



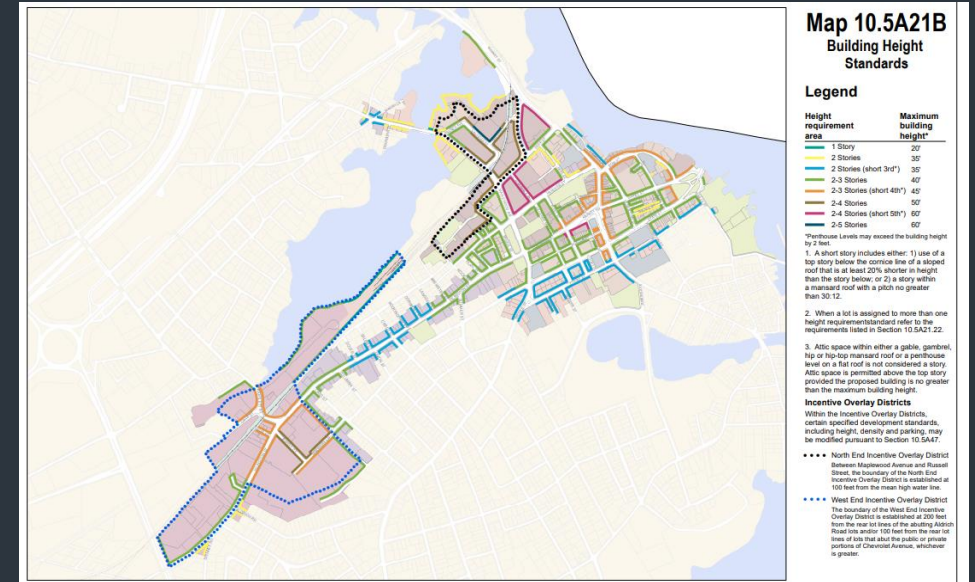
Planning Board Work Session – August 8th, 2022

Regulatory Work Plan

Phase 1 Amendments: **Building Height Standards**

Building Height Standards: Purpose

- Remove Loopholes and Opportunities for Excess Building Height
- Provide Consistency across all Character Districts
- Remove Incorrect References



CITY OF PORTSMOUTH, NEW HAMPSHIRE

ZONING ORDINANCE



Adopted by Portsmouth City Council: December 21, 2009
Effective Date: January 1, 2010

As Amended Through: January 11, 2021

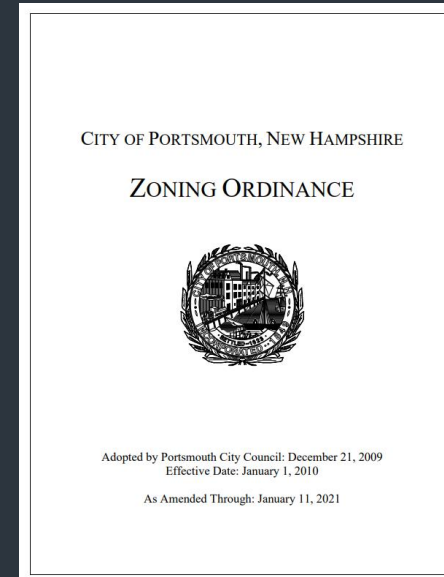
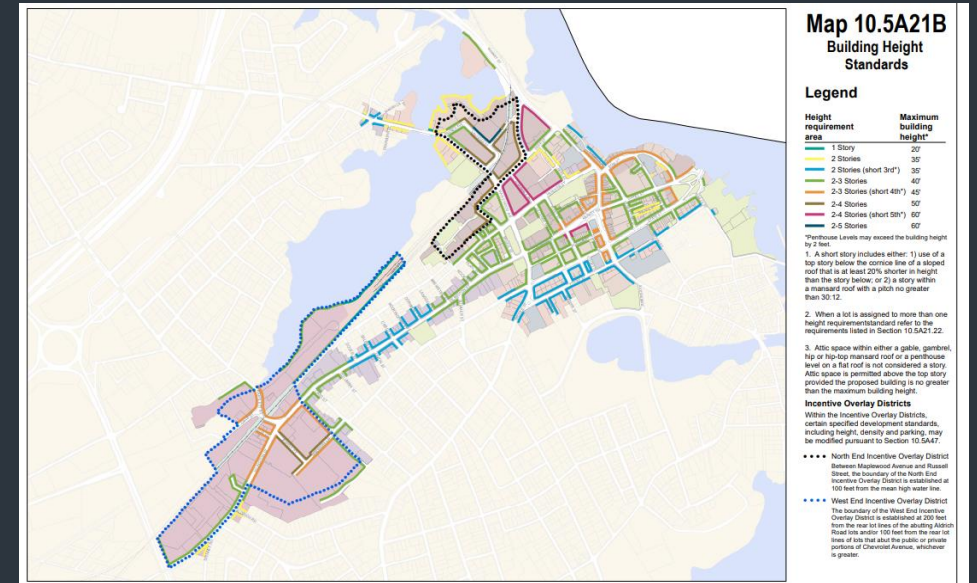
Amendments to Building Height Standards:

PART 1 - Building Height Map

PART 2 - Corner or Through Lots

PART 3 - Civic Districts

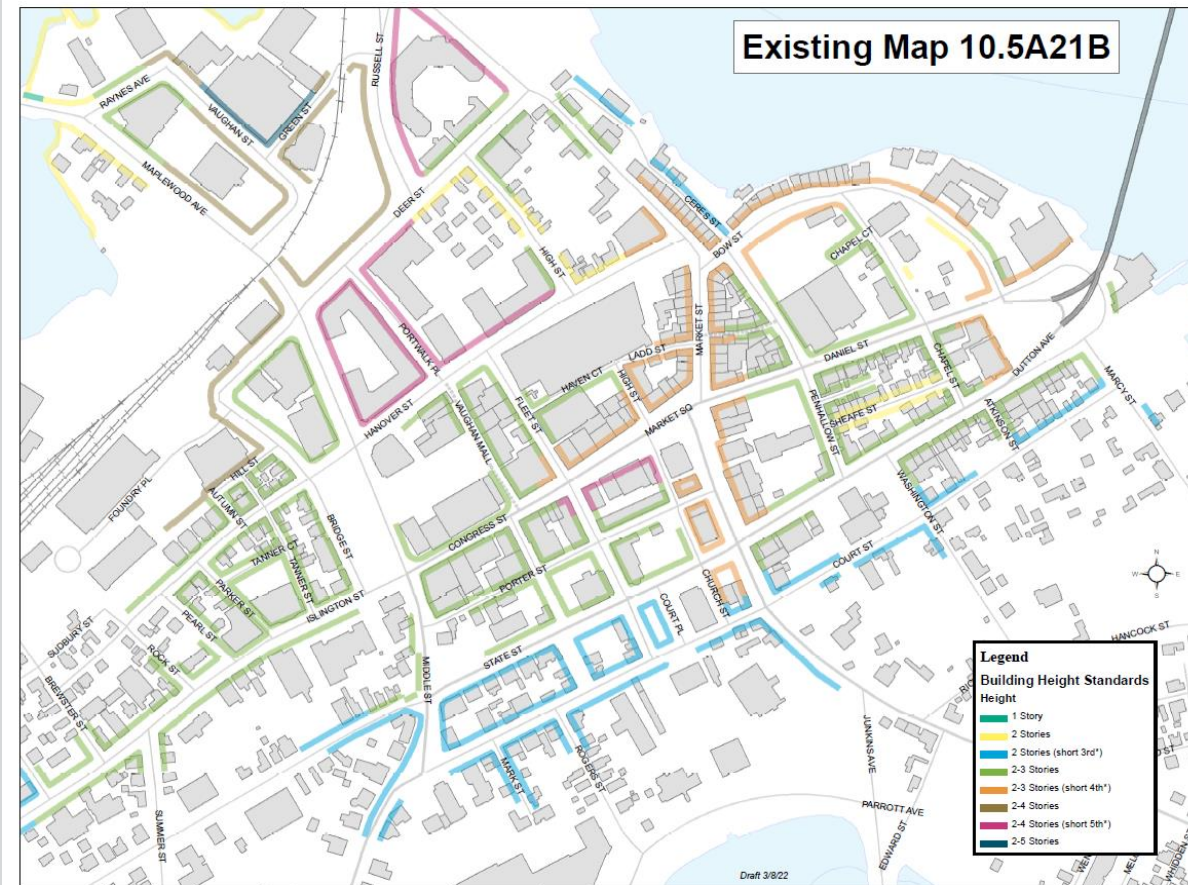
PART 4 - Definitions



Building Height Standards: Building Height Map

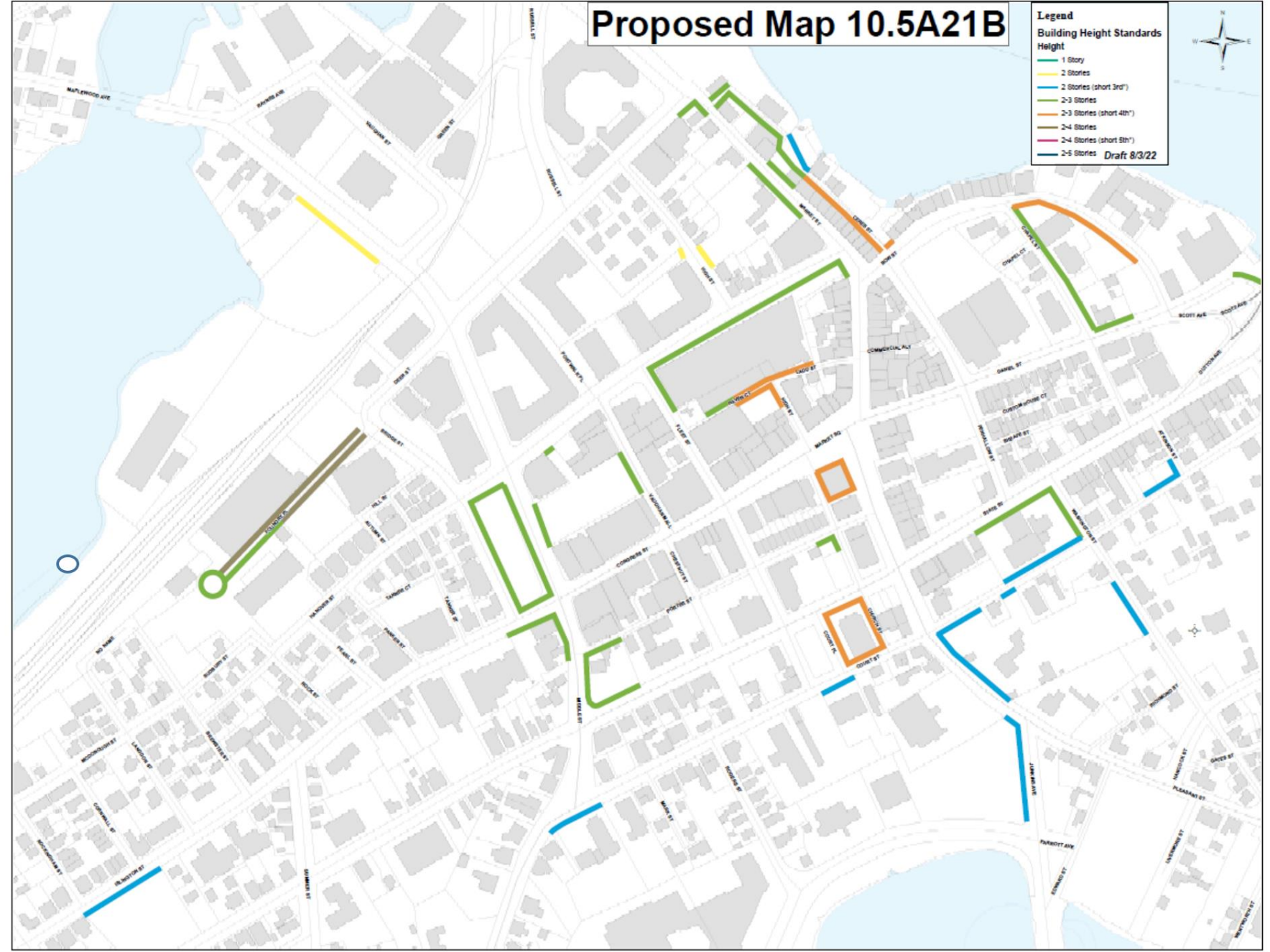
1. Adding New Streets and other Public Places like Haven Court and both sides of Ceres Street.
2. Adding Building Heights to Civic & Municipal Properties.
3. Modifying the Building Height Standard along High Street and Haven Court.

Part 1



Proposed Map 10.5A21B

- Legend**
Building Height Standards
Height
- 1 Story
 - 2 Stories
 - 2 Stories (short 3rd)
 - 2-3 Stories
 - 2-3 Stories (short 4th)
 - 2-4 Stories
 - 2-4 Stories (short 5th)
 - 2-5 Stories *Draft 8/3/22*



PROPOSED CHANGES TO THE BUILDING HEIGHT MAP

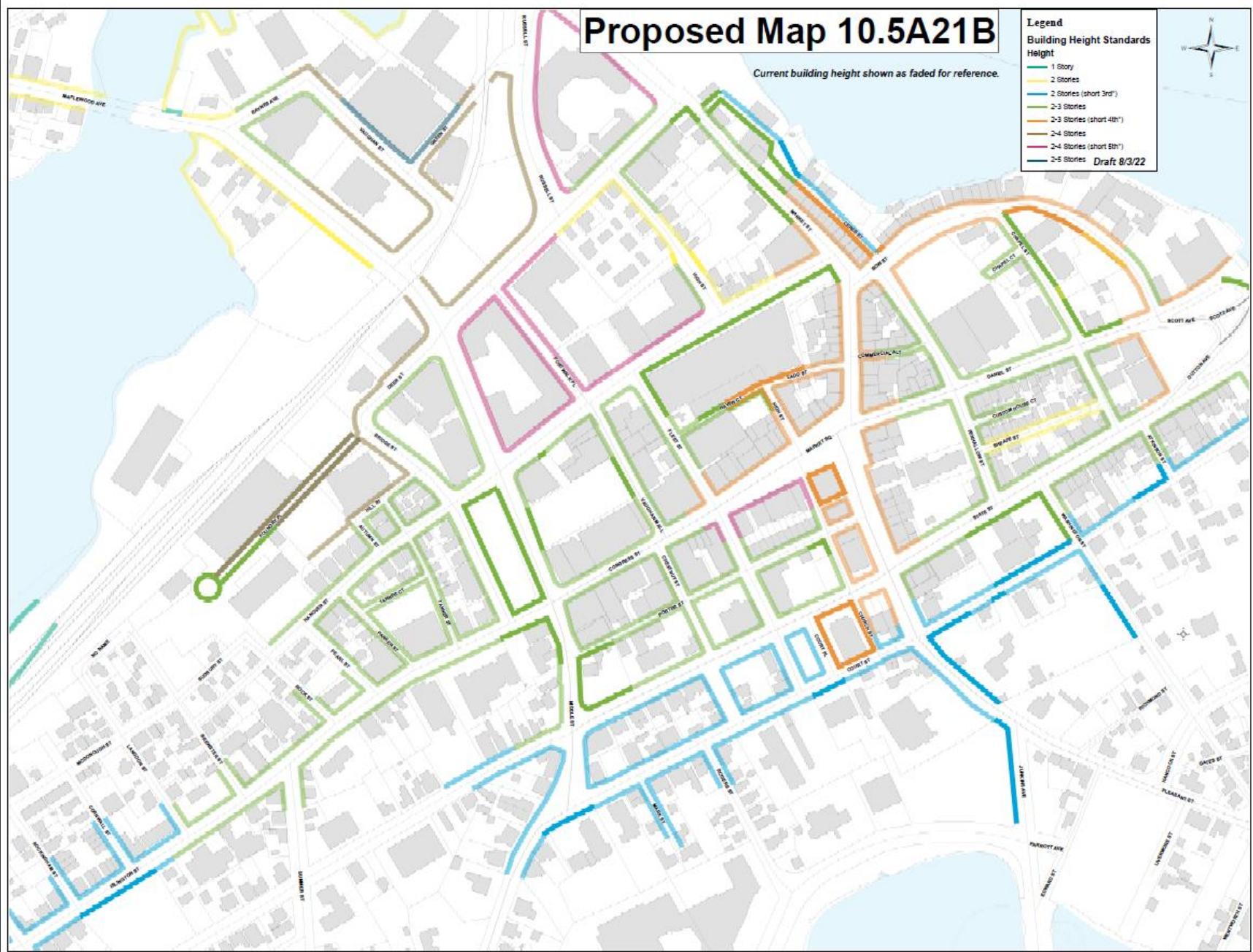
Proposed Map 10.5A21B

Current building height shown as faded for reference.

Legend
Building Height Standards
Height

- 1 Story
- 2 Stories
- 2 Stories (short 3rd')
- 2-3 Stories
- 2-3 Stories (short 4th')
- 2-4 Stories
- 2-4 Stories (short 5th')
- 2-5 Stories

Draft 8/3/22



NEW BUILDING HEIGHT MAP

EXAMPLE 1 - FOUNDRY PLACE

EXAMPLE 2 - CERES STREET

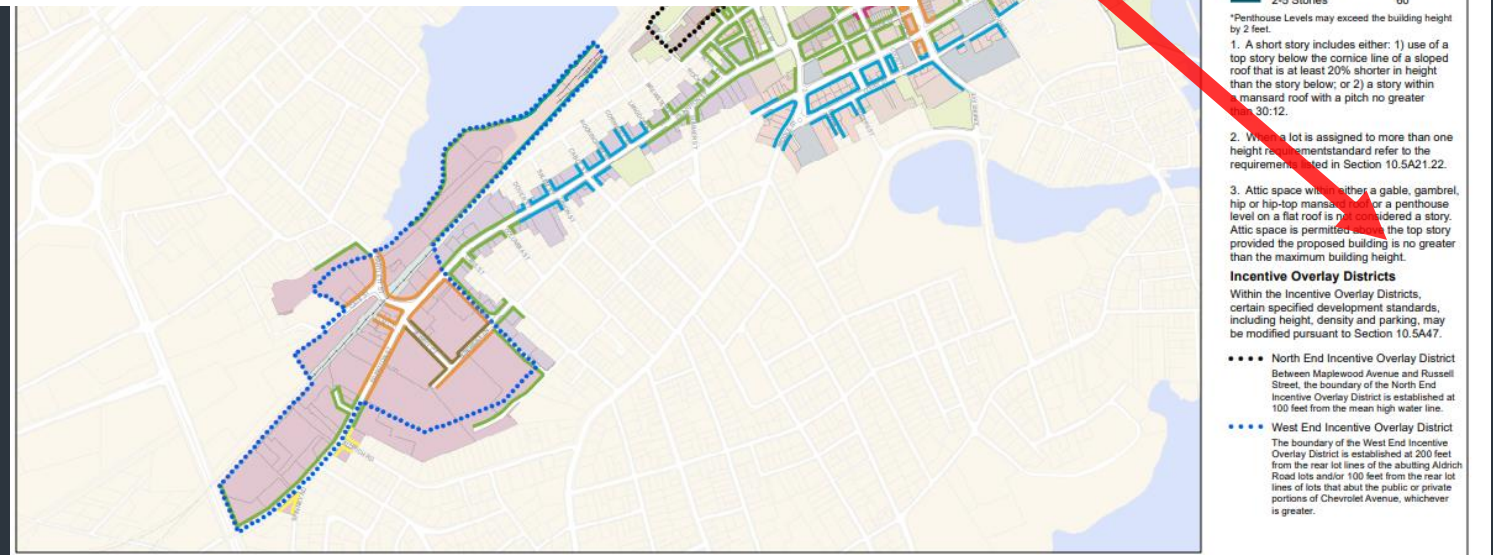
EXAMPLE 3 - CIVIC AND MUNICIPAL

EXAMPLE 4 - HIGH STREET & HAVEN COURT

Update Map Footnote for Incorrect Reference

Incentive Overlay Districts

Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section 10.5A47.



Building Height Standards: Historic District Commission & Corner, Through & Waterfront Lots

1. Clarify how the HDC's review criteria may impact the maximum building height.
2. Clarify how building height is apportioned on corner, through or waterfront lots.

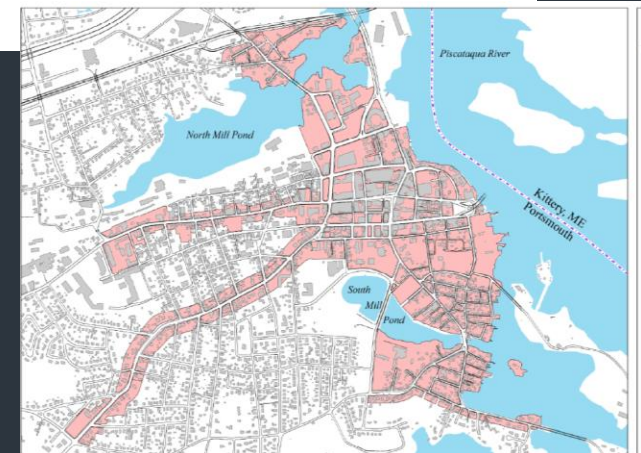
Part 2



Clarify the Roll of the Historic District Commission on the Building Height Requirements

- 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.



Clarify How the Maximum Building Height is Allocated for Lots Fronting on more than One Street or Public Place.

b. Amend Section 10.5A21.21 as follows:

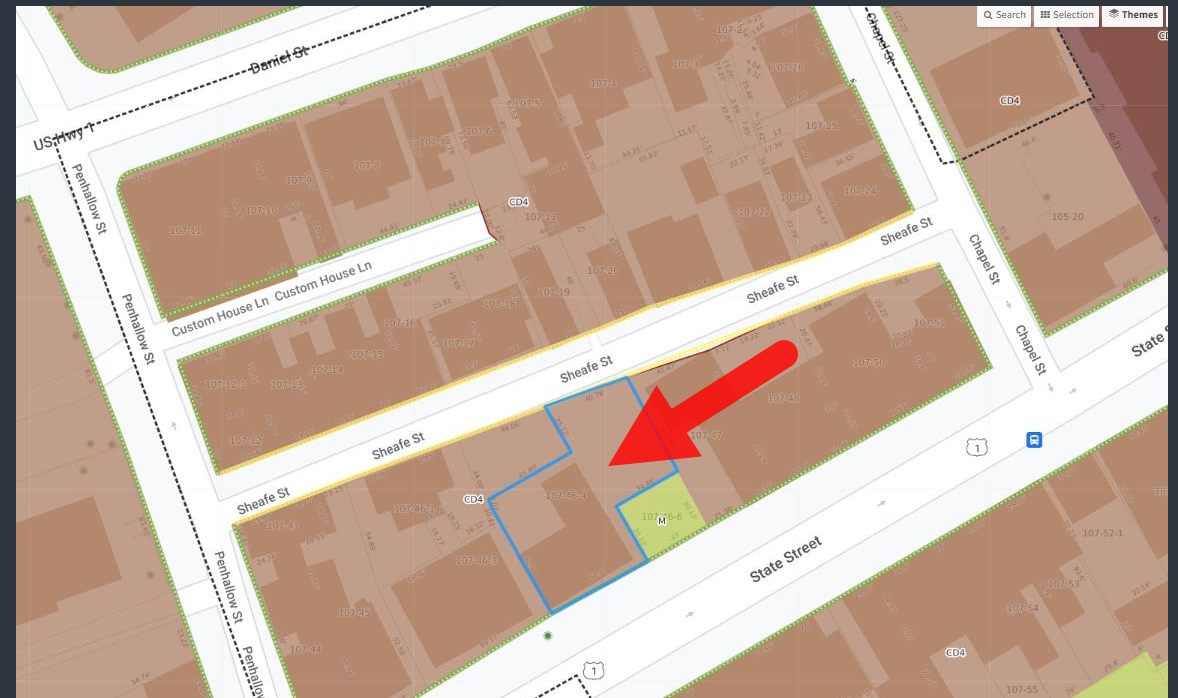
10.5A21.22 When a **lot** is assigned to more than one **building height** standard the **lot** shall be apportioned as follows:

- (a) A **building height** standard designated along ~~the a front lot line or on a street~~ public place shall apply to the portion of the **lot** that is 50 feet or less from such **lot line or street** along a 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 or** along a street ~~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 ~~the a front lot line, street,~~ along a 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.

Modify the Definition for Front Lot Line

Lot line, front

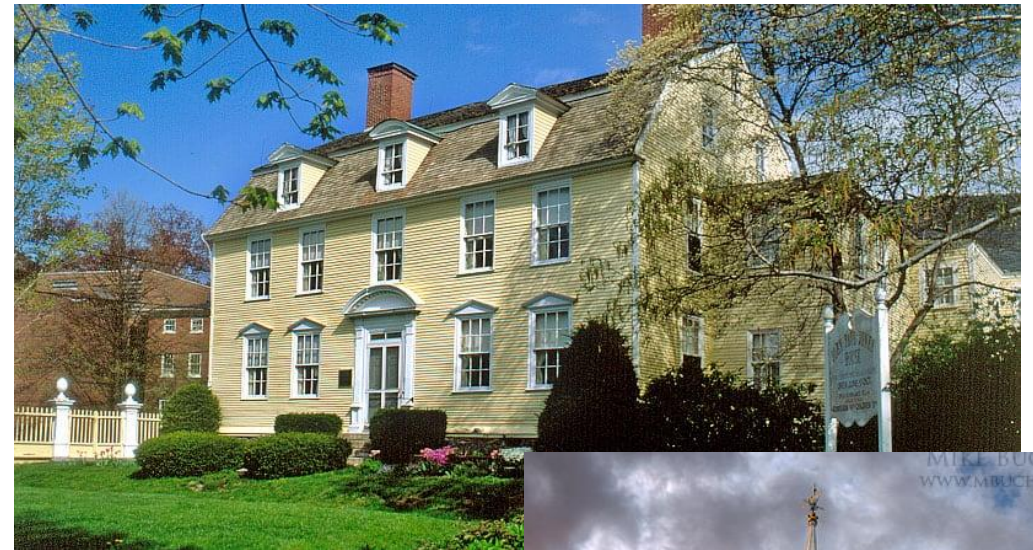
A boundary of a lot that separates the lot from ~~a street~~ or a public place. A corner lot, ~~or a through lot~~ or a waterfront lot shall have ~~two~~ multiple front lot lines. In the case of a corner lot, through lot or a waterfront lot, the ~~front lot line~~ principal front yard shall be the line bordering ~~a street~~ a public place on which the lot has its address as defined by the City.



Building Height Standards: Development Standards for Civic Districts

1. Apply the Building Placement and Form Standards of the CD4 to Civic Districts

Part 3



Add CD4 Building Placement Building and Lot Occupation, Building Form Standards for Civic Properties

a. Amend Section 10.5A52.40 as follows:

10.5A52.40. Provided all uses remain civic, nNew 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 civics~~shall only conform to the Building Placement, Building and Lot Occupation, and Building Form Standards for Principal and Outbuildings listed in 10.5A41.10 C.

Building Height Standards: Definitions

1. New Definitions for Public Places, Average Existing and Finished Grade, and Urban Districts.
2. Modified Definitions for Front Lot Line, Building Height, Penthouse, Mansard Roofs and Short Story.

Part 4



Add a New Definition for Public Place

Public place

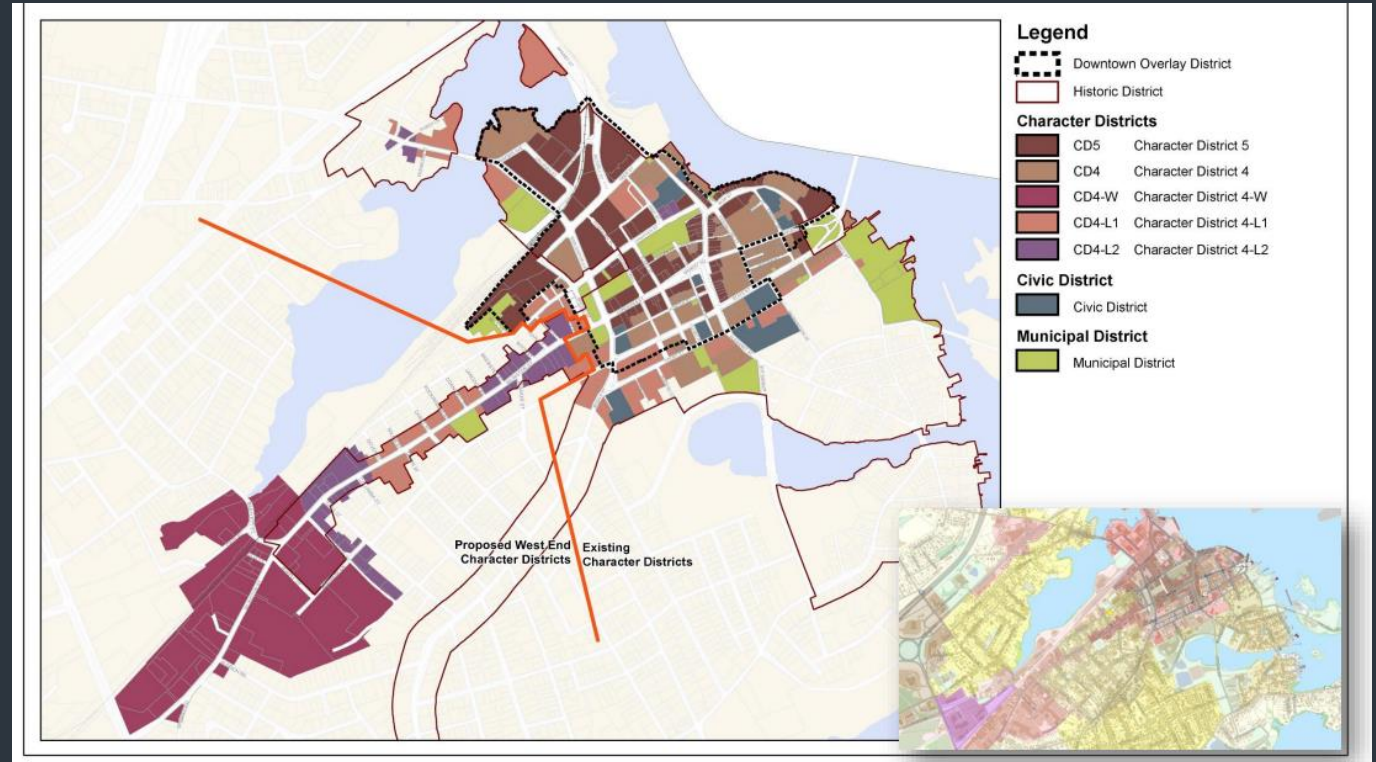
A street way, park, pedestrian alleyway or community space that provides public access.



Add a New Definition for Urban Districts

Urban districts

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



Modify the Definition for Building Height

Building height

The greatest vertical measurement between ~~two reference points~~ the lower and upper reference points as defined below. 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 **average finished grade**, whichever is lower, measured along the perimeter of the entire building. For buildings located inside the urban districts the lower reference point shall be established from the **average existing grade** or **average finished grade**, whichever is lower, along street-facing facade of all lot lines adjoining a public place. In the case of a corner lot, ~~or~~ through lot or waterfront 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**.

Modify the Definition for Mansard or Penthouse Roofs

(b) The upper reference point shall be any of the following:

(1) For a flat or flat-topped **mansard roof**, the highest point of the roof surface;

(2) For a pitched gable, gambrel, hip, roof, hip-topped mansard roof, or penthouse or gambrel roof, the elevation midway between the level of the eaves or, floor in the case of a penthouse, 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**.

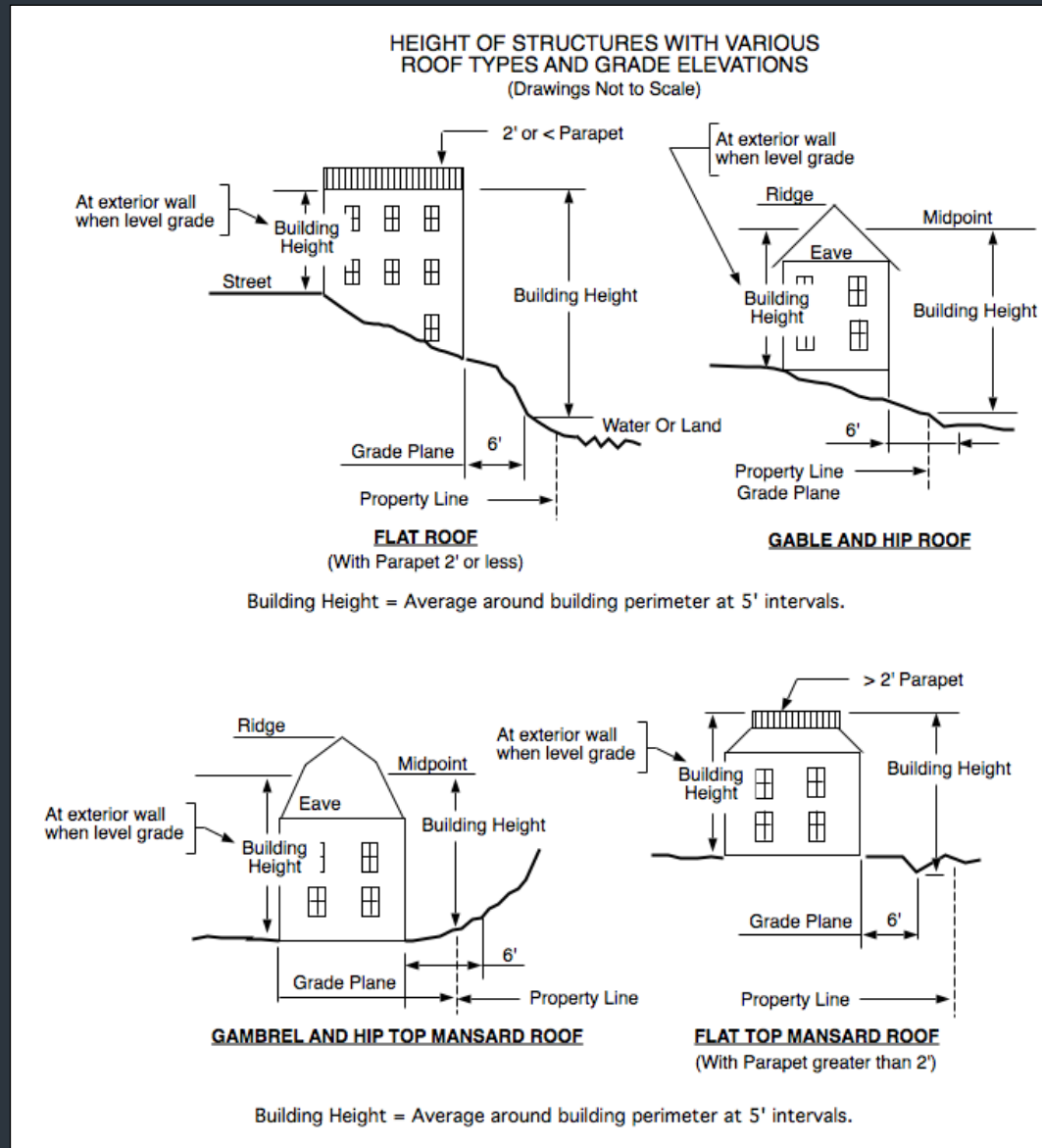


Modify the Definition of a Building Height – Parapet Walls

- (c) A **parapet wall**, fence, railing, decorative cornice, or similar structure that extends more than four ~~two~~ feet above the roof surface shall be included in the determination of the **building height**, but shall not be included if it does not extend more than ~~two~~ four feet above the roof



Remove the Diagram in Building Height Definition



Modify the Definition of a Penthouse

Penthouse

A habitable space within the uppermost portion of a **building** above the **cornice** which is set back at least ~~15~~20 feet from all edges of the roof adjoining a public place and at least 15 feet from all other edges. ~~and~~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. (see also building height)



Modify the Definition of a Mansard Roof

Mansard roof

A building with either a flat- or hip-topped mansard roof as follows:

- a) Flat-topped mansard - a four-sided flat-top mansard roof or hip-topped topped roof characterized by ~~two~~one slope on each side of its sides ~~with~~where the sloped roof may be punctured by dormer windows and the higher roof surface is a flat roof;
- ~~a)~~b) Hip-topped mansard – a roof characterized by two slopes on each side with the lower slope punctured by dormer windows. The upper slope of the roof may not be visible from **street** level when viewed from close to the **building**. and the highest roof structure shall not be a flat roof as defined herein.



Modify the Definition of a Short Story

Short story

Either (1) a top story that is below the cornice line of a sloped roof and is at least 20% shorter in height than the story below; or (2) a story within a flat-topped mansard roof with a pitch no greater than 30:12.





Thank You



Any Questions?

