumer services	P
Convenience stores	P
Retail sales	P
Restaurant / bar	P/S (depending on size)
Bed and breakfast	P
Inn	P
Hotel or motel	P
Conference center	P



Property Information

Property ID 0126-0012-0000  
Location 15 MIDDLE ST  
Owner SALVATION ARMY



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/30/2018  
Data updated 11/19/2018