

## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, Article 5A - Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the ZONING ORDINANCE of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

## Section 10.5A43.30: Building and Story Heights

10.5A43.33 For a **development** located within a CD4, CD4W, or CD5 **Character District** that is not located in an incentive overlay district and that contains at least one acre of **lot area**, the Planning Board may grant a conditional use permit to allow: an additional **story** in height (up to **15** feet); a house or duplex building type; and/or a mixed-use **building with a mix of residential and nonresidential uses only**, if all of the following requirements are met:

- a) **Community Space** – The **development** shall have at least 50% of the property assigned and improved as a **community space**. Given the large scale of the **development**, the **community space** shall include a **Plaza** or **Square** of at least 5,000 sq. ft. per acre, a **Pedestrian Passageway**, **Wide Pedestrian Sidewalk**, and or a **Pedestrian Arcade**, and a **Pocket Park**, **Playground**, or **Public Observation Deck**. Such **community space** shall count toward the required **open space** listed in Figures 10.5A41.10A-D (Development Standards). The size, shape, location and type of the **community space** shall be determined by the Planning Board and be based on the proposed land use and the size and location of the buildings within the development, and the **adjacent uses** and public amenities.
- b) **Workforce Housing** – ~~If multi-family dwelling units are proposed,~~ **†The development** shall have either: 1) 10% of any proposed for sale **dwelling units** within a **development** shall be **workforce housing units** (**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-**person** household); or 2) 5% of any proposed for rent **dwelling units** within a **development** shall be **workforce housing units** (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-**person** household). Any **workforce housing units** shall be at least 600 sq. ft. in gross floor areas and

be distributed throughout the **building** wherever **dwelling units** are located.

- c) Calculations for **workforce housing unit** requirements shall be rounded to the nearest whole number, with 0.5 and below being rounded down.
- d) The proposal is consistent with the findings, goals, and objectives of the Portsmouth Master Plan.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

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Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk