

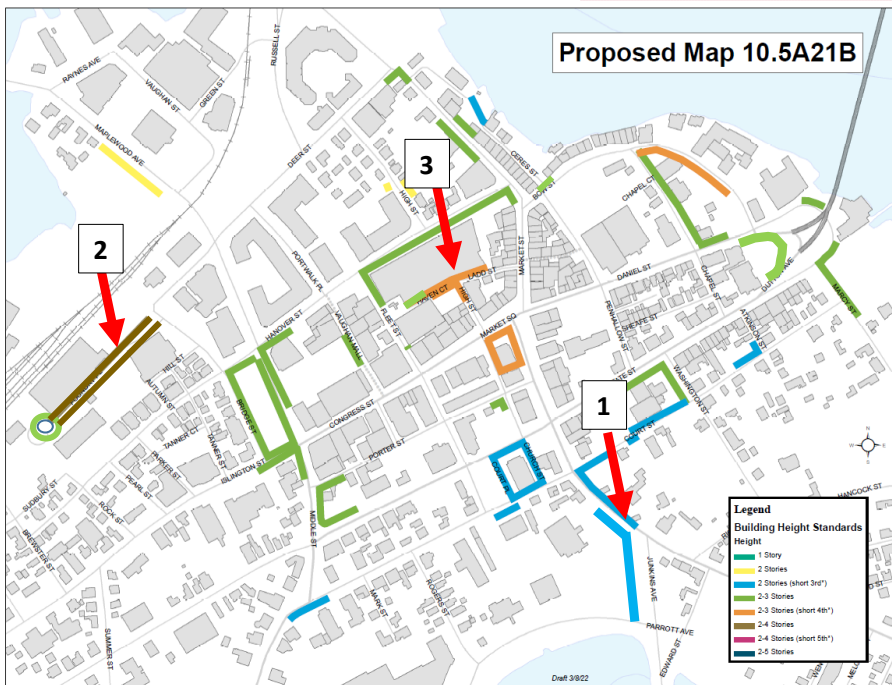
**ORDINANCE #**

**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:**



**Commented [NJC1]:**

**Purpose:**

- 1. To add building height standards for municipal and civic properties;
- 2. To add building height standards for new streets or public places (i.e. Foundry Place)
- 3. To modify the building height standard for a small portion of High Street and Haven Court.

**Comment** – These changes will enable municipal and civic properties to be aligned within their surrounding context. Foundry Place will be added as a street and be consistent with the building heights supported by the North End Vision Plan. High Street and Haven Court will be consistent with the existing context.

- 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 10.5A476.

**Commented [NJC2]:**

**Purpose** – To correct an incorrect reference.

**Comment** – 10.5A47 does not exist in the code.

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.

**Commented [NJ3]:**

**Purpose** – To make explicit that within the Historic District the HDC has jurisdiction over height, scale, and massing of any new construction.

**Comment** - Like building placement or design, the maximum height must be determined to be appropriate by the HDC.

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:

**Commented [NJ4]:**

**Purpose** – To clarify that the maximum building height is assigned to all lot lines fronting on a street or public place and that corner, through, or waterfront lots allow for encroachment of a higher building height on the lot provided the taller sections of the building are located at least 50 feet from the lot line along a street or public place with a lower building height standard.

**Comment** – This change will remove the ambiguity as to how building heights are apportioned on corner, through, or waterfront lots.

- (a) A **building height** standard designated along ~~the 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 ~~the a front lot line, street, 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 listed in 10.5A41.10A.

**Commented [NJ5]:**

**Purpose** – To assign dimensional standards to Civic properties.

**Comment** – Properties within the Civic District currently have no dimensional controls. The CD4-L1/2 dimensional standards are proposed as most Civic properties have a lower intensity of use than properties within the CD4 or CD5 Districts.

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 ~~two multiple~~ front lot lines. In the case of a **corner lot** or a through lot or a waterfront **lot**, the front lot line-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.

#### **Existing grade plane**

For all buildings located outside the Character or Gateway Districts, a reference plane representing the average of existing ground levels adjoining the building at all exterior walls. When the existing ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. For all buildings located within the Character or Gateway Districts, a reference plane representing the average existing ground level along lot line adjoining a **street** or a **public place**. (See also **building height**).

#### **Finished grade plane**

For all buildings located outside the Character or Gateway Districts, a reference plane representing the average of finished ground levels adjoining the building at all exterior walls. When the finished ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. For all buildings located within the Character or Gateway Districts, a **point reference plane** representing 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 ~~15-20~~ feet from all edges of the roof adjoining a **street** or **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.

#### **Building Height**

The greatest vertical measurement between two reference points defined as follows:

- (a) For buildings located outside the Character or Gateway Districts, the lower reference point shall be the **existing or finished grade plane, whichever is lower**, as defined herein. For buildings located within the Character or Gateway Districts, the lower reference point shall be established from the average **existing or finished grade plane**, whichever is lower, of the **building** façade that is closest 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**.

#### **Commented [NJ6]:**

**Purpose** – To clarify that corner, through, or waterfront lots can have multiple front lot lines and the property address only determines the principle front lot line.

**Comment** – This avoids any confusion as to how building heights are allocated on corner, through, or waterfront lots.

#### **Commented [NJ7]:**

**Purpose** – To add a definition for public places.

**Comment** – Public places include, but are not limited to, the existing community space types that provide public access.

#### **Commented [NJ8]:**

**Purpose** – To add a new definition for existing grade plane in order to measure and determine building height.

**Comment** – Outside the Character or Gateway Districts, this change will use the existing grade around the entire building height to calculate the building height. Within the Character or Gateway Districts it will only focus on the street facing façade(s) of the building.

#### **Commented [NJ9]:**

**Purpose** – To modify the definition to better protect the street edge.

**Comment** – Outside the Character or Gateway Districts, this change will use the finished grade around the entire building height to calculate the building height. Within the Character or Gateway Districts it will only focus on the street facing façade(s) of the building.

#### **Commented [NJ10]:**

**Purpose** – To modify the dimensional standards for penthouses to minimize public views from a street or public place.

**Comment** – The proposed dimensional standards will minimize the view of a penthouse from a street or public place and encourage the use of sloped roofs. This will also allow a penthouse to be treated as a rooftop appurtenance and add functionality and architectural interest to the top of buildings.

#### **Commented [NJ11]:**

**Purpose** – Within the Character or Gateway Districts the building height will focus on the building faced(s) along a street edge or public place versus averaging all four sides into the overall building height.

**Comment** – Either the existing or finished grade plane will be used, whichever is lower, to calculate the building height.

- (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 **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**.

**Commented [NJC12]:**

**Purpose** – To clarify and differentiate how building height is measured between a flat- and hip-topped (or sloped) mansard roof.

**Comment** – Encourages hip-topped mansard roofs.

- (c) ~~A **parapet wall**, fence, railing or similar structure that extends more than 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 feet above the roof surface. A **roof appurtenance**, as defined under 10.517, shall not be included in the determination of **building height**.~~

**Commented [NJC13]:**

**Purpose** – Remove redundancy between the rooftop appurtenances and the calculation of building height.

**Comment** – Building height will refer to the modified dimensional requirements for rooftop appurtenances under Section 10.517.

- (d) To determine **building height**, outside a Character or Gateway District, the measurements between the lower and upper reference points shall be taken at least every 5 feet around the entire perimeter of the **building**. Within a Character or Gateway District, the measurements shall be taken at least every 5 feet along the **building** façade that is closest to any **lot line on a street or a public place**. An average is calculated from these measurements and the average shall be the **building**'s height for purposes of this Ordinance.

**Commented [NJC14]:**

**Purpose** – Revise the building height measurement to the lot line(s) adjoining a street or public place.

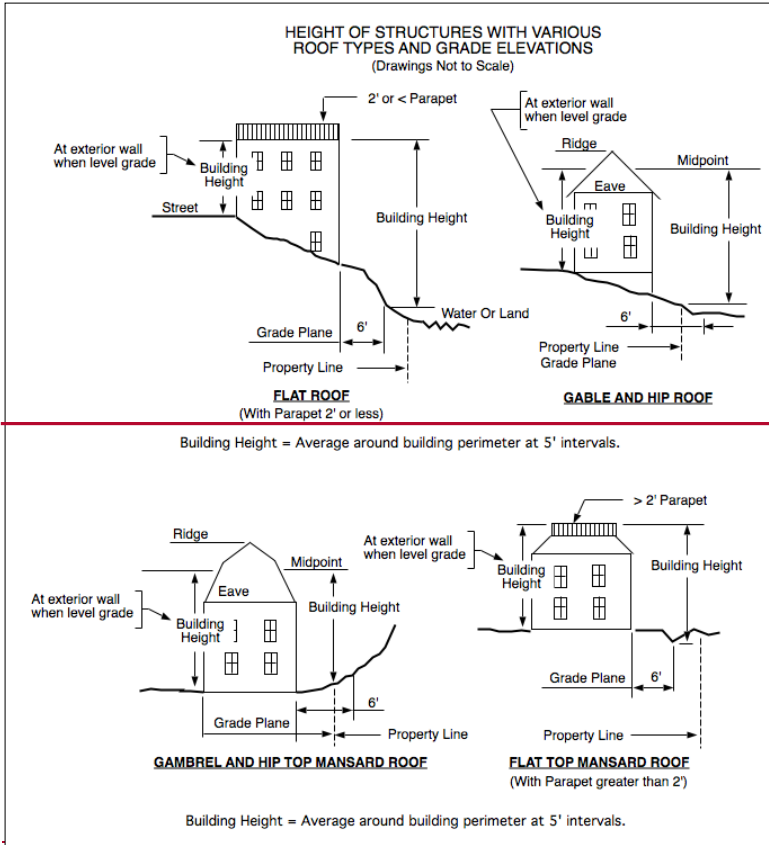
**Comment** – Building height is differentiated between a Character and Gateway District and all other zoning districts.

(See also: **existing** and **finished grade plane**, **parapet wall** and **penthouse**)

**Commented [NJC15]:**

**Purpose** – To remove the diagram to avoid confusion on how building height is determined.

**Comment** – Although the diagram is still applicable to buildings outside the Character or Gateway Districts it will likely confuse readers and complicate administration of the building height. Section a) and b) above outline how building height is measured.



## 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 Character Districts and Gateway Neighborhood Mixed Use Districts, features for rooftop access and **use** may exceed the maximum allowed **structure** height for the zoning district as follows:

10.517.21 ~~An elevator enclosure for an elevator providing rooftop access may extend an additional 5 feet above the allowed appurtenance height, provided that it is set back at least 30 feet from all edges of the roof and that the combined area of all such enclosure shall not exceed 300 square feet in area. A penthouse is permitted to exceed the maximum building height when located on a building no greater than 4 stories in height. An elevator or stairwell enclosure providing rooftop or penthouse access may extend an additional 5 feet above the allowed appurtenance height, whichever is greater, provided that it is set back at least 25 feet from all edges of the roof and that the combined area of all such enclosures shall not exceed 300 square feet in area.~~

### Commented [NJC16]:

**Purpose** – To add the Character Districts to this section.  
**Comment** – The former Zoning Districts (CBA, CBB and MRO) that were replaced with the Character Districts previously allowed for rooftop appurtenances under Section 10.520 and should have, like the Gateway Neighborhood Mixed Use District, been added into this section when originally adopted.

10.517.22 ~~Elevator vestibules and partial shelters such as trellises and pergolas may extend up to the height allowed for rooftop appurtenance provided that all such features shall be set back from all edges of the roof a distance at least equal to their height above the allowed structure height, and that the total area of such features shall not exceed 15 percent of the total roof area of the structure. 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. 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 no greater than 8 feet in height.~~

### Commented [NJC17]:

**Purpose** – To allow for penthouses to be added to building up to 4 stories in height.  
**Comment** – A penthouse that meets the definition and dimensional controls will not be visible from a street or public place and will add architectural interest and value to the city's skyline.

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 ~~twice half~~ their height from the edge of the roof.

### Commented [NJC18]:

**Purpose** – Refine the dimensional requirements for rooftop mechanical systems as well as decorative edge treatments.  
**Comment** – The 20 foot setback from the roof edge for mechanical equipment and screening or shelters will largely remove them from view from a street or public place. The decorative rooftop appurtenances will significantly add interest and needed architectural character to the roof edge of new buildings.

10.517.30 All **roof appurtenances** that exceed the allowed **structure** height for the zoning district shall not exceed ~~33-50~~ percent of the total roof area of the **structure**, ~~and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.~~

### Commented [NJC19]:

**Purpose** – Reduce the setback requirements for railings from the roof edge.  
**Comment** – There is no overriding public purpose to require a railing be located 8 feet or more from the edge of a roof. Decorative railings are typically located along or near the edge of the roof.

10.517.31 Solar energy panels shall not be subject to the ~~33-50~~ percent limitation, ~~provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street.~~

### Commented [NJC20]:

**Purpose** – Increase the percentage of the roof that can be used for rooftop appurtenances.  
**Comment** – The increase to 50% corresponds to the penthouse standards and past practice for mechanical and roof deck appurtenances.

10.517.40 The area of **roof appurtenances** shall not be considered as part of the **building's gross floor area** calculations.

### Commented [NJC21]:

**Purpose** – Remove the visibility standard as most pitched or sloped roofs would not support solar panels with this requirement.  
**Comment** – The current 20 foot standard above the sidewalk is unreasonable and significantly limits the feasibility of installing solar panels.

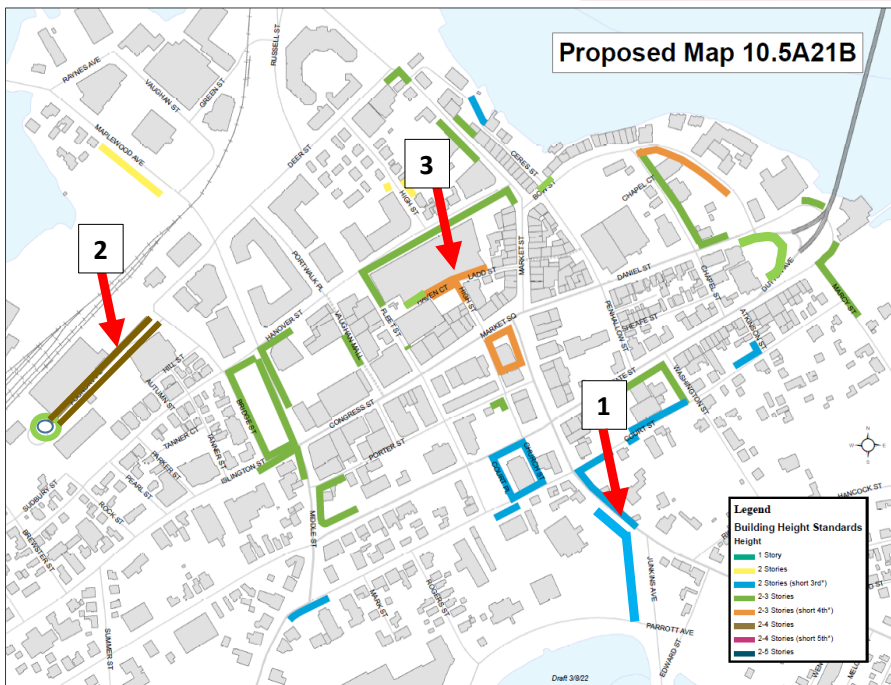
**ORDINANCE #**

**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:**



**Commented [NJC1]:**  
**Purpose:**  
1. To add building height standards for municipal and civic properties;  
2. To add building height standards for new streets or public places (i.e. Foundry Place)  
3. To modify the building height standard for a small portion of High Street and Haven Court.  
**Comment** – These changes will enable municipal and civic properties to be aligned within their surrounding context. Foundry Place will be added as a street and be consistent with the building heights supported by the North End Vision Plan. High Street and Haven Court will be consistent with the existing context.

- 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.

**Commented [NJC2]:**  
**Purpose** – To correct an incorrect reference.  
**Comment** – 10.5A47 does not exist in the code.



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**, **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 listed 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**

**Commented [NJC3]:**

**Purpose** – To make explicit that within the Historic District the HDC has jurisdiction over height, scale, and massing of any new construction.

**Comment** - Like building placement or design, the maximum height must be determined to be appropriate by the HDC.

**Commented [NJC4]:**

**Purpose** – To clarify that the maximum building height is assigned to all lot lines fronting on a street or public place and that corner, through, or waterfront lots allow for encroachment of a higher building height on the lot provided the taller sections of the building are located at least 50 feet from the lot line along a street or public place with a lower building height standard.

**Comment** – This change will remove the ambiguity as to how building heights are apportioned on corner, through, or waterfront lots.

**Commented [NJC5]:**

**Purpose** – To assign dimensional standards to Civic properties.

**Comment** – Properties within the Civic District currently have no dimensional controls. The CD4-L1/2 dimensional standards are proposed as most Civic properties have a lower intensity of use than properties within the CD4 or CD5 Districts.



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.

#### Existing grade plane

For all buildings located outside the Character or Gateway Districts, a reference plane representing the average of existing ground levels adjoining the building at all exterior walls. When the existing ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. For all buildings located within the Character or Gateway Districts, a reference plane representing the average existing ground level along lot line adjoining a street or a public place. (See also building height).

#### Finished grade plane

For all buildings located outside the Character or Gateway Districts, a reference plane representing the average of finished ground levels adjoining the building at all exterior walls. When the finished ground level slopes away from exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. For all buildings located within the Character or Gateway Districts, a reference plane representing 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.

#### Building Height

The greatest vertical measurement between two reference points defined as follows:

- (a) For buildings located outside the Character or Gateway Districts the lower reference point shall be the existing or finished grade plane, whichever is lower, as defined herein. For buildings located within the Character or Gateway Districts the lower reference point shall be established from the average existing or finished grade plane, whichever is lower, of the building façade that is closest 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.

#### Commented [NJC6]:

**Purpose** – To clarify that corner, through, or waterfront lots can have multiple front lot lines and the property address only determines the principle front lot line.

**Comment** – This avoids any confusion as to how building heights are allocated on corner, through, or waterfront lots.

#### Commented [NJC7]:

**Purpose** – To add a definition for public places.

**Comment** – Public places include, but are not limited to, the existing community space types that provide public access.

#### Commented [NJC8]:

**Purpose** – To add a new definition for existing grade plane in order to measure and determine building height.

**Comment** – Outside the Character or Gateway Districts, this change will use the existing grade around the entire building height to calculate the building height. Within the Character or Gateway Districts it will only focus on the street facing façade(s) of the building.

#### Commented [NJC9]:

**Purpose** – To modify the definition to better protect the street edge.

**Comment** – Outside the Character or Gateway Districts, this change will use the finished grade around the entire building height to calculate the building height. Within the Character or Gateway Districts it will only focus on the street facing façade(s) of the building.

#### Commented [NJC10]:

**Purpose** – To modify the dimensional standards for penthouses to minimize public views from a street or public place.

**Comment** – The proposed dimensional standards will minimize the view of a penthouse from a street or public place and encourage the use of sloped roofs. This will also allow a penthouse to be treated as a rooftop appurtenance and add functionality and architectural interest to the top of buildings.

#### Commented [NJC11]:

**Purpose** – Within the Character or Gateway Districts the building height will focus on the building faced(s) along a street edge or public place versus averaging all four sides into the overall building height.

**Comment** – Either the existing or finished grade plane will be used, whichever is lower, to calculate the building height.

- (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 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**, as defined under 10.517, shall not be included in the determination of **building height**.

(d) To determine **building height** outside a Character or Gateway District, the measurements between the lower and upper reference points shall be taken at least every 5 feet around the entire perimeter of the **building**. Within a Character or Gateway District, the measurements shall be taken at least every 5 feet along the **building** façade that is closest to any **lot line** on a **street** or a **public place**. An average is calculated from these measurements and the average shall be the **building**'s height for purposes of this Ordinance.

(See also: **existing** and **finished grade plane**, **parapet wall** and **penthouse**)

**Commented [NJC12]:**

**Purpose** – To clarify and differentiate how building height is measured between a flat- and hip-topped (or sloped) mansard roof.

**Comment** – Encourages hip-topped mansard roofs.

**Commented [NJC13]:**

**Purpose** – Remove redundancy between the rooftop appurtenances and the calculation of building height.

**Comment** – Building height will refer to the modified dimensional requirements for rooftop appurtenances under Section 10.517.

**Commented [NJC14]:**

**Purpose** – Revise the building height measurement to the lot line(s) adjoining a street or public place.

**Comment** – Building height is differentiated between a Character and Gateway District and all other zoning districts.

**Commented [NJC15]:**

**Purpose** – To remove the diagram to avoid confusion on how building height is determined.

**Comment** – Although the diagram is still applicable to buildings outside the Character or Gateway Districts it will likely confuse readers and complicate administration of the building height. Section a) and b) above outline how building height is measured.

## 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 Character Districts and Gateway Neighborhood Mixed Use Districts, features for rooftop access and **use** may exceed the maximum allowed **structure** height for the zoning district as follows:
- 10.517.21 A **penthouse** is permitted to exceed the maximum building height when located on a **building** no greater than 4 stories in height. An elevator or stairwell enclosure providing rooftop or **penthouse** access may extend an additional 5 feet above the allowed appurtenance height, whichever is greater, provided that it is set back at least 25 feet from all edges of the roof and that the combined area of all such enclosures shall not exceed 300 square feet in **area**.
- 10.517.22 . 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. 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 no greater 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.

### Commented [NJC16]:

**Purpose** – To add the Character Districts to this section.  
**Comment** – The former Zoning Districts (CBA, CBB and MRO) that were replaced with the Character Districts previously allowed for rooftop appurtenances under Section 10.520 and should have, like the Gateway Neighborhood Mixed Use District, been added into this section when originally adopted.

### Commented [NJC17]:

**Purpose** – To allow for penthouses to be added to building up to 4 stories in height.  
**Comment** – A penthouse that meets the definition and dimensional controls will not be visible from a street or public place and will add architectural interest and value to the city's skyline.

### Commented [NJC18]:

**Purpose** – Refine the dimensional requirements for rooftop mechanical systems as well as decorative edge treatments.  
**Comment** – The 20 foot setback from the roof edge for mechanical equipment and screening or shelters will largely remove them from view from a street or public place. The decorative rooftop appurtenances will significantly add interest and needed architectural character to the roof edge of new buildings.

### Commented [NJC19]:

**Purpose** – Reduce the setback requirements for railings from the roof edge.  
**Comment** – There is no overriding public purpose to require a railing be located 8 feet or more from the edge of a roof. Decorative railings are typically located along or near the edge of the roof.

### Commented [NJC20]:

**Purpose** – Increase the percentage of the roof that can be used for rooftop appurtenances.  
**Comment** – The increase to 50% corresponds to the penthouse standards and past practice for mechanical and roof deck appurtenances.