

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JANUARY 13, 2014 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. PROPOSED ADOPTION OF RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL
  
- VI. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*
  
- VII. PUBLIC COMMENT SESSION
  
- VIII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS
  - A. Letter from Robert Zarnetske, U.S. General Services Administration, regarding long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot ***(Suggested motion – move to have the City Manager work with Mayor Lister to send a letter back to GSA requesting a Work Session with GSA, City Council and Congressional Delegation to discuss the GSA proposal and further, the status of the transfer of the McIntyre Property to the City)***
  
- IX. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS
  - A. CITY MANAGER  
  
***Items Which Require Action Under Other Sections of the Agenda***
    1. Proposed Adoption of Rules and Orders of the Portsmouth City Council ***(Action to be taken under Item V. of the Agenda)***  
  
***City Manager's Items Which Require Action***
      1. Proposed Ratification of City Council Policies  
***Informational Items***
      1. Reminder of Upcoming City Council Meetings

## **B. MAYOR LISTER**

1. City Council Board and Commission Assignments 2014-2015 (see attached list) - ***Motion is required for the appointment of the Planning Board Representative and the Historic District Representative but does not require action for other Committee assignments:***
  - ***Move to approve Councilor Kennedy to serve as the Council Representative to the Historic District Commission in accordance with Chapter 1, Article IV, Section 1.404 of City Ordinance***
  - ***Move to approve Councilor Thorsen to serve as the Council Representative to the Planning Board in accordance with Chapter 1, Article III, Section 1.303 of City Ordinance***
2. Policy Regarding First Reading on Ordinance Amendments (as per attached document) ***(Suggested motion – move that any proposed ordinance to be acted on by the City Council shall be submitted one meeting in advance of any first reading and that the proposed ordinance is submitted to the Legal Department to draft in the City Ordinance format. Further, that all appropriate Departments, Boards and Commissions be advised of the ordinance prior to first reading and when necessary request a report back)***
3. Proposed Council requests to Planning Board (as per attached document)

## **C. COUNCILOR KENNEDY**

1. Proposed First Reading on Zoning Changes (as per attached document)

## **D. COUNCILOR DWYER**

1. \*Establish a Work Session on January 21, 2014 at 6:00 p.m. with the City Attorney to review the Right-to-Know Law

## **E. COUNCILOR MORGAN**

1. Proposed First Reading Zoning Amendment – Off-Street Parking Requirements (per attached document)

## **X. MISCELLANEOUS/UNFINISHED BUSINESS**

## **XI. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK**

## **INFORMATIONAL ITEMS**

*(There are no items under this section of the Agenda this evening)*

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED:** Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

Last Revision by City Council done on March 18, 2008  
Adopted with no further revision January 4, 2010.  
Adopted with amendment to Rule 23 January 17, 2012



# RULES AND ORDERS

## OF THE

# PORTSMOUTH CITY COUNCIL

# REVISED RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL

## **RULE 1. MEETING NIGHTS**

The regular meetings of the City Council shall be on the first and third Mondays of each month at some time between 7:00 o'clock and 8:30 o'clock in the evening to be set by the Council. Work sessions may commence at any time after 6:00 p.m. and the regular council meeting may commence at any time after 7:00 p.m. (See Charter section 4.4). (AMENDED 4/2/90 TO AGREE WITH THE CITY CHARTER) (AMENDED 1/9/06)

## **RULE 2. SPECIAL MEETINGS**

Special meetings may be called by written request of five or more members of the Council, by the Mayor, or by the City Manager.

The City Clerk shall prepare a notice of the special session stating the time and the place and this notice shall be served personally upon each member of the Council and the City Manager, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

It shall also be the duty of the City Clerk, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the Council in person, either by telephone or otherwise of such special session. The City Clerk shall also post notices of the special meeting in a conspicuous place in City Hall and shall make every effort to publicize the meeting by way of local news media. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

## **RULE 3. WORK SESSIONS**

Upon request of the Mayor or five or more members of the Council, the Council may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the Council; provided, however, that nothing herein shall prevent a polling of the Council or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public, and notice procedures for regular meetings shall be followed.

## **RULE 4. COUNCIL MEETING AGENDA**

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting, and shall make copies of the Agenda available in the Office of City Clerk for the public by that time. (AMENDED 1/5/98)

## **RULE 5. CALL TO ORDER**

The Mayor shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

## **RULE 6. CHAIRING OF MEETING**

In the absence of the Mayor, the Assistant Mayor shall preside during that meeting or until the Mayor arrives. In the absence of both the Mayor and the Assistant Mayor, the Councilor present who received the largest plurality in the last election shall preside during that meeting or until the Mayor or Assistant Mayor arrives.

## **RULE 7. ORDER OF BUSINESS**

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Call to Order [7:00 p.m. or thereafter]
- III. Roll Call
- IV. Invocation
- V. Pledge of Allegiance
- VI. Volunteer Committee Reports
- VII. Acceptance of Minutes
- VIII. Public Comment Session
- IX. Public Hearings on Ordinances and/or Resolutions
- X. Approval of Grants/Donations
- XI. Consideration of Resolutions and Ordinances
- XII. Consent Agenda
- XIII. Presentation and Consideration of Written Communications and Petitions
- XIV. Reports and Communications from City Officials
  - A. CITY MANAGER  
Items Which Require Action Under Other Sections of the Agenda  
City Manager's Items Which Require Action
  - B. MAYOR
  - C. CITY COUNCIL MEMBERS
- XV. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting
- XVI. Adjournment [at 10:00 p.m. or earlier]

(ADOPTED NEW ORDER OF BUSINESS 1/9/06)

## **RULE 8. CONSIDERATION OF MOTIONS**

When a motion is made and seconded, it shall be considered by the Council, and not otherwise.

**RULE 9. WRITTEN MOTIONS/ROLL CALL**

Every motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it; and upon request of any member the roll call shall be called upon any question before the Council.

**RULE 10. DIVISION OF QUESTION**

The Division of a question may be called for when the motion contains two or more independent parts.

**RULE 11. READING**

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the Council.

**RULE 12. ADJOURNMENT**

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on. Such motion shall be decided without debate.

**RULE 13. DISPOSITION OF MOTIONS**

After a motion is seconded, and stated by the Chair, it shall be disposed of by vote of the Council unless the mover withdraws it before a decision or amendment.

**RULE 14. MOTIONS DURING DEBATE**

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly.

**RULE 15. ORDER OF QUESTIONS**

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

**RULE 16. MOTION FOR RECONSIDERATION**

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting; and only one motion for the reconsideration of any vote shall be permitted.

**RULE 17. TABLING**

No motion which has been tabled at a current or prior Council meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Council meeting which agenda will show the item of business.

**RULE 18. SPEAKING PRIORITY**

When two or more members rise at once, the Chair shall then name the member who is entitled to the floor.

**RULE 19. SPEAKING**

When any member is about to speak in debate or to deliver any matter to the Council, and respectfully address the presiding officer; the member shall confine themselves to the question under debate, and avoid personalities. The member shall sit down as soon as done speaking. (AMENDED 4/2/90) (AMENDED 1/10/2000)

**RULE 20. INTERRUPTION OF SPEAKING MEMBER**

No member shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any member in speaking, or otherwise, transgress the Rules of the Council, the Mayor shall or any member may call the offending member to order who shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, and without debate.

**RULE 21. CONFLICTS OF INTEREST**

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest.

**RULE 22. VOTING REQUIRED**

Every member present when a question is put, if not excluded by interest, shall vote. No member shall leave a meeting without permission, if their presence is necessary to make a quorum.

**RULE 23. COMMITTEE NOMINATION**

At the first Council meeting of the year, Councilors will bring forward their requests for committees. If there is a multiple request for a committee, a one-minute explanation of why a councilor would like to sit on that committee will be given. A closed vote will be taken by the Council, and the votes will be counted by the City Clerk.

The Councilor on a committee will bring forward the names of citizens, who are interested in being on said committee. Those individuals must have completed the application process through the City Clerk's office. The Council will vote on the recommendation at the next regularly scheduled Council meeting

\*(ADOPTED 1/22/96; AMENDED 1/17/2012)

**RULE 24. COMMITTEE MEMBERSHIP**

No member shall be obliged to be on more than two committees at the same time nor to be chairman of more than one.

**RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES**

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

**RULE 26. COMMITTEE MEETINGS**

No Committee shall sit during the sitting of the Council without special leave.

**RULE 27. COMMITTEE OF THE WHOLE**

The City Council may resolve itself of the Whole, at any time, upon a motion of a member made for the purpose; and in forming a Committee of the Whole, the Mayor may leave the Chair and appoint some member to preside in the Committee; and when the Committee of the Whole shall have gone through the subject referred to them, they shall rise, and the Chairperson, or any other member that the Committee may order, shall report their proceedings to the Council.

**RULE 28. COMMITTEE OF THE WHOLE PROCEEDINGS**

The rules of proceedings in the Council shall be observed in Committee of the Whole, so far as they may be applicable; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

**RULE 29. ORDINANCES**

All bylaws passed by the City Council shall be termed "ordinances", and the enacting style shall be: "The City of Portsmouth Ordains." Each ordinance shall be identified by a number and a short title, and the effective date shall be specified in it.

**RULE 30. ORDINANCE PROCEDURE**

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second and third readings. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.

**RULE 31. ORDERS AND RESOLUTIONS**

In all votes by which the City Council shall express anything by way of command the form of expression shall be "Ordered" and whenever it shall express opinions, principles, facts or purposes, the form shall be "Resolved." Resolutions prepared in writing prior to introduction shall be identified by a short title.



**RULE 32. TAXING, SPENDING, AND BORROWING**

Each order or resolution authorizing the levying of a tax, the expenditure of money, or the borrowing of money shall have two separate readings and a public hearing with notice as required by law.

**RULE 33. RECORD RETENTION OF RESOLUTIONS AND ORDINANCES**

When an ordinance or resolution shall have passed the City Council, it shall receive the signature of the Mayor. It shall be enrolled in the City records of the City Clerk, and the original ordinance or resolution shall be placed in some safe deposit in the archives of the City.

**RULE 34. CITY CLERK**

The City Clerk shall attend all Council meetings, except work sessions and executive sessions, and shall keep a record of procedures of the Council by recording the motions and votes thereon. The City Clerk shall make notes of the general content of the remarks by members of the Council, the Mayor, and the City Manager and not their specific detail. The City Clerk shall note in the minutes all reports, memorials and other papers submitted to the Council by their title or brief description of the purport. The City Clerk shall cause to be recorded through the use of appropriate recording device the business of all Council meetings, said recordings to be maintained by the City Clerk as a public record for a period of three years. Preservation of the recordings and custody of all recordings shall be the sole responsibility of the City Clerk who shall prepare such rules for use as the Clerk deems necessary or appropriate to the discharge of the above responsibility.

**RULE 35. SEATING ARRANGEMENT DURING COUNCIL MEETINGS**

Council seats shall be assigned by the Mayor. Council members who wish to exchange seats may do so upon request to the Mayor. Seating arrangement may be changed at any time the Mayor wishes. (AMENDED 10/29/90)

**RULE 36. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY**

Whenever a City Councilor has a question of the City Attorney, during a City Council Meeting, on the Council Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

**RULE 37. HOUR CITY COUNCIL MEETINGS TO CONCLUDE**

City Council meetings shall conclude no later than 10:00 P.M. or at such time as any agenda item being discussed at 10:00 P.M. is acted upon. If because of this rule any agenda items remain to be taken up, the Council shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Council wishes to suspend in order to continue. (AMENDED 1/9/06)

**RULE 38. NOTICE TO COUNCIL REGARDING APPOINTMENT QUALIFICATIONS**

All nominees to positions on boards or commissions of the City shall submit in writing, on a form as provided by the City Clerk, information regarding their occupational backgrounds, the nature of their nominations, and their reasons for wishing to serve. Such form shall accompany the agenda in which the nomination is to be made and shall be delivered to City Council members in accordance with Rule No. 4.

### **RULE 39. SUSPENSION OF RULES**

No standing rule or order of the Council shall be suspended unless a two-thirds majority of the members of the Council present shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a two-thirds majority of the Council shall concur therein.

### **RULE 40. PARLIAMENTARY AUTHORITY**

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the City Council shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Scott, Foresman & Co.

### **RULE 41. ADDRESS BY PUBLIC**

Members of the public-at-large may address the Council on any issue being discussed by the Council after a motion to allow same has been made by any Council member and passed by a majority vote, provided that no person shall speak for more than five (5) minutes.

### **RULE 42. PUBLIC'S RIGHT TO KNOW GUARANTEED**

All letters, memos, reports and other information provided or circulated to the City Council by staff members or received as communications to the Mayor and City Council from any person shall be included with the Agenda packet of a City Council meeting and made publicly available by 5:00 p.m. on Friday prior to each Council meeting, or if sent separately to Council members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications. (AMENDED 1/27/92)

### **RULE 43. PUBLIC COMMENT SESSION**

A public comment session shall appear on the agenda of all regular Council meetings. This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any single topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Comments shall be limited to one topic per person per meeting. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council. (ADOPTED 3/12/90) (AMENDED 1/5/98) (AMENDED 4/17/2000) (AMENDED 1/24/2005)

\* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented. \*(ADOPTED 1/18/94).

**RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES**

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

**RULE 45. PUBLIC HEARINGS**

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.

(ADOPTED 5/6/2002).

**RULE 46. CONSENT AGENDA**

The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06).

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<sup>1</sup> Rule #47 – Appointments to Boards and Commissions was repealed by the City Council on March 18, 2008.



GSA New England Region

January 6, 2014

The Honorable Mayor Lister and Members of the Portsmouth City Council  
City Hall  
1 Junkins Ave.  
Portsmouth, NH 03801

Dear Mayor Lister and Members of the City Council:

As you may know, the U.S. General Services Administration (GSA) is interested in opening a dialogue with the City of Portsmouth and its residents about the long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot. As we begin to plan for the future, we would like to engage both the city government and the city's residents in a discussion about how best to integrate the facility into the Portsmouth community. We hope you will join us in identifying and facilitating future opportunities for the site to more completely meet the needs of the the community and the neighborhood—including the need for additional off-street parking.

Under our Urban Development/Good Neighbor Program, GSA has developed a set of procedures and best practices for working with municipal officials, local organizations and individual residents to assist in the renovation of existing federal properties. A key goal of the program is to improve public facilities and blend them in with their surroundings. A commonly used process is the community based workshop, but we are open to other suggestions from you and community leaders on how best to work with the Portsmouth community.

GSA's McIntyre project team will be led by Gianne Conard, Chief Architect for GSA's New England Region. She will coordinate these efforts with support from Samir Randolph from my office along with personnel from GSA's headquarters in Washington, DC. Gianne and Samir will work with you and the City Manager to identify key stakeholders in the community whose input will help inform the process. We are eager to begin this project and will reach out to you by the end of January. In the meantime, please feel free for you, the City Manager or his City staff to contact Samir directly at 617-565-5156 or [samir.randolph@gsa.gov](mailto:samir.randolph@gsa.gov) should you have any questions.

We look forward to working with you on this important project. I assure you that GSA will continue to be an active civic partner and will fully engage stakeholders in the Portsmouth area as we strategize ways to improve the McIntyre Federal Building and meet the needs of Portsmouth residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob-Z", with a long horizontal flourish extending to the right.


Robert Zarnetske  
Regional Administrator

CC: John P. Bohenko, City Manager

**U.S. General Services Administration**  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Boston, MA 02222  
[www.gsa.gov](http://www.gsa.gov)

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** January 9, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on January 13, 2014 City Council Agenda

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***Items Which Require Action Under Other Sections of the Agenda:***

1. **Proposed Adoption of Rules and Orders of the Portsmouth City Council.** The first order of business that the City Council needs to act on is its Rules and Orders. I have attached a copy of the Rules and Orders from the previous City Council. Councilor Lown has requested that Rule 23 be changed back to the previous language that existed prior to 2012, which is as follows:

“The Mayor shall nominate all committees, subject to the approval of the Council. All nominations shall be laid on the table until the next regularly scheduled Council meeting.”

The City Council should adopt its Rules and Orders with any amendments it feels appropriate.

***City Manager's Items Which Require Action:***

1. **Proposed Ratification of City Council Policies.** Attached are various Policies that were adopted by previous City Councils. Every time there is a new City Council elected and seated these Policies need to be ratified in order for the staff to follow direction outlined in these Policies. Therefore, I would ask the City Council to ratify the Policies that are attached.

*Motion to ratify City Council Policies as attached.*

## ***Informational Items:***

1. **Reminder of Upcoming City Council Meetings.** Just a reminder of the following City Council meetings:
  - Tuesday, January 21, 2014 (meeting on Tuesday because of Martin Luther King Holiday on Monday).
  - Monday, January 27, 2014 (Work Session Re: Proposed Capital Plan for FY 2015 through FY 2020. The meeting will start at 6:30 p.m. in City Council Chambers). The Capital Improvement Plan document will be sent to you along with your January 21st Agenda.

In addition, Mayor Lister is requesting a non-meeting with counsel in accordance with RSA 91-A:2, I, on Saturday, January 25, 2014, from 8:30 a.m. to Noon, in Conference Room A at City Hall. The purpose of the meeting will be to review the upcoming negotiations of various City bargaining units and to receive guidelines from the City Council. In attendance will be City Negotiator Thomas Closson of Jackson Lewis, as well as Dianna Fogarty, Human Resources Director and Robert Sullivan, City Attorney.

2009				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	NOTES
2009-01	Quarterly Meetings of Certain Board Chairs for report back to City Council	April 6, 2009	1/19/2010 and 01/17/2012	
2009-02	Group Parking License Discount	April 20, 2009	1/19/2010 and 01/17/2012	
2009-03	Projecting Sign Policy	May 4, 2009	1/19/2010 and 01/17/2012	amended by the City Council on March 21, 2011
2009-04	Vendors Policy	May 18, 2009	1/19/2010 and 01/17/2012	
2009-05	Public Gatherings in Market Square	July 20, 2009	1/19/2010 and 01/17/2012	
2009-06	Public Art Acquisition Policy	December 21, 2009	1/19/2010 and 01/17/2012	
2010				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
2010-01	Flags Projecting over City Property	February 1, 2010	1/17/2012	amendments made 02/23/10 by committee
2010-02	Brick Sidewalks	May 17, 2010	1/17/2012	
2011				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
THERE WERE NO POLICIES ADOPTED				
2012				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
2012-01	Appointments to City Boards and Commissions - 1 year residency	February 21, 2012		
2012-02	Use of City Property for Sidewalk Cafés Providing Alcohol Service	March 19, 2012		
2013				
POLICY #	POLICY NAME	EFFECTIVE DATE	RATIFIED	
2013-01	Complete Streets Policy	October 7, 2013		
2013-02	Bicycle Friendly Community Policy	October 7, 2013		
2013-03	Walk Friendly Community Policy	October 7, 2013		

# CITY OF PORTSMOUTH

## CITY COUNCIL POLICY No. 2013 – 01

### COMPLETE STREETS POLICY

**WHEREAS**, an objective of the City of Portsmouth's 2005 Master Plan is to "ensure that all transportation projects in Portsmouth provide for full consideration of all modes (automobile, truck, bicycle, pedestrian, transit) in their design, as appropriate;" and

**WHEREAS**, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to project planning, design standards, implementation and monitoring;

**NOW THEREFORE**, the City Council adopts the following policy:

#### **I. VISION**

Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.

#### **II. CORE COMMITMENT**

##### **Definition**

"Complete Streets" means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across as street.

##### **All Users and Modes**

The City of Portsmouth will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein.

##### **Planning**

The City will incorporate Complete Streets principles into the City's Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

##### **Projects and Phases**

The City of Portsmouth will approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are



not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

Maximum financial flexibility is important to implement Complete Streets principles. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Portsmouth.

It is understood that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

### Exceptions

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

- 1 Where pedestrians and bicyclists are prohibited by law from using the facility.  
In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
- 2 Where existing right-of-way does not allow for the accommodation of all users.  
In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
- 3 Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
- 4 Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
- 5 Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
- 6 Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes. However, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.

- 7 Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

### III. BEST PRACTICES

#### Design Guidance and Flexibility

The City shall follow accepted or adopted design standards and use the best and latest design standards available, including:

- American Association of State Highway and Transportation Officials (AASHTO)
  - *Guide for the Development of Bicycle Facilities* (4th Edition, 2012)
  - *Guide for the Planning, Design and Operations of Pedestrian Facilities* (2004)
- American Planning Association (APA)
  - *Complete Streets: Best Policy and Implementation Practices* (2010)
- American Planning Association (APA) & American Society of Civil Engineers (ASCE)
  - *U.S. Traffic Calming Manual* (2009)
- Federal Highway Administration (FHWA)
  - Manual of Uniform Traffic Control Devices (MUTCD)
  - PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
- Institution of Transportation Engineers (ITE)
  - *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010)
  - *Neighborhood Street Design Guidelines* (2010)
- National Association of City Transportation Officials (NACTO)
  - *Urban Bikeway Design Guide* (2nd Edition, 2012)
  - *Urban Street Design Guide* (2013)
- U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
  - *Accessible Rights-of-Way: A Design Guide*
- Active Transportation Alliance
  - *Complete Streets Complete Networks: A Manual for the Design of Active Transportation*

#### Context Sensitivity

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

#### Performance Measures

Complete Streets should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- User data – bike, pedestrian, transit and traffic
- Crash data

- Use of new projects by mode
- Compliments and complaints
- Linear feet of pedestrian accommodations built
- Number of ADA accommodations built
- Miles of bike lanes/trails built or striped
- Number of transit accessibility accommodations built
- Number of street trees planted
- Number of exemptions from this policy approved


#### IV. IMPLEMENTATION

The City views Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

1. The Planning Department, Department of Public Works, and other relevant departments, agencies or committees shall incorporate Complete Streets principles into the City's Master Plan, the Pedestrian and Bicycle Master Plans, and other appropriate plans, and other manuals, checklists, decision trees, rules, regulations, and programs as appropriate.
2. The Planning Department and Department of Public Works shall review current design standards, including subdivision and site plan review regulations, to ensure that they reflect the best available design guidelines, and effectively implement Complete Streets.
3. When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.
4. City staff shall identify current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects.
5. The City shall promote project coordination among City departments and agencies with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
6. The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013**.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk

# CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 02

## **BICYCLE FRIENDLY COMMUNITY POLICY**

**WHEREAS**, a goal of the City of Portsmouth's 2005 Master Plan is to "provide for safe and convenient bicycle and pedestrian circulation throughout the City;" and

**WHEREAS**, in support of that goal, an objective of the Master Plan is to "incorporate and formalize bicycle/pedestrian needs into city transportation planning, policies and ordinances;" and

**WHEREAS**, the City Council recognizes that increasing bicycle use can:

- Improve the environment by reducing the impact on residents of pollution and noise, limiting greenhouse gases, and improving the quality of public spaces.
- Reduce traffic congestion by shifting short trips out of single occupancy motor vehicles. This will also make our City more accessible for public transport, walking, essential car travel, emergency services, and deliveries.
- Save lives by creating safer conditions for bicyclists and as a direct consequence improve the safety of all other road users.
- Increase opportunities for residents of all ages to participate socially and economically in the community, regardless of income or ability.
- Boost the economy by creating a community that is an attractive destination for residents, tourists and businesses.
- Enhance recreational opportunities, especially for children, and further contribute to the quality of life in the community.
- Improve the health and well being of the population by promoting routine physical activity.

**NOW THEREFORE**, the City Council adopts the following policy:

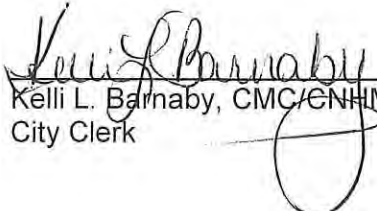
Accommodating bicycles and improving safe bicycle travel shall be integrated into municipal decision-making, practices and processes in order to:

1. Provide safe and convenient bicycle access to all parts of the community through a network of on-and off-street facilities, low-speed streets, and secure parking.
2. Establish information programs to promote bicycling for all purposes and to communicate the many benefits of bicycling to residents and businesses.

3. Make the City a model employer by encouraging bicycle use among its employees.
4. Ensure all city policies, plans, codes, and programs are updated and implemented to take advantage of every opportunity to create a more bicycle-friendly community.
5. Educate all road users to share the road and interact safely.
6. Enforce traffic laws to improve the safety and comfort of all road users, with a particular focus on behaviors and attitudes that cause motor vehicle/bicycle crashes.
7. Promote intermodal travel between public transport and bicycles.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013**

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk

# CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 03

## WALK FRIENDLY COMMUNITY POLICY

**WHEREAS**, the City Council recognizes the benefits of walking as a key element of a healthy, efficient, socially inclusive and sustainable community, and

**WHEREAS**, all people should be able to walk safely and to enjoy high quality public spaces in the City of Portsmouth anywhere and at anytime; and

**WHEREAS**, the City Council is committed to reducing the physical, social and institutional barriers that limit walking activity;

**NOW THEREFORE**, the City Council adopts the following policy:


Municipal decision-making, practices and processes shall be carried out in order to further the following objectives:

- Provide clean, well-lit sidewalks free from obstruction, and with sufficient opportunities to cross roads safely and directly;
- Ensure seating is provided in outdoor public spaces in quantities and locations that meet the needs of all users;
- Provide protection for pedestrians from weather and climate elements with landscaping and facilities as appropriate (for example shade or shelter);
- Provide coherent and consistent information and signage systems to support exploration and discovery on foot;
- Build and maintain high-quality networks of connected, functional and safe walking routes between residential areas and local destinations;
- Provide an integrated, extensive and well-equipped public transportation service with vehicles which are fully accessible to all potential users and public transport stops and interchanges with easy, safe and convenient pedestrian access and supportive information;
- Encourage a pedestrian-friendly driving culture with targeted campaigns and enforcement of road traffic laws;
- Maintain reduced motor vehicle traffic speeds in residential areas, shopping areas, around schools, and in other areas with a high frequency of pedestrian traffic;

- Reduce the impact of busy roads by installing sufficient safe crossing points, ensuring minimal waiting times and enough time to cross for the slowest pedestrians;
- Ensure that facilities designed for cyclists and other non-motorized modes do not compromise pedestrian safety or convenience;
- Involve all relevant agencies at all levels to recognize the importance of supporting and encouraging walking and to encourage complementary policies and actions;
- Actively encourage all members of the community to walk whenever and wherever they can as a part of their daily lives.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013**.

  
Kelli L. Barraby, CMC/CNHMC  
City Clerk



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2012 - 01

#### POLICY REGARDING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

**WHEREAS**, the City Council believes that familiarity with the City of Portsmouth is a beneficial prerequisite to service on City Boards and Commissions;

**NOW THEREFORE**, the City Council adopts the following policy:

It is generally the policy of the City Council of the City of Portsmouth to appoint to membership on City Boards and Commissions only those persons who have resided in the City of Portsmouth for a cumulative total of at least one (1) year.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: February 21, 2012.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



**CITY OF PORTSMOUTH**  
**CITY COUNCIL POLICY No. 2012-02**

**POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S**  
**PROVIDING ALCOHOL SERVICE**

**WHEREAS**, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

**WHEREAS**, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

**WHEREAS**, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

**WHEREAS**, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

**WHEREAS**, the City Council recognizes the authority of the State to regulate alcohol service.

**NOW THEREFORE**, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1<sup>st</sup> with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. The City Council shall allow no more than six (6) sidewalk cafe's with alcohol service in any season.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.

6. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafe's shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe's may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe's shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

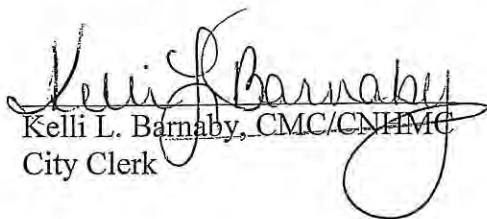
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
  - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
  - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

**This policy shall take effect upon the passage by the City Council.**

Adopted by the Portsmouth City Council on March 19, 2012.

  
Kelli L. Barnaby, CMC/CNIMC  
City Clerk



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2010 - 01

#### POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY<sup>1</sup>

**WHEREAS**, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

**WHEREAS**, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

**WHEREAS**, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

**WHEREAS**, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

**NOW THEREFORE**, the City Council adopts the following policy:

- A. Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)
- B. A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.
- C. Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.
- D. Sandwich board signs should not exceed 8 square feet in area on each side.

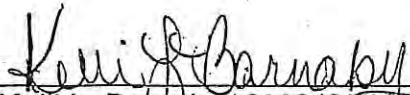
- E. Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.
- F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.
- G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.
- H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.
- I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.
- J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.

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<sup>1</sup>The Legislative intent was to exempt "Branded Areas" i.e., Deer Street and State Street

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on February 1, 2010.

  
\_\_\_\_\_  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2010 - 02

#### POLICY REGARDING BRICK SIDEWALKS

**WHEREAS**, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

**WHEREAS**, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies.

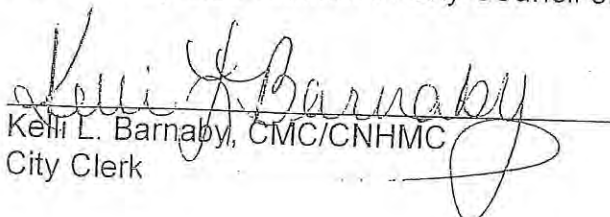
**NOW THEREFORE**, the City Council adopts the following policy:

- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
    - a. Islington Street,
    - b. New Castle Avenue east of Marcy Street,
    - c. Middle Street and Lafayette Road south of Aldrich Road; and
    - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
  2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
  3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.
  4. All other sidewalks will be concrete.

This policy shall take effect upon the passage by the City Council.

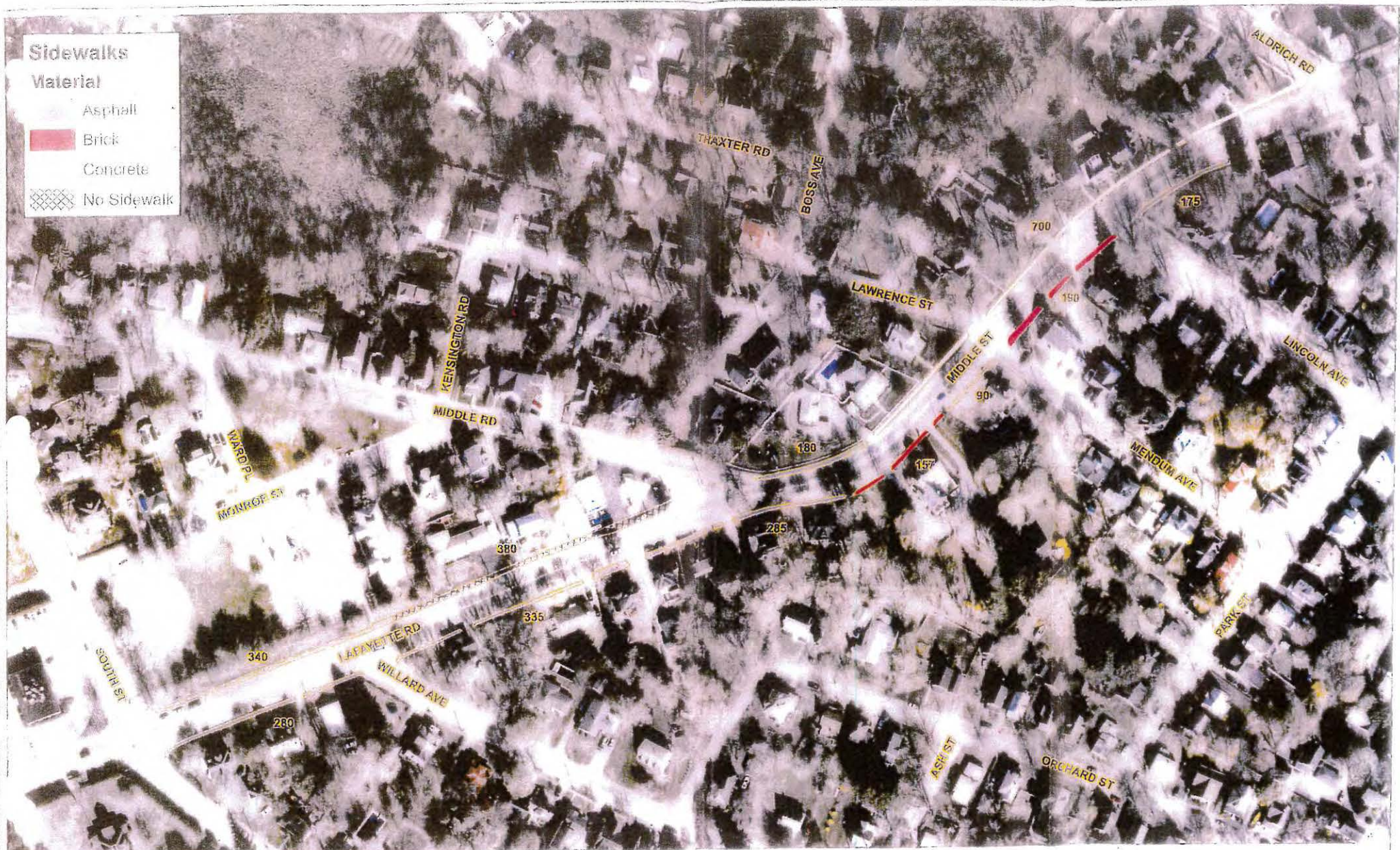
Adopted by the Portsmouth City Council on May 17, 2010.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk

**Sidewalks**

**Material**

-  Asphalt
-  Brick
-  Concrete
-  No Sidewalk



Map prepared by Portsmouth Department of Public Works

0 75 150 Feet  1 inch = 125 feet May 12, 2010



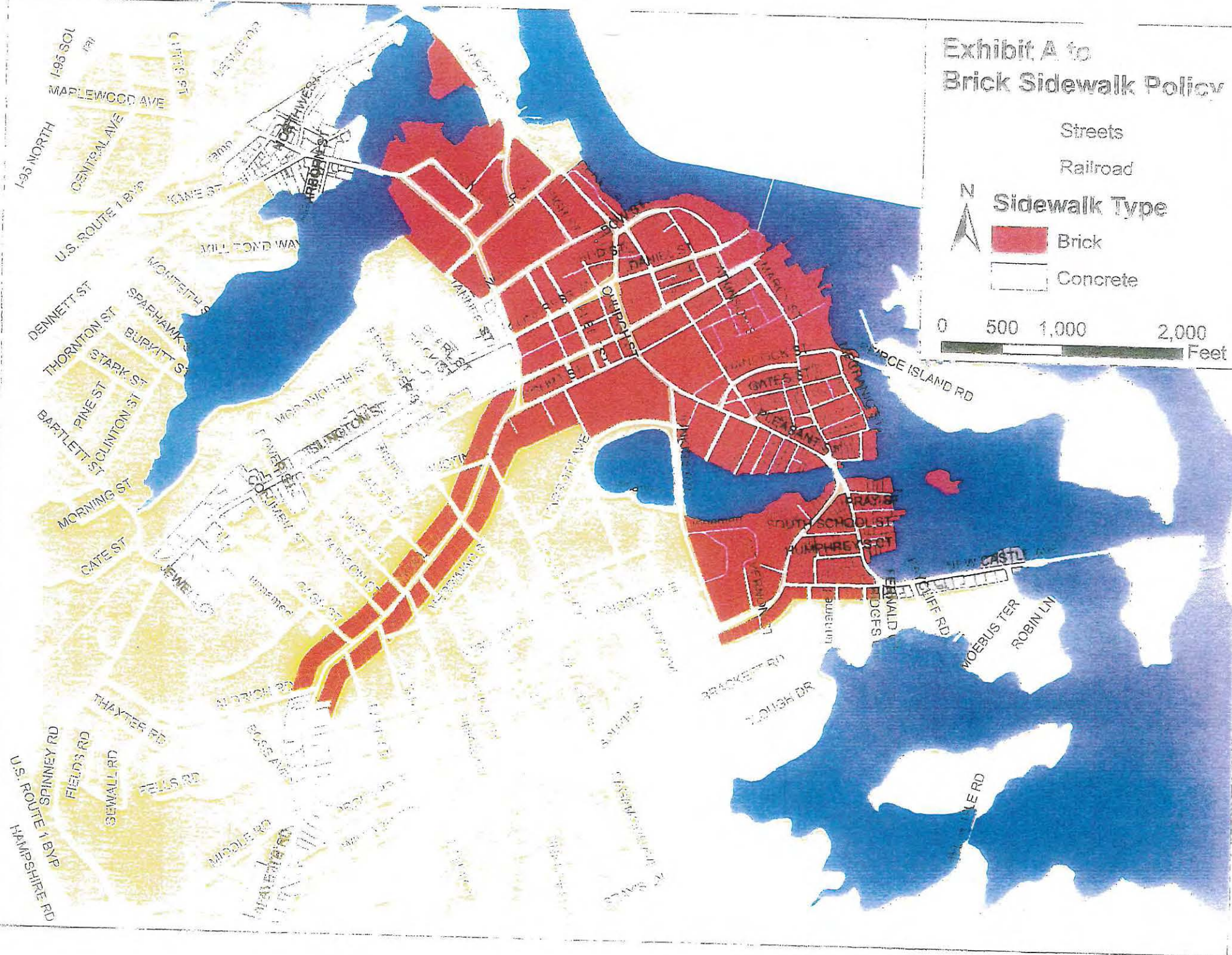
# Exhibit A to Brick Sidewalk Policy

Streets  
Railroad

**Sidewalk Type**

- Brick
- Concrete

0 500 1,000 2,000 Feet





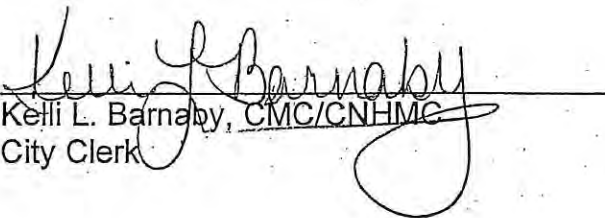
## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2009-01

There shall be established a policy by the City Council that the Recreation Board, Peirce Island Committee, Conservation Commission, and other Blue Ribbon Committees as deemed necessary meet on a quarterly basis with the Chairman of the aforementioned Boards and Commissions, along with their City Council liaison. (Quarterly meetings to take place March, June, September and December.) Subsequent to the quarterly meetings, the chairman of the aforementioned Boards and Commissions shall report to the City Council at their next available meeting. The quarterly meetings shall be for the purpose of reviewing mutual concerns and bringing those to the attention of the City Council.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on April 6, 2009.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2009-02

#### Group Parking License Discount Policy

Any request for a group license per Section 7.402 of the City Ordinance will be considered on a case by case basis. To be eligible, the company requesting the group license shall be locating or expanding its corporate headquarters in the city's downtown. The primary element of analysis is that the request will benefit the city's overall vitality and economy. Criteria for consideration of a group license shall include the following:

- The proposal is in accordance with the goals of the Master Plan.
- The entity requesting the group license will purchase 25 or more passes in publicly owned, leased, and operated parking facilities.
- The entity requesting the group license seeks to expand or locate its corporate headquarters in the City of Portsmouth or offers some other articulable benefits to the city.
- Approval of the group license shall be based on the availability of spaces in publicly owned and/or operated parking facilities and on the overall percentage of monthly leased spaces in these facilities.
- Terms of the license shall be revisable every two years.
- Monthly group licenses shall be issued for one of two categories:
  - 1) 24 hours Monday through Friday 7 AM -7 AM
  - 2) 12 hours Monday through Friday 7 AM -7 PM

Weekday group license discount rates shall be in accordance with the following:

Number of employees	Monthly discount
25 - 75	10%
76 - 125	20%
126 - 175	30%
176 - 225	40%
> 225	50%

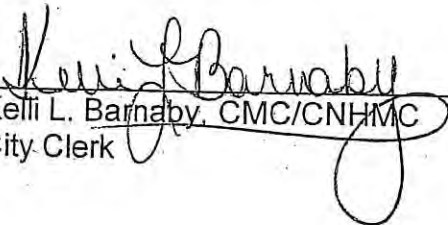


The process for group license requests shall be a written request to the City Manager, reviewed by city staff for consistency with eligibility criteria and EDC recommendation to the Manager and City Council with final approval by the City Council at a regularly scheduled meeting.

Being ever mindful of the many small and independent Portsmouth businesses that contribute significantly to the local economy and to the uniqueness of downtown, yet are unlikely to be large enough to qualify for a group license, it is advised that the group license discounts shall be granted sparingly.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on April 20, 2009.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



CITY OF PORTSMOUTH  
CITY COUNCIL POLICY No. 2009-03

**Projecting Sign Policy**

**WHEREAS**, the City of Portsmouth has an interest in regulating all use of City property at, above and below ground level; and

**WHEREAS**, it is common for individuals in the City to erect projecting signs over streets and sidewalks of the City; and

**WHEREAS**, the City Council desires to adopt a policy which both protects the municipal interest in the air-space above its property and provides persons who wish to erect projecting signs in that air-space a process by which municipal approval for those signs may be secured expeditiously;

**NOW THEN**, the Council of the City of Portsmouth hereby adopts the following projecting sign policy.

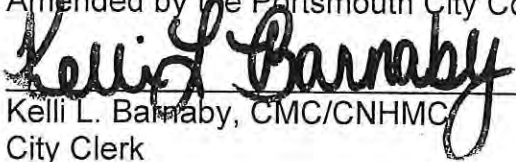
1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Director;
2. The Planning Director shall then report its recommendation with respect to the sign to the City Council for approval or denial,
3. Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:
  - a. All costs related to the construction and/or removal of the sign shall be borne by the applicant.
  - b. The License shall be for an indefinite term.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on: May 4, 2009.

Ratified by the Portsmouth City Council on January 19, 2010.

Amended by the Portsmouth City Council on March 21, 2011.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



## CITY COUNCIL POLICY NO. 2009-04

WHEREAS, the City of Portsmouth currently has a collection of ordinances regulating "hawkers and peddlers" seeking to sell food and non-food items from a location that is not fixed; and

WHEREAS, in order to improve communication with vendors and hawkers and facilitate enforcement, the Vendors' Committee has proposed that the City Council adopt a policy that both identifies vending locations compliant with the existing ordinances and establishes maximum vending cart sizes.

**NOW THEREFORE there shall be established a policy by the City Council relating to hawkers and peddlers providing as follows:**

The seven locations on public sidewalks within the Central Business Districts A and B that are suitable as vending locations for licensed hawkers and peddlers are identified on the attached Exhibit 1.

All other locations within Central Business Districts A and B are deemed not appropriate under the existing ordinances and vendors and hawkers are prohibited from setting up carts, stands and like at such other unapproved locations.

The size of vending carts shall not exceed 52" wide and 48 inches long not including the tongue of the cart.

Consistent with the existing ordinance, all vending locations, both inside and outside the Central Business District, are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

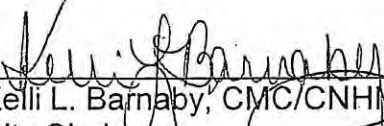
This policy does not affect or address mobile/canteen trucks that vend on private property.

This policy does not affect or address vending on property under the control of Prescott Park.

Nothing in this policy supersedes or limits any special permission that the City Council may grant to organizers of community events, such as Pro Portsmouth, who may establish additional vending locations during such special events.

This policy shall take effect upon passage of the City Council.

Adopted by the Portsmouth City Council on: May 18, 2009.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2009-05

#### Policy Regarding Public Gatherings in Market Square

**WHEREAS**, Market Square in downtown Portsmouth has developed by past public use into a public forum in which expressive conduct such as public gatherings, speech making, the carrying of political signs and other forms of expressive conduct are constitutionally protected; and

**WHEREAS**, Market Square is a place in which numerous businesses operate, many people reside and the streets and sidewalks are heavily travelled by persons and vehicles; and

**WHEREAS**, the City Council seeks to balance the need of people and vehicles to travel on, near or through Market Square safely against the protected expressive conduct created by the public forum which Market Square has become; and

**WHEREAS**, the City Council has been advised that it may adopt content neutral reasonable time, place and manner restrictions on the use of Market Square for expressive conduct so long as such restrictions are narrowly tailored to accomplish the legitimate government concern of protecting public safety and maintaining the safe and orderly conduct of citizen travel and business activity in Market Square, and alternate means of expressive conduct exist; and

**WHEREAS**, the City Council has the authority to regulate obstructions and other activities on the City streets and sidewalks (City ordinances Chapter 8, Article, I, Section 8.106); and

**NOW THEN**, the City Council of the City of Portsmouth duly convened, does hereby adopt the following policy regarding expressive conduct in Market Square:


1. The area affected by this policy is all of the streets and sidewalks in the area where Market Street, Daniel Street, Pleasant Street, Church Street and Congress Street (collectively, "the protected area") convene, expressly inclusive of the sidewalk area in front of the North Church;



2. The protected area may be utilized at any reasonable time and in any reasonable manner without prior permission from the City by any person or by a group of people provided that there is no interference with pedestrian or vehicular travel on the street or sidewalk.
3. Should any person or group desire to place an obstruction of any kind or type or the use of electronic amplification upon the City sidewalk or right of way, that person or group should submit the request in writing to the City Manager who shall have the authority to approve the same.
4. The City Manager shall have authority to approve the use of the Vaughn Mall for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
5. The City Manager shall have authority to approve the use of that portion of Pleasant Street from Porter Street to Market Square (being the same area used for summer-in-the-street activities) for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
6. The City Manager shall have the authority to assess the organizing person or group actual costs directly related to the use of the space. The costs are limited to police details for any necessary traffic control and wages for any public works personnel required for set up and clean-up. The assessment of costs is most likely to arise with the use of Pleasant Street which requires street closure and redirecting of traffic. In no event shall costs include police protection for public safety. The assessment of costs may be appealed to the City Council.
7. Consistent with past practice, all other requests for obstructions or encumbrances of the sidewalk, public spaces and roadways require City Council approval; short-term occupation permits for construction purposes excepted.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on July 20, 2009.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk



## CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-06

### PUBLIC ART ACQUISITION POLICY

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

The City Council desires that Art-Speak be charged with the formation of a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all city departments<sup>1</sup>. This committee will consist of between 7 and 11 members and will consist of Art-Speak Board Members (minimum of two), city staff, and community members.

The standing committee will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

All donated, acquired or commissioned works of *outdoor* art must include a cash stewardship donation of at least 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The standing committee will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

<sup>1</sup> The Trustees of the Portsmouth Public Library have their own policy for art acquisition. Art-speak will defer to the Trustees of the Library for art acquisition at the Library.

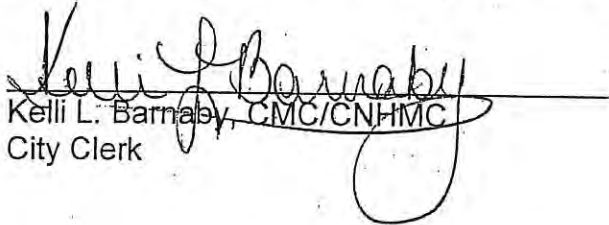
Art-Speak, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is decommissioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on December 21, 2009.

  
Kelli L. Barnaby, CMC/CNHMC  
City Clerk

<b>Committee Assignments for 2014-2015 Selection Sheet</b>	<b>Council Representatives</b>
African Burial Ground Committee, Blue Ribbon	Councilor Dwyer
Chamber of Commerce	Assistant Mayor Splaine
Economic Development Commission (2)	Councilors Shaheen and Spear
Fees Schedule Study Committee (2)	Councilors Lown and Dwyer
Historic District Commission	Councilor Kennedy
Legislative Delegation - Subcommittee (3 + Mayor)	Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen and Dwyer
Parking and Traffic Safety Committee (1)	Councilor Lown
Pease Development Authority Liaison (1)	Councilor Lown
Pease Development Authority - Port Subcommittee (1)	Councilor Kennedy
Peirce Island Committee (1)	Councilor Kennedy
Planning Board (1)	Councilor Thorsen
Public Access Financial Advisory Committee	Councilor Spear
Recreation Board (1)	Councilor Spear
Rockingham Planning Commission (1)	VACANT
Sustainable Practices, Blue Ribbon - 1 Councilor to be appointed	Councilor Morgan
Taxi Commission	Councilor Morgan
Veterans' Affairs Organization Liaison - 1 Councilor to be appointed	Mayor Lister

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the Mayor*

DATE: January 8, 2014  
TO: Portsmouth City Council Members  
FROM: Robert J. Lister, Mayor  
RE: Policy Regarding First Reading on Ordinance Amendments

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On Monday evening, I am requesting that the City Council establish the following policy regarding first reading on ordinances:

*Any proposed ordinance to be acted on by the City Council shall be submitted one meeting in advance of any first reading and that the proposed ordinance is submitted to the Legal Department to draft in the City Ordinance format. Further, that all appropriate Departments, Boards and Commissions be advised of the ordinance prior to first reading and when necessary request a report back.*


For your information, historically, this is how the City Council has proceeded with proposed ordinance amendments. In no way is this policy to curtail any City Council Member's request for ordinance amendments, but rather to develop a process that will assure that the proposed ordinances meet all the legal requirements, as well as not create an unintended consequence of conflicting with other ordinances.

Therefore, I would request that the City Council move to adopt the aforementioned policy.

c. John P. Bohenko, City Manager

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the Mayor*

DATE: January 8, 2014  
TO: PORTSMOUTH CITY COUNCIL MEMBERS  
FROM: ROBERT J. LISTER  MAYOR  
RE: PROPOSED COUNCIL REQUESTS TO PLANNING BOARD

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On Monday evening January 13th, I am requesting that the City Council act on the following:

1. Request that the Planning Board consider and report back on the adoption of an amendment to zoning ordinance sec. 10.535.10 which would eliminate the conditional use process that allows building heights to be up to 50 feet in the Central Business A district and up to 60 feet in the Central Business B district. Also, request that the Planning Board report back for the February 18, 2014 City Council meeting on this matter.
2. Request that the Planning Board evaluate its design review regulations. In essence, we ask that the Planning Board consider eliminating the entire design review process.
3. Request that the Planning Board consider a process for architectural review of building projects located outside of the Historic District.
4. Request that the Planning Board consider a moratorium on all building projects in Central Business A district and Central Business B district with a report back to the City Council in accordance with RSA 674:23 (copy attached). It appears that the primary issue is the shortage of parking to support new building projects in Central Business Districts A and B.

I am requesting that the City Council vote on these items individually.

c.: John P. Bohenko, City Manager

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

### Zoning

#### Section 674:23

##### **674:23 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans. –**

I. Upon recommendation of the planning board, the local legislative body may adopt or amend an ordinance establishing a moratorium or limitation on the issuance of building permits or the granting of subdivision or site plan approval for a definite term.

II. An ordinance may be adopted under this section in unusual circumstances that affect the ability of the municipality to provide adequate services and require prompt attention and to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

III. An ordinance under this section shall contain:

- (a) A statement of the circumstances giving rise to the need for the moratorium or limitation.
- (b) The planning board's written findings, on which subparagraph III(a) is based, which shall be included as an appendix to the ordinance.
- (c) The term of the ordinance which shall not be more than one year.
- (d) A list of the types or categories of development to which the ordinance applies.
- (e) A description of the area of the municipality, if less than the entire municipality, to which the ordinance applies.

IV. An ordinance under this section shall be based on written findings by the planning board which:

- (a) Describe the unusual circumstances that justify the ordinance.
- (b) Recommend a course of action to correct or alleviate such circumstances.

V. An ordinance under this section may provide for the exemption from the moratorium or limitation of those types or categories of development that have minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VI. An ordinance under this section may provide for a special exception or conditional use permit to allow development that has minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VII. Additional ordinances may be adopted under this section only if they are based on circumstances that did not exist at the time of any prior ordinance. The authority to adopt ordinances under this section shall not be used to circumvent a municipality's need for a growth management ordinance under RSA 674:22.

**Source.** 1983, 447:1. 1989, 266:16. 1997, 15:1, eff. June 21, 1997. 2008, 360:2, eff. July 11, 2008.

To: Mayor of Portsmouth Dr. Robert Lister

From: Esther Kennedy

Re: Zoning Changes

Date: 1/6/2014

Cc: City Manager Bohenko

I have included a document on zoning changes to be put under my name for the 1/13/2014 council meeting.

I will also be making the following motion:

To pass first reading and send to the planning board with a report back for second reading and public hearing for the February 17,2014 meeting.

Thank You



# *Proposed Revisions to the Zoning Ordinance*

## The Problem

A great many Portsmouth citizens are of the opinion that some of the new buildings are just too big and too high. The size of these buildings is inconsistent with the historic character and the pedestrian-friendly scale of our community. Frequently cited examples include the following:

- **Portwalk III**      Footprint: 47,000 sf      Height: 72'      Length: 370'
- **111 Maplewood**      Footprint: 40,000 sf      Height: 50'      Length: 256'
- **Harborcorp**      Footprint: 72,680 sf      Height: 60'      Length: 830'

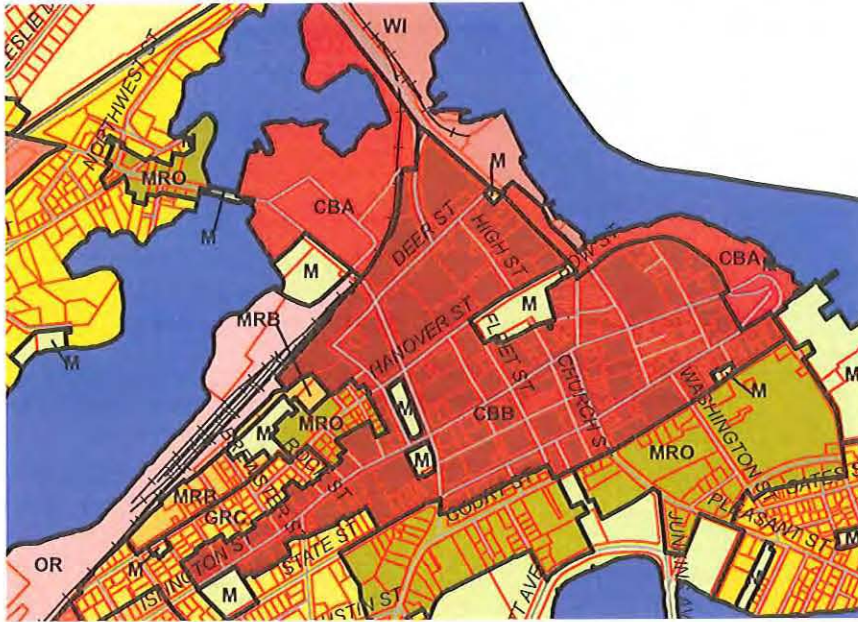
## Our Goals

- 1) In the city center, prohibit more humongous buildings such as Portwalk III, shown below; and
- 2) In the vicinity of Islington Street and Bridge Street, prevent the erection of more overly large buildings such as 51 Islington (see photo on page 6).

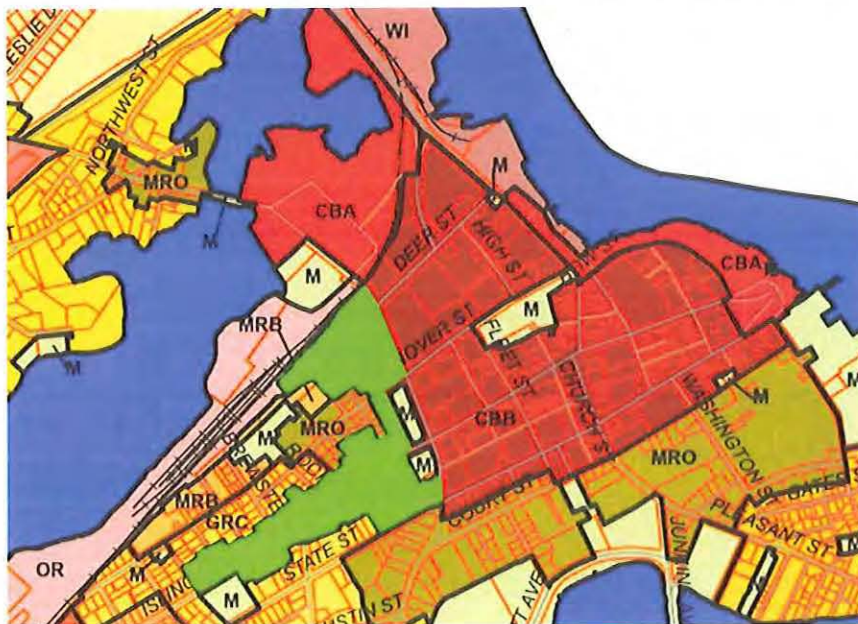


## Solution #1 – Amend the Zoning Map – Split the CBB

In order to protect the dense, low-rise neighborhoods in the vicinity of Bridge Street and Islington Street, we propose to bifurcate the Central Business B (CBB) zone, and create a new zone, Central Business C (CBC) that would be comprised of that portion of the present CBB that is situated west of Maplewood Avenue and Middle Street. Were Islington Street to remain subject to the same zoning standards as the city center, then we'd see more grossly oversized buildings in the Islington corridor.

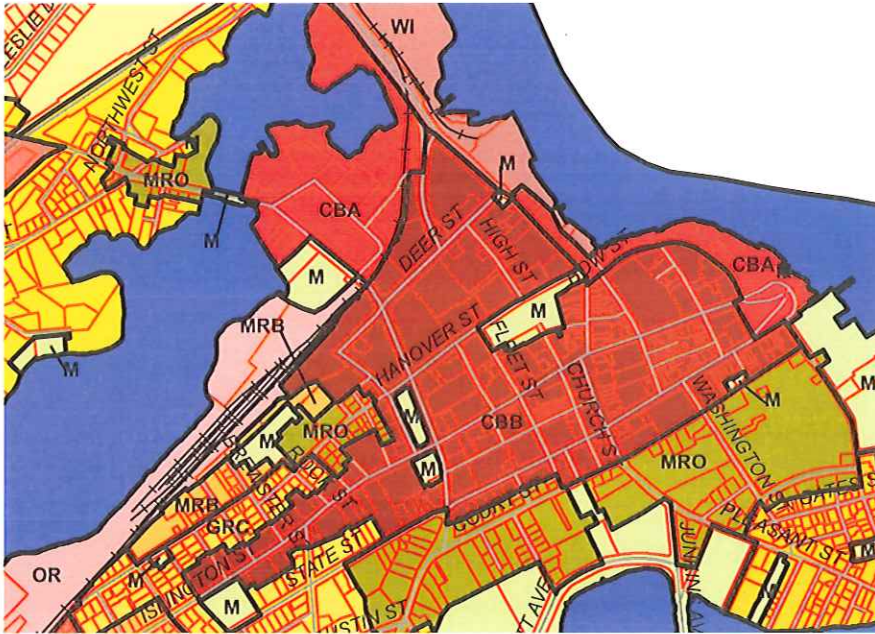


Existing zoning is shown above. Proposed CBC is depicted in bright green below.

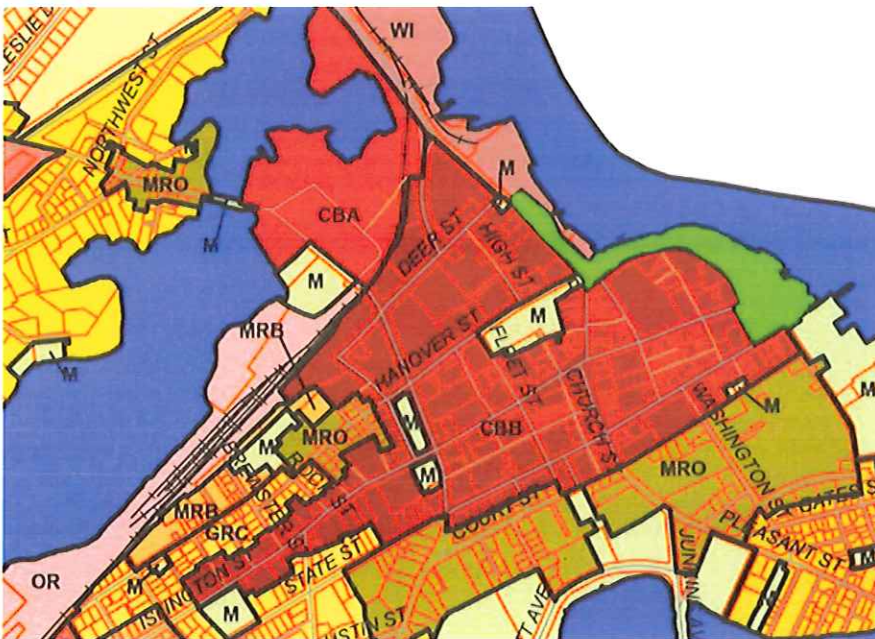


## Solution #2 – Amend the Zoning Map – Split the CBA

We also propose to separate the bulk of the CBA that extends over most of the North End from the long finger of CBA that lines the Piscataqua River. These two sections of CBA have virtually nothing in common. Thus, it makes little sense to apply the same zoning standards to both. We propose to designate the Piscataqua finger as Central Business Piscataqua, or CBP.



Existing zoning is shown above. Proposed CBP is depicted in bright green below.



### Solution #3 – Smaller Buildings in CBA

We propose to eliminate the conditional use provisions that allow a building height to exceed 45 feet, or 3.5 stories. We also propose to limit building footprints to a maximum of 4,000 square feet. What does a 4,000 sf building look like? Consider these two examples (both of which happen to be situated in CBB):



The footprint of the Kearsage House (above) at 104 Congress St is 3,850 sf.



The footprint of the National Block at 40 Congress St (above) is 3,450 sf.

## Solution #4 – Smaller Buildings in CBB

We propose to eliminate the conditional use provisions that allow a building height to exceed 45 feet, or 3.5 stories. We also propose to limit building footprints to a maximum of 30,000 square feet.

What impact would our amendments have on a large proposal such as that proposed by Harborcorp for the Sheraton parking lot? Our proposed zoning amendments would force design revisions. The architects would have to break their 830-foot long, 72,680 square foot monolith into smaller buildings so as to create pedestrian passages, consistent with the Master Plan *and* the Northern Tier Study.



As noted above, Harborcorp's initial proposal extends some 830 feet, all the way from the corner of Green & Russell, to Maplewood Avenue. This lot presents ample opportunities to come up with a design that is more in keeping with our pedestrian-scale community.

## Solution #5 – Smaller Buildings in CBC

We propose a maximum building height of 35 feet, and a maximum building footprint of 3,000 square feet. What does a 3,000 sf building look like? Consider the magnificent Warner-Buckminster House (c.1730) that stands at the corner of Bridge & Islington (orange- yellow building below). It covers approximately 2,400 sf.



Buildings such as 51 Islington Street, shown below, are too large for the densely populated, historic neighborhoods that lie in the vicinity of the Islington corridor.



## Summary

*Solution #1* - We propose the creation of a new zoning district west of Maplewood & Middle, to be known as Central Business C (CBC).

*Solution #2* - We propose the creation of a new zoning district along the Piscataqua to be known as Central Business Piscataqua (CBP).

*Solution #3* - In CBA, the Conditional Use permit would be eliminated. Buildings would be subject to a height limit of 45 feet or 3.5 stories, and a maximum footprint of 4,000 square feet.

*Solution #4* - In CBB, the Conditional Use permit would be eliminated. Buildings would be subject to a height limit of 45 feet or 3.5 stories, and a maximum footprint of 30,000 square feet.

*Solution #5* - In CBC, buildings would be subject to a height limit of 35 feet, and a maximum footprint of 3,000 square feet.



Depicted above is a map of the North End. Question marks indicate parcels for which no (complete) application for re-development has been submitted.

## The Zoning Amendments

**A) Revise the Zoning Map so as depict Zone CBB that is situated west of Maplewood & Middle as a new zone, to be known as Central Business C (CBC).**

**B) Revise the Zoning Map so as depict Zone CBA that is situated along the Piscataqua as a new zone, to be known as Central Business Piscataqua (CBP).**

**C) Delete Section 10.535.13.** This action would eliminate the Conditional Use Permit that allows buildings in CBA & CBB to exceed the height limits specified in Table 10.531 below.

**D) Revise Table 10.531, as shown below:** (New text highlighted in yellow)

10.531 Table of Dimensional Standards – Business and Industrial Districts

	<b>CBA</b>	<b>CBB</b>	<b>CBC</b>	<b>CBP</b>
Minimum Lot Dimensions				
Lot Area	1,500 sf	2,000 sf	2,000 sf	1,500 sf
Lot Area per dwelling unit	NR	NR	NR	NR
Continuous street frontage	NR	NR	NR	NR
Depth	NR	NR	NR	NR
Minimum Yard Dimensions				
Front	0' <sup>2</sup>	0'	0'	0' <sup>2</sup>
Side	0'	0'	0'	0'
Rear	0'	0'	0'	0'
Maximum Structure Dimensions				
Structure height	45' or 3 <sup>1</sup> / <sub>2</sub> stories, whichever is less <sup>2</sup>	45' or 3 <sup>1</sup> / <sub>2</sub> stories, whichever is less <sup>2</sup>	35'	45' or 3 <sup>1</sup> / <sub>2</sub> stories, whichever is less <sup>2</sup>
Roof appurtenance height	10'	10'	10'	10'
Building coverage	95%	95%	95%	95%
Floor Area Ratio	3.5 <sup>6</sup>	NR	NR	3.5 <sup>6</sup>
Building Footprint	4,000 sf	30,000 sf	3,000 sf	4,000 sf
Minimum Open Space	0%	0%	0%	0%



**E) Add a new definition to Section 10.1530**

**Building Footprint**

The horizontal area of a **lot** covered by the **building**, 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.

**F) Amend Section 4 (Permitted Uses) so as to include the new CBC & CBP Zones therein.** Assign the same permitted uses and restrictions to CBC that are currently designated for CBB; and assign the same permitted uses and restrictions to CBP that are currently designated for CBA.

To: Mayor Bob Lister

Cc: City Manager, John Bohenko

Re.: Agenda item for Zelita Morgan  
City Council Meeting 13 January, 2014

Dear Mayor Lister,

Please add the following motion of proposed Zoning Amendment under my name on the Agenda for the next Council meeting, to be held on 13 January, 2014.

My motion is to have a first reading that evening and refer it to the Planning Board and Parking and Safety with a report back for 2<sup>nd</sup> reading and public hearing on February 18<sup>th</sup>, 2014.

**Proposed Zoning Amendment**

Add a new line item to Table 10.1112.30 Off-Street Parking Requirements so as to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons of rated capacity.

Thanks and best regards,

Zelita Morgan