

Article 2 – Administration and Enforcement

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 2 – Administration and Enforcement, Section 10.236 – Expiration of Approvals, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Variances and special exceptions shall expire unless a building permit is obtained within a period of ~~one year~~ **two years** from the date granted.

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

Article 3 – Nonconforming Lots, Buildings, Structures and Uses

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 3 – Nonconforming Lots, Buildings, Structures and Uses, Section 10.320 – Nonconforming Buildings and Structures be amended as follows:

- A. Amend Section 10.321 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A lawful conforming building or structure may continue **and may be maintained or repaired**, but may not be extended, reconstructed, ~~or enlarged or structurally altered except in conformity with this Ordinance~~ **unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.**

- B. Delete Sections 10.322, 10.324 and 10.327.

- C. Renumber Sections 10.323, 10.325 and 10.326 as Sections 10.322, 10.323 and 10.324.

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

## Article 5 – Dimensional and Intensity Standards

### ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

- A. In Section 10.515 – Measurement Rules, amend Section 10.515.10 – Building Coverage and Yards, as follows:

#### 10.515.10 Building Coverage and Yards

**1. For a corner lot or through lot, all requirements related to the front yard shall apply to all principal front yards and secondary front yards.**

2. Calculations of building coverage and determinations of yards shall not include:

(a) gutters, cornices or eaves projecting not more than 30 inches from a vertical wall;

**(b) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;**

~~(b)~~ **(c)** structures (such as decks and patios) less than 18 inches above ground level;

**(d) fences less than 6 feet in height; or**

~~(e)~~ **(e)** mechanical systems (i.e. HVAC, power generators, etc.) that are less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet; are set back at least 10 feet from a property line; and are not located closer to the street than the front of the principal structure.

B. In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.10 as follows:

10.516.10 Front Yard Exception for Existing Alignments

If existing principal buildings on the same side of the same street, in the same zoning district, and within 200 feet of a lot are located closer to the street than the minimum required front yard specified in this Article, the required front yard for **the principal building on** such lot shall be the average of the existing alignments of all such principal buildings, rounded to the nearest foot. **For the purpose of this provision, buildings on the subject lot shall not be included in the average of existing alignments.**

C. In Section 10.516 – Exceptions to Yard Requirements, amend Section 10.516.40 as follows:

10.516.40 Projections Into Required Yards

The following building elements may project into required yards as indicated:

Projecting Element	Maximum Projection Into Yard
<del>Balconies or bay windows, not exceeding 50% of the building face in total</del>	<del>2 feet</del>
<del>Open and uncovered terraces, decks, steps or stoops less than 4 feet in height</del>	<del>Up to one-half the required yard</del>
<del>Unenclosed porches, steps or stoops more than 4 feet in height</del>	<del>6 feet</del>
<del>Porticos (either enclosed or unenclosed) less than 20 square feet in area</del>	<del>5 feet</del>
<del>Roof eaves or overhangs</del>	<del>2 feet</del>
<del>Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features</del>	<del>4 feet</del>

In the Single Residence, General Residence and Mixed Residential districts, building elements may project into required yards by the amounts indicated in the following table:

	SRA, SRB		GRA		GRB, GRC, MRO, MRB	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Building Elements	Maximum Projection Into Required Yard					
Terraces, decks, steps and stoops that are uncovered and unenclosed and are less than 3 feet in height and less than 100 square feet in area	5'	5'	NA	5'	10'	NA
Porches, porticos, steps or stoops that are covered and unenclosed and are less than 12 feet in height (to top of roof) and less than 50 square feet in area	5'	5'	NA	5'	5'	NA
Porches and porticos that are covered and enclosed and are less than 12 feet in height (to top of roof) and less than 20 square feet in area	5'	5'	NA	5'	5'	NA

NA = No projection allowed into required yard

D. In Section 10.570 – Accessory Buildings, Structures and Uses, amend Sections 10.571 through 10.573 as follows:

10.571 No accessory building, structure or use shall be located in any required front yard, **or closer to a street than the principal building.**

~~10.572 Where the required side yard or rear yard is 10 feet or less, an accessory building or structure shall conform to the yard requirement.~~

~~10.573 Where the required side yard or rear yard is more than 10 feet, an accessory building or structure may be located within the required side yard or rear yard subject to the following standards:~~

~~10.573.10 An accessory building or structure not greater than 10 feet in height and 100 square feet in area shall be set back at least 5 feet from a side or rear lot line.~~

~~10.573.20 An accessory building or structure greater than 10 feet in height or 100 square feet in area shall be set back from the lot line at least 10 feet or 75% of the height of the structure, whichever is greater.~~

**10.572 In a Character, Business or Industrial district, all accessory buildings and structures shall conform to the side yard and rear yard requirements of the applicable zoning district.**

**10.573 In a Residential or Mixed Residential district, an accessory building or structure may be located in a required side yard or rear yard subject to the following:**

**10.573.10 An accessory building or structure not more than 10 feet in height and not more than 100 square feet in area shall be set back at least 5 feet from any lot line.**

**10.572.20 An accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less.**

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

## Article 6 – Historic District Exemptions

### ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 6 – Overlay Districts, Section 10.630 – Historic District, be amended as follows (deleted from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

#### 10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission **but require administrative approval by the Code Official:**

[...]

- (3) Maintenance and repair of ~~fire~~ **exterior** walls, chimney repairs, entryway repairs, **or** deck repairs provided these are of the same design and material **(including the use of lime-based mortar for repointing historic brick)**;

[...]

- (5) ~~Roofing or re-roofing of~~ **Replacement roofing on** existing structures provided that **(1)** the roof plane ~~and~~ remains the same **and the** material **remains the same** regardless of color, **or (2) asphalt roofing is replaced with slate, composite-slate, or wood shingles;**

[...]

- (7) **Placement or replacement of R**roof-mounted mechanical or electrical equipment and ventilation terminators ~~on a single-family or two-family dwelling~~ where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;

- (8) **Placement or replacement of W**wall-mounted mechanical or electrical equipment and ventilation terminators ~~for a single-family or two-family dwelling~~ where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;

- (9) **Placement or replacement of** ~~G~~ground-mounted mechanical or electrical equipment **(including a generator)** ~~for a single-family or two-family dwelling~~ where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;
- (10) **Placement or replacement of** ~~S~~storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;
- (11) Placement or replacement of ~~C~~chimney caps or bishop pots that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;
- (12) **Placement or replacement of** ~~G~~gas and electric meters ~~on a single-family or two-family dwelling~~ if mounted on an **exterior** wall, not facing **or visible from** a public way. **Landscaping or fencing may be as a visual screen;**
- (13) Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately ~~notify~~ **provide written notification to** the Commission of ~~his~~ **such** action.
- [...]
- (16) **Placement of a** ~~T~~temporary **toilet, trailer,** tent or tensile structures;
- [...]
- (18) The **placement, removal or** replacement of wood or metal ~~fencing~~ (except for chain-link **which may only be removed**) ~~on a property with a contributing structure~~ provided the replacement fence is in **substantially** the same location with **substantially** the same height, material, and design;
- (19) The replacement of exterior lighting ~~on a contributing structure~~ provided the replacement lighting is **substantially** in the same location with **substantially** the same height, material, and design;

[...]



- (21) **Placement or replacement of** Terraces, walks, driveways, and sidewalks and in-ground swimming pools provided that any such element is substantially at the existing grade plane of the property;
- (22) **Placement or replacement of** Building accessories and décor, such as: window-mounted portable air conditioning units, play equipment, **residential trash enclosures, snow guards, benches, trellises, non-commercial boat rack storage structures**, window boxes, **raised planters**, mailboxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor;
- (23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood; **or**
- (24) **Placement or replacement of wood, brick or granite steps or landings;**
- (25) **Placement or replacement of a commercial solid waste enclosure provided the enclosure: (1) is fully enclosed with the use of gates; (2) is constructed of wood or stone material; and (3) is no greater than 60" in height or 100 sq. ft. in area; or**
- (26) **Placement or replacement of wood or copper gutters and downspouts.**

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

## Article 10 – Environmental Protection Standards

### ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Amend Section 10.1013 – Jurisdictional Areas, as follows:

- 10.1013.40 The tidal wetlands of Sagamore Creek, Little Harbour, North Mill Pond, ~~and~~ South Mill Pond **and part of the Piscataqua River**, defined as follows:

[...]

- (e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.**

B. Amend Section 10.1016 – Permitted Uses, as follows:

- 10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

[...]

- (4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:
- (a) The footprint area of the addition or extension, **together with the area of all prior such additions and extensions**, shall not exceed 25 percent of the area of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);

C. Amend Section 10.1017 – Conditional Uses, as follows:

10.1017.50 Criteria for Approval

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (6) Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.**

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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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

Article 11 – Site Development Standards: Off-Street Parking

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1113 – Location of Vehicular Use Facilities, be amended by inserting the letters “GW” in two tables, as follows (additions to existing language **bolded**; remaining language unchanged from existing):

- 10.1113.31 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:

District	Minimum Distance from Residential or Mixed Residential District
B	50 feet
GB, <b>GW</b>	100 feet
I, OR, WI	100 feet

- 10.1113.41 Off-street parking areas, accessways, maneuvering areas and traffic aisles serving uses in a Business or Industrial district shall be set back from front lot lines as follows:

District	Minimum Setback from Front Lot Line
B	20 feet
GB, <b>GW</b>	40 feet
I, OR, WI	50 feet

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

## Article 12 – Signs

### ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 12 – Signs, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.1263 – Illumination Standards, insert the following new subsection:

**10.1263.60 A sign using direct illumination shall consist only of letters, numbers and other common typographical characters, all of which shall be in a single color against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the sign.**

B. In Section 10.1290 – Sign Definitions, amend the definition of “changeable sign” as follows:

#### Changeable sign

A sign or portion thereof with characters, letters or ~~illustrations~~ **symbols** that can be changed, whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once per day shall be regulated as an animated sign. A sign on which the only changes are mechanical or electronic indication of time or temperature is not considered a changeable or animated sign.

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

Article 15 – Definitions

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, be amended as follows (additions to existing language **bolded**; remaining language unchanged from existing):

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. Structures include, but are not limited to, buildings, fences **over 4 feet in height**, signs, and swimming pools. (See also: temporary structure.)

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:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk