

(Proposed revisions from the 6-14-22 Draft shown in red and underlined)

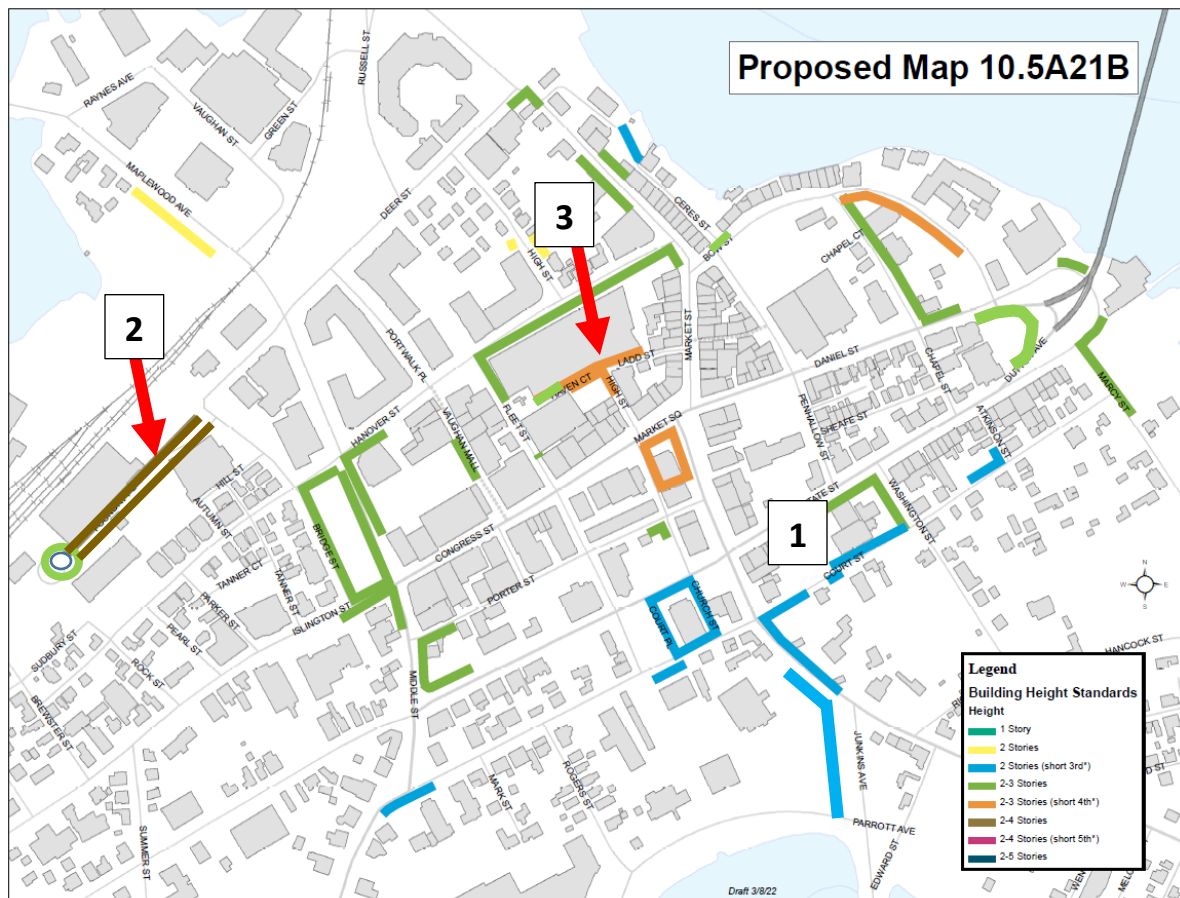
ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

Amend Article 5 – Dimensional and Intensity Standards - Section 10.5A21.10: Contents of Regulating Plan as follows (deletions from existing language ~~stricken~~; additions to existing language colored and underlined; remaining language unchanged from existing):

- 1) Amend Section 10.5A21B - Building Height Standards Map as follows:
 - a. Add the following Building Height Standards:****



- b. Amended the following note on Map 10.5A21B as follows:**

Incentive Overlay Districts

Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section 10.5A46.

2) Amend Article 5 - Section 10.5A21.20 - Building Height Standards (deletions from existing language ~~stricken~~; additions to existing language colored and underlined; remaining language unchanged from existing):

a. Amend Section 10.5A21.21 as follows:

10.5A21.21 Assignments for specific **building height** require a building to have no more than the designated maximum number of **stories** or the maximum height in feet (whichever is lower) and no less than the designated minimum number of **stories**. Subject to Section 10.635.70 – Review Criteria, within the Historic District, the approved **building height** may be lower than the maximum designated number of **stories** or the maximum height in feet provided in Section 10.5A43.30 but shall be not lower than the minimum designated number of **stories** or the minimum height in feet provided.

b. Amend Section 10.5A21.21 as follows:

10.5A21.22 When a **lot** is assigned to more than one **building height** standard the **lot** shall be apportioned as follows:

- (a) A **building height** standard designated along a **front lot line** on a **street** or **public place** shall apply to the portion of the **lot** that is 50 feet or less from such **lot line** or **street** or **public place**.
- (b) A **building height** standard designated along a water body shall apply to the portion of the **lot** that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a **front lot line** on a **street** or **public place** and more than 100 feet from a water body, the **building height** may increase to the highest **building height** standard designated for the **lot**.
- (d) Where a **lot** has less depth from a **front lot line**, **street**, or **public place** or water body than the required minimum distances stated above, the lowest **building height** standard for the **lot** shall be applied to the required linear distance from the **lot line**, **street**, **public place**, or water body.

3) Amend Article 5 – Section 10.5A50: Civic Districts (deletions from existing language ~~stricken~~; additions to existing language colored and underlined; remaining language unchanged from existing):

a. Amend Section 10.5A52.40 as follows:

10.5A52.40. New structures, alterations and expansions of existing structures in the Civic district are exempt from the requirements of 10.5A42 and 10.5A43 provided all **uses** remain civic and shall conform to the Building Placement, Occupation, and Form Standards for Principal and Outbuildings as listed for the CD4-L1/L2 in 10.5A41.10A.

4) Amend Article 15 – Definitions - Section 10.1530: Terms of General Applicability (deletions from existing language ~~stricken~~; additions to existing language colored and underlined; remaining language unchanged from existing):

Lot line, front

A boundary of a **lot** that separates the **lot** from either a **street** or a **public place**. A **corner lot** or a **through lot** or a waterfront **lot** shall have multiple **front lot lines**. In the case of a **corner**

lot or a **through lot** or a waterfront lot, the **principal front yard** shall be the line bordering a **street** or a **public place** on which the lot has its address as defined by the City.

Public place

A **street**, way, park, **pedestrian alleyway** or other **community space** type that provides public access.

Average existing grade

For all buildings located outside the **urban districts**, the **average existing grade shall be** the average grade levels adjoining the building at all exterior walls measured every five feet around the entire perimeter of the building. For all buildings located within the **urban districts**, the **average existing grade shall be** the average existing ground level along **lot line** adjoining a **street** or a **public place**. (See also **building height**).

Average finished grade

For all buildings located outside the **urban districts**, the **average finished grade shall be** the average of finished ground levels adjoining the building at all exterior walls measured every five feet around the entire perimeter of the building. For all buildings located within the **urban districts**, the **average finished grade shall be** the average finished ground level along any **lot line** adjoining a **street** or a **public place**. (See also **building height**).

Penthouse

A habitable space within the uppermost portion of a **building** above the **cornice** which is set back at least 20 feet from all edges of the roof adjoining a **street** or **public place** and at least 15 feet from all other edges. The total floor area of the **penthouse** shall not exceed 50% of the area of the **story** below and the height of the **penthouse** shall not exceed 10 feet above the **story** below for flat roof surface or 14 feet for a gable, hip, or hip-topped **mansard roof** surface. Except for elevator or stairwell access allowed under Section 10.517, no other **roof appurtenances** shall exceed the maximum allowed height of a **penthouse**. For internal courtyards at least 40 feet from a street or vehicular right-of-way or easement, the **penthouse** shall be setback at least 8 feet from the edge of the roof of the story below.

Urban Districts

For the purposes of grade definitions and building height determinations, the urban districts are defined as the Character, Civic and Gateway Districts.

Building Height

Outside the urban districts the greatest vertical measurement between the lower and upper reference points as defined below. This measurement shall be the building height for the purposes of the Ordinance.

Within the urban districts, the greatest vertical measurement between the lower and upper reference points shall be measured along any contiguous 50 feet of adjacent front lot line and this measurement shall be the building height for the purposes of this Ordinance.

- (a) For buildings located outside the **urban districts** the lower reference point shall be the **average existing grade** or **finished grade**, whichever is lower, as defined herein. For buildings located within the **urban districts** the lower reference point shall be established from the **average existing grade** or **finished grade**, whichever is lower, of the **building façade** that is closet to any **lot line** adjoining a **street** or a **public place**. In the case of a

corner or through lot the provisions of Section 5A.21.21 shall apply. The vertical distance between the lower and upper reference points shall not exceed the maximum number of stories or **building height**.

- (b) The upper reference point shall be the highest of any of the following:
 - (1) For a flat or flat-topped **mansard roof**, the highest point of the roof surface;
 - (2) For a pitched roof, hip-topped **mansard roof**, or gambrel roof, the elevation midway between the level of the eaves and highest point of the roof. For this purpose, the “level of the eaves” shall mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves, but at no time shall this level be lower than the floor level of the uppermost **story** or **attic**.
- (c) A **roof appurtenance** or a **penthouse** shall not be included in the determination of **building height**.

(See also: **urban districts, average existing and finished grade, parapet wall and penthouse**)

10.517 Roof Appurtenances and Other Rooftop Features

- 10.517.10 A **roof appurtenance** may exceed the maximum allowed **structure** height for the zoning district by up to the additional height allowed in Section 10.521 or Section 10.531, as applicable, subject to the provisions of Section 10.517.
- 10.517.20 In the **urban districts**, features for rooftop access and **use** may exceed the maximum allowed **structure** height for the zoning district as follows:
 - 10.517.21 Uninhabitable **roof appurtenances** such as mechanical equipment and screens, or other similar **roof appurtenances** may extend up to the height allowed for rooftop appurtenances or 8 feet, whichever is higher, provided that all such features shall be set back from all edges of the roof a distance of at least 20 feet.
 - 10.517.22 Decorative **roof appurtenances** such as a raised cornice, parapet walls, or other uninhabitable tower elements are permitted to be located along the edge of the roof and shall be less than 8 feet in height.
 - 10.517.23 Railings around rooftop use areas may extend above the allowed **structure** height provided that they are less than 4 feet above the roof surface and are set back at least half their height from the edge of the roof.
- 10.517.30 All **roof appurtenances** that exceed the allowed **structure** height for the zoning district shall not exceed 50 percent of the total roof area of the **structure**.
- 10.517.31 Solar energy panels shall not be subject to the 50 percent limitation..
- 10.517.40 The area of **roof appurtenances** shall not be considered as part of the **building’s gross floor area** calculations.